BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

ERNIE Q. REED Central District

JESSE N. RUTHERFORD East District

J. DAVID PARR West District

DR. JESSICA LIGON South District



CANDICE W. MCGARRY County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

AGENDA NELSON COUNTY BOARD OF SUPERVISORS DECEMBER 10, 2024

THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON

I. CALL TO ORDER

- A. Moment of Silence
- B. Pledge of Allegiance

II. PUBLIC COMMENTS

III. CONSENT AGENDA

- A. Resolution **R2024-79** Minutes for Approval
- B. Resolution **R2024-80** Budget Amendment
- C. Proclamation **P2024-06** National Wreaths Across America Day

IV. PRESENTATIONS

- A. VDOT Report
- B. Social Services Office Building Design Development PMA (R2024-81)
- C. Proposed County Financial Policies Davenport

V. NEW & UNFINISHED BUSINESS

- A. FFA Funding Request for National Western Stock Show in Denver
- B. Proposed Work Order Amendment Zoning Text for Short Term Rentals
- C. Authorization for Public Hearing on Local Authority to Reduce 25 MPH Speed Limits (R2024-82)
- D. Authorization for Public Hearing on Proposed Wintergreen Master Plan Amendment Conservation Easement (**R2024-83**)

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

- A. Reports
 - 1. County Administrator's Report
 - 2. Board Reports
- B. Appointments
- C. Correspondence
- D. Directives

VII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(8) - REGION 2000 SERVICES AUTHORITY

VIII. OTHER BUSINESS (AS PRESENTED)

IX. ADJOURN AND CONTINUE - EVENING SESSION AT 7PM

EVENING SESSION 7:00 P.M. – NELSON COUNTY COURTHOUSE

- I. CALL TO ORDER
- II. PUBLIC COMMENTS
- III. PUBLIC HEARINGS

A. Special Use Permit #24-0014 – Large Solar Energy System

Consideration of a Special Use Permit application requesting County approval to allow a Large Solar Energy System on two adjacent properties zoned A-1 Agricultural. The applicant is Wild Rose Solar Project, LLC, a subsidiary of Savion, LLC. The two (2) subject parcels included in this Special Use Permit application total 4646.8 acres. The Project is sited on a portion of the subject parcels that totals approximately 2470 acres ("Project Limits"). Within the Project Limits, the footprint of the proposed infrastructure or "Project Footprint" will cover approximately 550 acres. The subject properties are located at Tax Map Parcels #97-1-9 (4599.4 acres owned by Weyerhaeuser Company) and #97-A-29 (47.4 acres owned by Joe & Bobby Hickey) in the Gladstone area. The public hearing for Special Use Permit #24-0014 will take place concurrently with the public hearing for the proposed siting agreement.

B. Proposed Siting Agreement - Large Solar Energy System

Consideration of a Proposed Siting Agreement between Wild Rose Solar Project, LLC and Nelson County, Virginia, pursuant to §15.2-2316.8 in connection with a solar facility proposed by Wild Rose Solar Project, LLC to be constructed on the following Tax Map Parcels #97-1-9 (4599.4 acres owned by Weyerhaeuser Company) and #97-A-29 (47.4 acres owned by Joe & Bobby Hickey) in the Gladstone area.

IV. OTHER BUSINESS (AS APPLICABLE)

- A. Wild Rose Solar Project Appeal of June 26, 2024 Planning Commission Substantial Accord Determination
- V. ADJOURN AND CONTINUE TO DECEMBER 18, 2024 AT 5 P.M. FOR A PUBLIC HEARING, FOLLOWED BY A JOINT WORK SESSION WITH THE PLANNING COMMISSION.



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AMANDA B. SPIVEY Administrative Assistant/ Deputy Clerk

LINDA K. STATON Director of Finance and Human Resources

RESOLUTION R2024-79 NELSON COUNTY BOARD OF SUPERVISORS APPROVAL OF MINUTES (May 14, 2024)

RESOLVED , by the Nelson County Board of Stronducted on May 14 , 2024 be and hereby are approfithe Board of Supervisors meetings.	1	_
Approved: December 10, 2024	Attest: Nelson County Board of Supervisors	_,Clerk

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston, Virginia.

Present: J. David Parr, West District Supervisor – Chair

Ernie Q. Reed, Central District Supervisor – Vice Chair

Thomas D. Harvey, North District Supervisor Jesse N. Rutherford, East District Supervisor Dr. Jessica L. Ligon, South District Supervisor Candice W. McGarry, County Administrator

Amanda B. Spivey, Administrative Assistant/Deputy Clerk Linda K. Staton, Director of Finance and Human Resources

I. CALL TO ORDER

Mr. Parr called the meeting to order at 2:00 p.m., with five (5) Supervisors present to establish a quorum.

- A. Moment of Silence
- B. Pledge of Allegiance Mr. Rutherford led in the Pledge of Allegiance.

II. PUBLIC COMMENTS

Angela Hicks, Treasurer of Nelson County

Ms. Hicks announced her retirement effective August 1, 2024. She noted that after serving the citizens of Nelson County for over three (3) decades, it was time to start the next chapter of her life. She expressed her gratefulness to the late Treasurer J. Marvin Davis, who started her on the journey that became a lifelong service to the County and the people she loves. She thanked the members of her staff, both past and present, for their support, professionalism, and compassion for the people they serve. She thanked the Board of Supervisors, past and present, for the support given to her and her office over the past years. Ms. Hicks noted that it was a pleasure to work alongside great people who shared a common commitment to the betterment of Nelson County. She expressed her thanks to her family, co-workers, and fellow Treasurer across Virginia for their support. She then thanked the citizens of Nelson County for entrusting her with such an important responsibility. She stated that her business mantra was "our job exists because of the people we assist." She noted that she had remained committed to running her office with integrity, transparency and accountability, throughout her 12 years as Treasurer. Ms. Hicks announced that she would appoint her highest ranking deputy, Neely Hull, as Interim Treasurer until a special election is held. She reported that Ms. Hull had over 16 years' experience in the Treasurer's Office, and she believed that Ms. Hull would do a great job as Treasurer. Ms. Hicks assured that she and her staff had been working hard to make the transition as smooth as possible. She noted that Robinson, Farmer, Cox and Associates, along with the Auditor of Public Accounts, would be in the office on July 31st to begin the turnover audit, which should be turned over by mid-August. She expressed her gratitude for the opportunity to serve Nelson County.

Tish Blackwell, Jefferson Area Board on Aging (JABA)

Ms. Blackwell noted that the Board had a proclamation for Older Americans Month later on the agenda. She thanked the Board on JABA's behalf for proclaiming May as Older Americans Month, and for the support they provided to JABA and the older adults in Nelson County. She reported that this year's Older Americans Month theme was "Powered by Connections." She noted that Nelson's approach to

collaboration truly facilitated so many connections between agencies that directly support seniors, and help create activities and situations to expand that support.

There were no others wishing to speak under public comments and Mr. Parr closed public comments.

Mr. Parr thanked Ms. Hicks for her service to the County and congratulated her on her retirement. He commented that he was sure she had worked on her transition plan. He noted that the Board would work with staff on the next steps for the County.

III. CONSENT AGENDA

Mr. Rutherford moved to approve the Consent Agenda as presented and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolutions were adopted:

A. Resolution – R2024-34 Minutes for Approval

RESOLUTION R2024-34 NELSON COUNTY BOARD OF SUPERVISORS APPROVAL OF MINUTES (February 13, 2024)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **February 13, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – R2024-35 Budget Amendment

RESOLUTION R2024-35 NELSON COUNTY BOARD OF SUPERVISORS AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET May 14, 2024

I.	App	propriation of F	-unds (General Fund)	
	\$	495.00	3-100-001899-0040	4-100-031020-5419
	\$	33,020.76	3-100-001899-0008	4-100-091030-5202
	\$	3,460.85	3-100-001899-0008	4-100-091030-5202
	\$	36,976.61		
H.	Арр	ropriation of F	unds (within the General F	und)
		Amount	Credit Account (-)	Debit Account (+)

3-100-009999-0001

III D	eappropriation	of Eunde	(School	Ennel\

Amount	Revenue Acccount (-)	Expenditure Account (+)
\$ 149,336.92	3-205-004105-0001	4-205-063100-9303
\$ 149.336.92		

IV. Transfer of Funds (From General Fund Non-Recurring Contingency)

Amount	Revenue Account (-)	Expenditure Account (+)
\$ 21,000.00	4-100-999000-9905	4-100-013010-1010
\$ 1,072.00	4-100-999000-9905	4-100-013010-2001
\$ 100.00	4-100-999000-9905	4-100-013010-3007
\$ 2,500.00	4-100-999000-9905	4-100-013010-5201
\$ 6,000.00	4-100-999000-9905	4-100-013010-5401
\$ 6,000.00	4-100-999000-9905	4-100-013010-5413
\$ 1,000.00	4-100-999000-9905	4-100-013010-5501
\$ 100.00	4-100-999000-9905	4-100-013010-5503
\$ 7,300.00	4-100-999000-9905	4-100-013020-1002
\$ 562.00	4-100-999000-9905	4-100-013020-2001
\$ 150.00	4-100-999000-9905	4-100-013020-5201
\$ 500.00	4-100-999000-9905	4-100-013020-5401
\$ 46,284.00		

C. Resolution – R2024-36 Opposition to Appalachian Power Company

RESOLUTION R2024-36 NELSON COUNTY BOARD OF SUPERVISORS OBJECTION TO APPALACHIAN POWER COMPANY RATE INCREASE

WHEREAS, Appalachian Power Company, a subsidiary of American Electric Power, hereinafter referred to as "AEP", has filed a request with the State Corporation Commission seeking an increase in its rates that would have significant financial impacts on the citizens of Nelson County; and,

WHEREAS, the State Corporation Commission found as recently as this past November 2023 that

Appalachian Power Company was seeking an excessive base rate increase of \$25.03 per 1,000 kilowatt-hours but still permitted a 10% increase in rates of \$16.03 per 1,000 kilowatt-hours for residential customers; the new rates took effect 60 days from the date of the order, which was January 29, 2024. The development follows a recent SCC report that said an average Appalachian customer's monthly bill rose by about \$35 just between July 2022 and July 2023; The SCC's approval allows Appalachian to, among other things, increase its annual revenue by \$127.3 million and pursue a return on equity of 9.5%, up from its current state-authorized ROE of 9.2%; and

WHEREAS, Appalachian Power Company had previously received approval of a fuel factor rate increase from the SCC on February 10, 2023 that increased the average residential customer's monthly bill by \$3.00; this increase was on top of two other increases from last year resulting in an \$11 increase to the average monthly bill for transmission costs and \$2.37 per month to pay for costs generated by requirements of the Clean Economy Act; and

WHEREAS, Appalachian Power Company, gave notice to the Clerk of the SCC on February 1, 2024 of its intent to file no earlier than April 1, 2024, a request for the Commission's approval of one or more rate adjustment clauses pursuant to Va. Code section 56-585.5; to collect projected and actual costs associated with complying with the mandatory Renewal Energy Portfolio Standard Program established by section 56-585.5; Subsequently, Appalachian Power Company gave notice to the Clerk of the SCC on April 2, 2024 that no earlier than June 3, 2024, Appalachian Power Company plans to file an application to seek the Commission's approval of a rate adjustment clause pursuant to Va. Code section 56-585.1 (A)(4) to recover costs related to transmission services; and

WHEREAS, this substantial increase is being requested during difficult economic times; and,

WHEREAS, the businesses, industries and citizens of Nelson County, should not be adversely impacted because of the utility's desire to further increase profits or seek additional revenues; and,

WHEREAS, this substantial increase may induce serious financial implications on Nelson County businesses, industries and our citizens, and may cause additional financial strain when times are exceedingly difficult due to increases in inflation, cost of living and may other indices; and,

WHEREAS, the proposed rate increase should not be considered as AEP's solution and furthermore, it should not be considered by the SCC nor AEP at this time.

NOW, THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby oppose the large utility rate increase requested by AEP, and shall file this Resolution with the State Corporation Commission to demonstrate our opposition for the proposed action.

NOW, THEREFORE BE IT FURTHER RESOLVED, that a copy of this Resolution representing the official position of the Nelson County Board of Supervisors be shared with our state legislators and will all affected counties within the AEP service area of the Commonwealth for their consideration and concurrence.

IV. PROCLAMATIONS

A. May is Older Americans Month (P2024-02)

Mr. Reed read aloud **Proclamation P2024-02** May is Older Americans Month and then made a motion to approve it as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following proclamation was adopted:

PROCLAMATION P2024-02 NELSON COUNTY BOARD OF SUPERVISORS MAY 2024 IS OLDER AMERICANS MONTH

WHEREAS, May is Older Americans Month, a time for us to recognize and honor the many older adults in Nelson County, and their immeasurable influence on every facet of American society; and,

WHEREAS, Nelson County recognizes how, through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and,

WHEREAS, Nelson County recognizes that older Americans improve our community through intergenerational relationships, community service, civic engagement, and many other activities; and,

WHEREAS, Nelson County benefits when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and,

WHEREAS, Nelson County must ensure that older Americans have the resources and support needed to stay involved in their communities, reflecting our commitment to inclusivity, connectedness;

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of May, 2024, the Nelson County Board of Supervisors does hereby proclaim May 2024 to be Older Americans Month. We call upon all residents to recognize the profound impact of meaningful interactions and social connections on the well-being and health of older adults in our community.

B. May 24, 2024 is Poppy Day (P2024-03)

Mr. Rutherford made a motion to approve **Proclamation P2024-03** May 24th is Poppy Day. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following proclamation was adopted:

PROCLAMATION P2024-03 NELSON COUNTY BOARD OF SUPERVISORS MAY 24TH IS POPPY DAY

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers;

WHEREAS, Millions who have answered the call to arms have died on the field of battle;

WHEREAS, A nation at peace must be reminded of the price of war and the debt owed to those who have died in war;

WHEREAS, The red poppy has been designated as a symbol of sacrifice of lives in all wars; and

WHEREAS, The American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower;

THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby proclaim May 24 2024, as POPPY DAY and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on this day.

V. PRESENTATIONS

A. VDOT Report

Mr. Parr noted that Mr. Brown would be present at the evening session. He noted that any road concerns or request for VDOT could be related to Ms. Spivey, or they could be discussed with Mr. Brown that evening.

B. Comprehensive Economic Development Plan (CEDS) – TJPDC

Ms. Ruth Emerick of the Thomas Jefferson Planning Development Commission (TJPDC) was present to discuss the Comprehensive Economic Development Strategy Plan (CEDS). She explained that in 2021, the TJPDC applied for a US EDA (Economic Development Administration) grant to complete a Comprehensive Economic Development Plan Strategy Plan for the region. She noted that all six (6) localities that participate in the TJPDC were asked to contribute, and Nelson was part of that.

Ms. Emerick reported that the CEDS plan was approved by the Commission of the TJPDC earlier in the month. She noted that there was no action requested of Nelson County that day, but there would be many opportunities to continue to participate in the future.

Ms. Emerick explained that a CEDS presented the collective, coordinated actions that entities and organizations in the region have agreed to take to create economic prosperity in their region. She noted that the actions were grounded in economic realities supported by data, information, and intelligence. She indicated that at the beginning of the process, the TJPDC had solicited existing plans from the localities and organizations that were working in the economic development sector. She reported that they gathered data on demographics, housing, workforce, and other economic indicators to paint a picture of what it was like on the ground for economic developers and businesses. She noted that the TJPDC solicited qualitative information through a site visit with their consultant, Camoin Associates; they held focus groups with stakeholders, and conducted a business survey. She reported that they assessed the region's resilience and vulnerability to economic impacts. She indicated that the goals and strategies in the draft plan were grounded in facts and vetted by the stakeholder group.

Ms. Emerick reviewed the opportunities with the CEDS:

- Setting a regional vision for shared economic development goals.
- Helping to leverage the assets that are important components of local economies.
- Growing emerging industries by supporting entrepreneurs and research and development
- Showcasing where large-scale investment would have the greatest impact on various communities.
- Helping localities and the region pursue funding opportunities based on the priorities established in the strategies.

Ms. Emerick explained that one of the big opportunities with the CEDS was that when applying for grant funding, either at the local level or as a small organization/non-profit, a lot of federal grants give priority if there is a CEDS for the region, and the applicant can point to specific strategies in the CEDS that the funding opportunity being applied for would help with.

Ms. Emerick reviewed the components of the CEDS plan. She reported that they formed a strategy committee that helped guide the direction of the CEDS. She noted that they performed a data analysis with their consultant and then vetted the information through the committee to make sure that what they were seeing on the ground, matched what they were seeing through the economic indicators. She indicated that the data sometimes lagged what was happening in reality, particularly with the pandemic. Ms. Emerick noted that they also conducted interviews and a business survey to make sure that if there was a lag or people were seeing something different than what was happening in reality at that moment, that they were able to capture that qualitative data. She reported that they did site visits with economic developers in all six (6) jurisdictions. She noted that the also held a public comment period where the CEDS plan was available for public comment for 30 days. She reported that the TJPDC Commission adopted the CEDS plan earlier in the month.

Ms. Emerick highlighted some of the key takeaways from the CEDS plan. She reported that from 2010 to 2020, the TJPDC region's population growth outpaced both Virginia and the U.S. She noted that the public sector was a strong component of the economy, but Transportation and Warehousing, Professional Scientific Technical Services, and Manufacturing were also showing growth in the entire region.

Ms. Emerick reviewed SWOT Analysis (strengths, weaknesses, and opportunities), noting that it was largely based on the stakeholder interviews. She explained that the information was collected through the business survey, phone calls, and site visits with stakeholders doing economic development. She reported that as a region, there were some areas where they were doing very well and other areas that could use improvement. She noted that the areas that could use improvement were not doing poorly, rather, it meant there were opportunities for growth or it could be beneficial to seek funding for those areas.

Ms. Emerick reviewed the SWOT for Nelson. She reported that the state of Nelson's local economy based on the feedback received, was that Nelson was doing moderately well. She noted that industry diversity was also moderate. She indicated that with the risks to the economy, both economic and environmental, there was a high perceived need for development strategies for economic growth. She noted that the infrastructure availability also had a high perceived need for development strategies. She commented that the infrastructure availability could be related to utilities, housing and other factors. Ms. Emerick reported that the SWOT analysis indicated that the environment and collaboration were seen as a low perceived need for assistance.

Ms. Emerick reviewed the four (4) goal areas:

- 1. Support economic growth within existing industries while leveraging emerging market opportunities to expand economic potential in the region.
- 2. Implement or adapt industry-focused initiatives that draw on cross-sector collaboration for talent retention, advancement, and attraction.
- 3. Promote elements of community place making that create a public realm that is attractive to both businesses and residents.
- 4. Invest in components of infrastructure that will enable business development opportunities and prepare the region for long-term prosperity and resilience.

Ms. Emerick indicated that the strategies listed in the CEDS plan were categorized by readiness for implementation. She noted that there would be an Implementation Committee. She indicated that there would be a stakeholder meeting the next day, and they would discuss who would be a good candidate from

the committee to be a part of the implementation, as well as which partners would be needed to help with the implementation. She explained that the people assisting with implementation would also be tracking the metrics for the CEDS plan. She noted that the metrics were designed to track progress, and those metrics would also be reported back to the EDA.

Ms. Emerick explained that this CEDS plan was different because the TJPDC worked jointly with the Rappahannock Rapidan Regional Commission (RRRC) to procure the consultants for the CEDS plan. She noted that they held their meetings with the consultants and worked through the processes in lockstep with RRRC. She explained that Region 10 and Region 9 together made up GO VA's Region 9, so they had an opportunity to work with GO VA's Region 9 Council, and CVPED (Central Virginia Partnership for Economic Development) to make Super Regional Strategies, which were strategies that covered the entire region. She noted that this would allow them to work together on certain economic development initiatives. Ms. Emerick indicated that the Super Regional Strategies were included as an Appendix in the CEDS plan. She noted that there were many goal areas included in the Super Regional Strategies.

Ms. Emerick reviewed the next steps. She reported that the TJPDC adopted the CEDS plan on May 2nd. She noted that the final meeting of the strategy committee would take place on May 15th. She reported that RRRC was holding their 30-day public comment period, which would close on May 22nd. She indicated that RRRC would be voting at the Commission meeting on June 26th to determine whether or not to adopt the CEDS plan. She noted that there would be a presentation of the final strategies to GO VA Region 9 on June 27th, and then they would move into implementation.

Mr. Rutherford noted that he and Mr. Reed had just received the presentation at the TJPDC meeting. He commented that some of their discussions as a region involve the industries around us and how that influences Nelson County. He mentioned NGIC and the Department of Defense industries that service the Charlottesville area, as well as UVA. He noted that the public sector was huge, but part of that was just UVA by itself as they have thousands of jobs. He noted Louisa County's proximity to Interstate 64 and the influence they had from both Charlottesville and Richmond, which turned into data centers coming in and additional energy needs for the future.

Mr. Reed commented that one of the most important things for Nelson as part of GO VA Region 9, was that they would qualify for some grants and monies. Mr. Rutherford noted another positive with GO VA and the County's geographical location, was that Nelson neighbored two (2) other regions. He explained that if Nelson were to partner with another county outside of its region for a project, the available pot of money would increase. He suggested that the Board should be thoughtful of GO VA. He noted that Nelson County had been successful in the past with a GO VA grant for crafting higher paying jobs. He commented that they could advocate for something substantial if they found the right concept. Dr. Ligon commented that it was a shame that the County's environmental portion of the SWOT analysis was green, noting that was before the Service Authority assessment determined that they did not have enough water build anything.

Mr. Rutherford encouraged the Board to remember the aspect of Region 9 when they hold their retreat and make any decisions that were related to jobs.

Dr. Ligon noted that she had spoken with the County's EDA. She asked how aware they were of the CEDS plan and what their expected role was, noting that the County did not have an active EDA. Ms. Emerick noted that she had been in coordination with Maureen Kelley, and all of economic development had mostly been channeled through come through her for the project. Ms. Emerick indicated that she was open to engaging other staff members from Nelson, or other organizations that the County may have in mind.

Ms. McGarry indicated that there was a plan to coordinate a CEDS presentation with the County's EDA. Ms. McGarry thanked Maureen Kelley and Heidi Crandall for their participation on the CEDS committee as Nelson County's representatives. She referenced Appendix I in the CEDS plan, noting that it contained a tremendous amount of data by locality. She suggested that the Board read it when they had time as there was a lot of good information in it. Ms. Emerick commented that the data was broken out so that it would be most useful to the localities when applying for grants.

C. FY23 Audit Report – Robinson, Farmer, Cox Associates

Ms. McGarry introduced David Foley of Robinson, Farmer, Cox Associates (RFCA). Mr. Foley noted that he was the partner in charge and audit manager for the County's FY23 audit. He explained that the FY23 audit had been completed and he was there to present the results to the Board. He noted that as part of the audit, there were two (2) different documents that the auditors issued - the audited financial report and the Communication with Those Charged with Governance letter. Mr. Foley provided an overview of the audit process. He explained that they audit the financial statements to make sure that the County's financial statements have been prepared in accordance with generally accepted accounting principles. He noted that the auditors also review the internal controls that the County has in place over its financial reporting. He indicated that they also test the controls to see if they are working as designed. Mr. Foley then explained that the third piece of the audit was the Federal Compliance Audit. He noted that whenever a locality or organization spends over \$750,000 in federal grant awards during a fiscal year, they were required to undergo the Federal Compliance Audit. He explained that there was a checklist for the auditors to review for the Federal Compliance Audit which made sure that County and Schools were compliant with those federal grant requirements.

Mr. Foley indicated that included in the audited financial report, were three (3) different reports from RFCA that communicated the results of the audit. He explained that the first was the independent auditors report, which is where RFCA stated that they did perform an audit on the County's financial statements and also where RFCA issued their opinion on the County's financial statements. Mr. Foley reported that RFCA had issued an unmodified opinion on the County's financial statements, which was the cleanest opinion an auditor could give on a set of financial statements. He explained that an unmodified opinion meant that the County's financial statements had been prepared in accordance with generally accepted accounting principles. Mr. Foley then explained that the second report was RFCA's report on the County's internal controls over its financial reporting. He reported that this report was also clean and there were no significant deficiencies or material weaknesses in the County's internal controls over its financial reporting. He stated that RFCA felt that the County had strong internal controls in place. Mr. Foley explained that the third and final report from RFCA was in regards to the County's compliance with federal grant programs. He indicated that the County had received a clean report, with no significant deficiencies reported and no items of noncompliance noted. Mr. Foley reported that overall, the County had a very clean audit for FY23, with all three (3) reports from RFCA being clean.

Mr. Foley then reviewed the Communication with Those Charged with Governance letter. He explained that auditing standards required that the auditors communicate certain things to the Board of Supervisors at the end of the audit. He noted this requirement was met with the communication letter to the Board. He reviewed the qualitative aspects of accounting practices. He noted that management was responsible for the selection and appropriate use of the accounting policies. He indicated that accounting estimates were an integral part of preparing the financial statements. As an example, he noted that some of the more significant estimates used in preparing the financial statements was management's estimate of depreciable lives of capital assets. He indicated that this information was used in calculating depreciate expense. Mr. Foley noted that management's estimate of pension and other post-employment benefit liabilities that were

recorded in the financial statements, were estimates that were actually prepared by an actuary that provided the estimates to the County.

Mr. Foley stated that there were no difficulties encountered in performing the audit, if there were any, they would have to be communicated to the Board. He commented that the County staff did an excellent job in working with RFCA through the audit process. He noted that County staff were well prepared for the audit and they did an excellent job pulling any additional information requested by RFCA during the onsite portion of the audit, as well as answering any questions. Mr. Foley reported that there were no misstatements and no audit adjustments, which meant that the County's records were in the condition that they needed to be, even at the start of the audit. He reported that there were no disagreements with management in terms of any financial reporting, accounting or auditing matters. He indicated that if there were any disagreements, they would have to report those to the Board. Mr. Foley explained that they did request certain representations from management, which they received those in the form of a signed representation letter at the end of the audit. He noted that as far as he and his team were aware, management did not consult with any other independent accountants in terms of second opinion shopping.

Mr. Foley thanked County staff for all of their hard work and assistance in getting through the audit.

Dr. Ligon noted that she had just received the audit, so she had not read it yet. She asked if the Board was able to ask RFCA questions later, or if their job was done. Mr. Foley indicated that RFCA was always for questions. He noted that they could reach out through Ms. McGarry with questions, or they were welcome to contact him directly as well. Mr. Parr noted that the results were not surprising, and he expressed his appreciation to Mr. Foley for his presentation.

Ms. McGarry asked if Mr. Foley would provide a brief summary of the County's financial condition at the end of FY23. Mr. Foley reviewed exhibit 3 on page 30 of the audit report, which was the balance sheet for the County's governmental funds. He noted that the financial statement presented the County's assets, liabilities, deferred inflows and fund balance at the end of the fiscal year. He reported that the County ended FY23 with \$30.2 million in total fund balance, which meant that the County's assets exceeded its liabilities by \$30.2 million. He commented that GFOA always recommended that a locality have an unassigned fund balance of at least 20 to 25 percent of governmental expenditures. He noted that on Exhibit 5, total County expenditures for the County's General Fund was \$42.2 million, so it well exceeded that amount. He noted it was a very strong financial condition for the County.

Ms. McGarry thanked Ms. Staton and her staff for their work throughout every fiscal year and especially during the audit process.

D. Nelson Heritage Center Updates – Johnette Burdette

Ms. Johnette Burdette of the Nelson Heritage Center was present to provide the Board with an update on everything happening at the Nelson Heritage Center. She reminded the Board of the Center's mission and vision of a community coming together. She reported that the Heritage Center was in the middle of construction and renovation, not only with bricks and mortar, but also a renovation of their systems, practices and protocols. She noted that they were positioning themselves to be the community center for Nelson County that the community deserved.

Ms. Burdette reported that the Heritage Center would be the future home of the Nelson County Health Department, which would open in December 2024. She indicated that Wall Construction, the Virginia Department of Health (VDH), the Department of General Services (DGS) and members of the Millennium Group Board met onsite the day before to discuss the construction schedule. She noted that Wall Construction was in the process of completing an updated scheduled that would be provided to DGS and

VDH as requested. She indicated that they were working with their local partners, as well as the Charlottesville office to ensure that the transition happens as seamlessly as possible.

Ms. Burdette reported that the Heritage Center had a fully renovated gymnasium that was now being used. She noted that they had open gym on Mondays, and from 3:00 to 5:00 every Sunday. She reported that they had 20 to 40 participants each Sunday in the gym. She commented that the purpose of renovating the gym was to provide a safe place for the children in the community, as well as the golden citizens. She noted that the golden citizens had the opportunity to walk in the mornings in a place that was safe and climate controlled.

Ms. Burdette stated that the Nelson Heritage Center had plans in 2025 to be the premier banquet hall and rental space in Nelson County. She reported that they had received a \$200,000 grant through Creigh Deeds office in January 2024 to start the renovation of their auditorium, which was the most rented portion of the building to date. She explained that the renovation would encompass the auditorium, the front of the building to match the Health Department entry, the restrooms in the lobby to bring them into ADA compliance, as well as updates to the HVAC in the entry and hallway areas.

Ms. Burdette reported that the Heritage Center was currently operating two (2) food pantries, which were providing roughly 400 food packages between the two (2) food pantries. She noted that there was some overlap between the two (2) food pantries. She reported that they also had a state of the art computer lab at the Heritage Center with both Macs and PCs. She noted that they had a partnership with UVA where the computers were updated at least every two (2) years to ensure that they had the most up-to-date software and security. She commented that the computer lab would be very helpful as they moved into some of their other projects in the future. Ms. Burdette indicated that there were still endless opportunities within the building to grow.

Ms. Burdette stated that there were currently no licensed early learning centers in Nelson County. She indicated that the Department of Social Services (DSS) had at least 30 open childcare vouchers being serviced outside of Nelson County, which meant that the money came from the Department of Social Services in Nelson County but the parents were having to find childcare opportunities outside of the County, so the money did not come back to a licensed County facility. She noted the COVID pandemic effects on Reading SOL scores. She stressed the need for a strong Pre-K foundation, noting that students with a strong Pre-K foundation were more likely to read on grade level by 3rd grade than their counterparts who did not have access to Pre-K. She noted that young families in Nelson had reported a need for reliable and consistent childcare. Ms. Burdette indicated that the Heritage Center had been working over the last three (3) years with several partners, including: MACAA, the Blue Ridge Area Food Bank, Blue Ridge Health District, Community Foundation Central Blue Ridge, the Charlottesville Area Community Foundation, and others. She noted that these partners over the years have helped to build the Nelson Heritage Center and to sustain it.

Ms. Burdette noted that she came to the County four (4) years ago, and she had come into the position of Executive Director at the Nelson Heritage Center three (3) years ago. She indicated that she had previously shared the Heritage Center's history, as well as what the Center had done for the community, and their vision and hopes for the Center in the future. She noted that one of the ideas was to bring an early learning center to the Nelson Heritage Center. She specified that she was not talking about a daycare center or a Headstart program, she was talking about a premier early learning center in the County for students/children ages 0-5. She noted that this would be a licensed facility that would be able to provide services to parents who receive a voucher from DSS, as well as for employees of Nelson County. She commented that she was thinking of people in her age group with older children, noting that they wanted those children to come back home to Nelson County to raise them here.

Ms. Burdette reported that last year, the Heritage Center applied for the Congressionally Directed Spending and Community Project Funding, which was through the USDA Rural Development Community Facilities Program. She announced that in March 2024, the Millennium Group and the Nelson Heritage Center was awarded \$575,000 to open a premier learning center for Nelson County. Ms. Burdette indicated that she was there to formally make that presentation to the Board to let them know that the Heritage Center was on its way to the planning phases of the early learning center project. She noted that they were currently in the process of conducting a feasibility study for the early learning center. She indicated that while they knew there was a need for childcare and an early learning center, they wanted to hear from the community on what they needed in terms of operating hours, particularly for parents traveling to Charlottesville, Lynchburg or beyond for work. She noted that they also wanted to know how many children to potentially plan for in each age group. Ms. Burdette indicated that the feasibility study would consist of a survey, small focus groups and interviews.

Ms. Burdette noted that the renovations for the early learning center were anticipated to start Summer 2024, with the center projected to open January 2025. She reported that she was in communication with the Department of Rural Development out of Harrisonburg. She noted that they were in the pre-planning phases of securing an architect and a contractor. She indicated that they were currently working with Wall Construction on the renovation project for the Health Department and it would make sense to continue on with Wall Construction to complete all of the renovations at the Heritage Center, but that had not yet been determined.

Ms. Burdette reported that they anticipate serving up to 60 children, ages 0 to 5 years of age. She noted that they would accommodate all learning modalities and needs in an inclusive engaging environment. She stated that they did not want to split up sibling groups because students had needs outside of a traditional classroom. She noted that they wanted to be able to accommodate all students and all needs. She indicated that in order to care for 60 students and their needs, they would plan to employ up to 20 full-time employees. She noted that they would utilize a culturally responsive, age-appropriate, dual-language, and licensed curriculum. Ms. Burdette reported that they would also provide before and after school care in addition to their licensed program during the day.

Ms. Burdette noted that while they had been awarded \$575,000, they would still need help and support and County buy-in. She indicated that they would also need continued help and partnership from the Department of Social Services. She noted that they also wanted to partner with Nelson County Public Schools and the High School's Early Education classes. Ms. Burdette commented that they also wanted to partner with County employees to provide childcare for them.

Ms. Burdette noted that after the renovation of the building, they would also be looking for in-kind donations, and possibly the donation of classrooms in honor of loved ones who have contributed to Nelson County. She indicated that they would also like to look at in-kind donations to help with tuition because they did not want to turn students away. She suggested that if there were a gap in the tuition costs and the DSS voucher amount, supplemental funds could help support the student and parent. She also noted that support with general giving to help the Center as they move forward was needed.

Ms. Burdette indicated that they had received the \$575,000 to renovate the building, but it was not the intent of the Nelson Heritage Center, or the Millennium Group's Board to run the early learning center. She noted that they were in conversation with several non-profits in the County, and they did plan to bring on a partner to help run the day-to-day operations of the early learning center.

Ms. Burdette commented that there was a lot of excitement in the Nelson County community and a lot of excitement at the Nelson Heritage Center. She invited the Board to come see the renovations taking place at the Heritage Center.

Mr. Parr thanked Ms. Burdette for her presentation. He noted that it was very exciting, and he knew there was a large group supporting Ms. Burdette. He commented that it was a blessing to have Ms. Burdette as part of the community, as well as part of the Millennium Group and the Heritage Center. He asked about gymnasium and whether there was a partnership with Parks and Recreation. Ms. Burdette noted that they had conversations with Parks and Recreation, but they needed to determine a working relationship so that the Heritage Center could continue provide the space, while also keeping the lights on at the Center. She reiterated that she was happy to have more conversations going forward. She reported that they were able to partner with Nelson County Public Schools during basketball season as one of the gyms that could be used for practice by the High School boys and girls basketball teams.

Dr. Ligon asked if Ms. Burdette was asking for Parks and Recreation to pay for use of the space. Ms. Burdette indicated that they were asking for either Parks and Recreation or the County to pay. She noted that she understood the rate that the Heritage Center charged for normal rental was not in the budget for Parks and Recreation, based on previous conversations. She noted that they just needed come to an understanding where they could all be successful and still provide support for the County.

Dr. Ligon commented that having young children herself, she had felt the need for childcare as a working family. She expressed concern with the situation at the Schools where they only took young children with vouchers. She commented that it sounded like the early learning center at the Nelson Heritage Center would also be pushing to take children with vouchers. She asked about kids that did not qualify for vouchers. Ms. Burdette corrected Dr. Ligon and noted that the early learning center was not a Headstart program. She explained that it was a premier early learning center. She indicated that they would give priority to Nelson residents, as well as residents of Nelson County who have vouchers and are having to leave the County to be served. She noted that it would not be an income based program, and it would be open to any family and any child.

Ms. McGarry congratulated Ms. Burdette on all of the work they were doing. Ms. Burdette thanked Ms. McGarry for her support of the Nelson Heritage Center and the Millennium Group. She also thanked Ms. McGarry for helping to get them to closing on their loan and financing for the renovation. Ms. McGarry noted that they looked forward to any opportunities that Parks and Recreation could partner with the Heritage Center. She asked to what extent MACAA would be involved in the early learning center. Ms. Burdette noted that nothing had been determined yet. She confirmed that MACAA was one of the organizations that the Heritage Center had been in conversation with. She noted that once they had selected their full partner for the early learning center, she would be happy to return to report to the Board of Supervisors.

VI. NEW & UNFINISHED BUSINESS (AS MAY BE PRESENTED)

A. FCCLA National Leadership Conference Funding Request

Ms. McGarry noted that the FCCLA representatives had to return to school, so she would be presenting their request to the Board. She reviewed the letter of request received from Sarah Addison, FCCLA sponsor. She reported that the FCCLA had three (3) students wishing to attend the 2024 FCCLA National Leadership Conference (NLC) in Seattle, Washington. She indicated that the current cost for the trip was \$8,590. She reported that they had a total of \$2,690 in funds raised, with \$1,000 coming from the School Board's contribution; \$1,000 from catering the FFA banquet; \$190 from a bake sale and yard sale; \$200 donation from Saunders Brothers; \$100 from Mountain & Vines Vineyard; \$100 from Creation Appreciation; and \$100 from HMA. Ms. McGarry indicated that the FCCLA was currently applying for other grants to help offset some of the costs. She noted that they also had some other fundraisers coming

up. She indicated that the request was for \$1,000 from the Board of Supervisors to help with the cost of the trip.

Dr. Ligon asked if they had the money. Ms. McGarry assured they had the funds available. Mr. Parr noted that the Board had a history of supporting school groups going to competitions. He noted the success of FCCLA's Teacher Prep program and the good work they do in the Schools to help the teachers and students.

Mr. Reed made a motion to fund the FCCLA's request for \$1,000. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

B. Concurrence of Nelson County Broadband Authority Dissolution (R2024-37)

Ms. McGarry reported that prior to the Board's meeting, the Nelson County Broadband Authority met at 1 p.m. She noted that it had been discussed for some time, now that 98 percent of the County had access to high speed fiber internet, the Broadband Authority's mission was complete. She indicated that during the meeting, the Broadband Authority adopted Resolution R2024-02 which she then read aloud:

RESOLUTION-R2024-02 NELSON COUNTY BROADBAND AUTHORITY

RESOLUTION DECLARING THE PURPOSE OF THE NELSON COUNTY BROADBAND AUTHORITY COMPLETE AND RECOMMENDING DISSOLUTION AND TERMINATION OF THE AUTHORITY

WHEREAS, on June 9, 2009, via Resolution R2009-52, the Nelson County Board of Supervisors adopted Articles of Incorporation of the Nelson County Broadband Authority (NCBA) which were filed with and certified by the State Corporation Commission (SCC) establishing the NCBA effective July 29, 2009; and

WHEREAS, the NCBA was established for economic development purposes to provide high speed data service and internet access service to local businesses, local government, and the public; and

WHEREAS, the NCBA, in partnership with the Board of Supervisors and Central Virginia Services, Inc./ dba Firefly Internet Broadband, has facilitated the build-out of a high speed fiber internet network that provides access to high speed fiber internet for nearly 100% of the County's businesses and residents; and

WHEREAS, pursuant to the Code of Virginia, §15.2-5431.9, the Nelson County Broadband Authority has determined that the purposes for which it was created have been completed and all of its obligations can easily and readily be assumed by the County of Nelson;

NOW THEREFORE BE IT RESOLVED, the Nelson County Broadband Authority, hereby directs that this resolution be filed with the Nelson County Board of Supervisors and requests the Board's consideration of the adoption of a concurring resolution and subsequent filing of Articles of Dissolution with the State Corporation Commission and finally, upon conclusion of the Authority's affairs, filing of Articles of Termination of corporate existence with the SCC.

Ms. McGarry explained that the next steps would be to consider the resolution of concurrence, Resolution R2024-37, which would concur with the recommendation of the NCBA. She indicated that if the Board were to adopt Resolution R2024-37, finding that the Broadband Authority should be dissolved, then the appropriate Articles of Dissolution would be filed with the State Corporation Commission (SCC) by Mr. Payne, the County's Attorney. Ms. McGarry noted that Mr. Payne would then orchestrate the distribution of assets and the assignment of the Broadband Authority contracts to the County. She also indicated that

Mr. Payne would handle the filing of the Articles of Termination of Corporate Existence with the SCC. She noted that the intent was to fast track the process to have it completed by the end of the fiscal year in June, which Mr. Payne had indicated to her that it should not be an issue.

Mr. Rutherford noted that the Broadband Authority had delayed the dissolution of the Authority for about a year, to allow the unreached communities to have an opportunity to be connected. He indicated that a lot of those places now had fiber on the poles and connected in their homes. He commented that this had been the first Broadband meeting where they felt it was appropriate to dissolve the Authority. He reported that there was 98 percent coverage in Nelson with the exception of two small areas on the Parkway. He noted those areas should be resolved soon. He stated that Nelson County was probably the first Broadband Authority to ever dissolve due to the mission being accomplished. Ms. McGarry noted that Firefly had stated that Nelson County was probably the first and only county in the Commonwealth to reach this level of access to fiber broadband internet. She stated that was something to be very proud of. Mr. Rutherford noted that he was on the Broadband Authority and had made the motion to dissolve it during the Authority meeting. Ms. McGarry noted that they had assured the Broadband Authority that the County would continue to act as advocates for those not yet connected in Afton and Love.

Dr. Ligon asked if there were any outstanding liabilities that the County would be taking on. Ms. McGarry explained that the way the Broadband Authority's finances were dealt with from auditing standpoint, it was considered an enterprise fund, much like the Piney River Water and Sewer System. She noted that the fees taken in paid for the operation of the Authority. She indicated that they would still have the Broadband Fund, much like the Piney River Water and Sewer Fund, and it would be the responsibility of the County to make any transfers to that fund to help operations if needed. She reported that currently, the Broadband revenues were far exceeding the expenditures for that operation. Dr. Ligon asked if there were any legal liabilities. Ms. McGarry confirmed there were not much. Mr. Rutherford noted that the biggest liability was given up with the transfer of the fiber network in Nellysford and Afton. Mr. Reed recognized Mr. Harvey's leadership with the formation Broadband Authority, along with the other supervisors at that time, to get things rolling for broadband in Nelson. He commented that Mr. Harvey deserved a lot of credit for that, noting that his leadership was instrumental.

Mr. Harvey made a motion to approve Resolution R2024-37 and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) and the following resolution was adopted:

RESOLUTION R2024-37 NELSON COUNTY BOARD OF SUPERVISORS RESOLUTION DECLARING THE PURPOSE OF THE NELSON COUNTY BROADBAND AUTHORITY COMPLETE AND CONCURRENCE WITH DISSOLUTION AND TERMINATION OF THE AUTHORITY

WHEREAS, on June 9, 2009, via Resolution R2009-52, the Nelson County Board of Supervisors adopted Articles of Incorporation of the Nelson County Broadband Authority (NCBA) which were filed with and certified by the State Corporation Commission (SCC) establishing the NCBA effective July 29, 2009; and

WHEREAS, the NCBA was established for economic development purposes to provide high speed data service and internet access service to local businesses, local government, and the public; and

WHEREAS, the NCBA, in partnership with the Board of Supervisors and Central Virginia Services, Inc./dba Firefly Internet Broadband, has facilitated the build-out of a high speed fiber internet network that provides access to high speed fiber internet for nearly 100% of the County's businesses and residents; and

WHEREAS, pursuant to the Code of Virginia, §15.2-5431.9, the Nelson County Broadband Authority has determined that the purposes for which it was created have been completed and all of its obligations can easily and readily be assumed by the County of Nelson; and

WHEREAS, at their meeting on May 14, 2024, the Nelson County Broadband Authority, adopted a resolution requesting the Board's consideration of the adoption of a concurring resolution for the dissolution and termination of the NCBA; and

BE IT RESOLVED, that the Nelson County Board of Supervisors declares that the mission of the Nelson County Broadband Authority is complete and the Board concurs with the dissolution and termination of the Authority.

BE IT FURTHER RESOLVED, that the Nelson County Board of Supervisors authorizes the County Attorney to process the filing of Articles of Dissolution with the State Corporation Commission and finally, upon conclusion of the Authority's affairs, the filing of Articles of Termination of corporate existence with the SCC.

The Board took a five (5) minute recess.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry provided the following report:

- A. Comprehensive Plan and Ordinance Updates: Following adoption of the plan with amendments on March 20th, the next step is to review and consider proposed Zoning and/or Subdivision Ordinance amendments identified by Berkley Group as bringing the Ordinances in line with the adopted Comprehensive Plan. Once the final deliverable document is ready; it will be distributed to the Board and Planning Commission. The Planning Commission will likely review this at their May meeting with the Board following suit at their June meeting. In conjunction with this review; staff will have a proposal from Berkley Group to amend their contract for a Zoning and Subdivision Ordinance update that will include State Code compliance as well as Comprehensive Plan continuity.
- **B.** Stars and Spurs Fourth of July Event: Event planning and permitting continues with free fireworks to be displayed at the Oak Ridge event venue on July 4th in collaboration with Lovingston Volunteer Fire Department. LVFD will hold a Fourth of July parade in Lovingston on June 29th with Stars and Spurs invited to participate to advertise the event. Marketing of the event and ticket sales has begun; see event website at www.https://stars-spurs.com/. Further direction is needed from the Board regarding the previously approved contribution to the event. The Board directed staff to issue the County's financial contribution directly to Oak Ridge; however, in arranging to do so, venue representatives indicated they were not amenable to receiving the funds. Other options include paying event vendors or the Rodeo directly or Events an' Fests LLC. Local resident Lizelle Jacobs, Vice President of Bold Rock Hard Cider is the LLC's CFO and primary contact.

Ms. McGarry asked for direction from the Board on where they would like for the contribution to go. She did not know if the Board was more comfortable with the funds going to the LLC that had been established. The Board discussed the Events an' Fests LLC. Ms. McGarry confirmed that she had pulled the filing with the SCC to confirm that the LLC was a registered organization

with local representation. Dr. Ligon asked if the LLC had any other events going on. Ms. McGarry noted that she thought they planned to do other events, but they were just getting started. Ms. McGarry suggested that the LLC would be the best route. Mr. Parr commented that he did not have any heartburn with the LLC. He understood the reservations at first, but there had been a lot of activity and things were moving forward. Ms. McGarry noted that the promotor had invested nearly \$100,000 in the event so far. Mr. Rutherford suggested putting in the check memo that it was for reimbursement of \$10,000 for the venue. Dr. Ligon noted she was excited for the event.

The Board was in consensus to direct the County's \$10,000 contribution for the event to Events an' Fests LLC.

- C. Warminster Rural Historic District: The Department of Historic Resources (DHR) has received the complete nomination package and will present it to the Virginia State Review Board and the Virginia Board of Historic Resources on Thursday, June 20, 2024 for recommendation to the National Register of Historic Places and inclusion in the Virginia Landmarks Register. A public meeting/hearing on the District will be held at 6pm on Wednesday, May 15th at the Courthouse in Lovingston. DHR was responsible for sending notification letters to all District and adjacent property owners.
- D. Regulatory Changes to Emergency Services Drug Kit Exchange Program: U.S. Food and Drug Administration (FDA) and Drug Enforcement Administration (DEA) federal regulatory changes go into effect November 27, 2024, affecting how EMS providers restock their ambulance drug kits. The Virginia Board of Pharmacy was tasked with drafting and adopting emergency regulations that will be effective for up to 18 months or until new permanent regulations are put into place. These emergency regulations must undergo an administrative review process with the Office of the Attorney General, Department of Planning and Budget, and the Governor which may take approximately 10 weeks to complete. John Adkins, Curtis Sheets, and stakeholders statewide have been instrumental in providing feedback and attending meetings on these emergency regulations which has resulted in beneficial changes that are highly responsive to the needs of EMS providers.

To comply with these new Board of Pharmacy (BOP) adopted regulations, Wintergreen Fire and Rescue Service (WFRS) will obtain a pharmacy license (already in process) which will allow them to replenish the drug boxes of other Nelson EMS agencies; which in turn allows these agencies to stay licensed as Advanced Life Support providers. There will be two secured (alarmed doors with card key access and security cameras) pharmacy supply "vending machines" located in the career staff facilities from which agencies will restock their drug boxes. WFRS will manage the program and will develop MOUs for Chiefs and Captains to execute to participate. The FY25 proposed budget contains funding for anticipated costs associated with these program changes

Ms. McGarry noted that the adopted redlined BOP regulations and a list of some of the more relevant approved changes were provided to the Board with her report. She thanked John Adkins and Curtis Sheets for their work on this matter.

E. Sturt Property Virginia Forest Stewardship Plan: Bill Perry of the Department of Forestry completed a Forest Stewardship Plan for the Sturt property in April. His recommendations include the first step of conducting a prescribed burn of 1/3 (32.4 acres) of the parcel of recently thinned loblolly pine (parcel A) and then planning for a commercial thinning of the 128 acres of loblolly pine (parcel B). Additionally, he recommends identifying and treating any populations of invasive plant species on all parcels. The Department of Forestry can conduct the prescribed burn for \$25/ac

and they would do 20 acres at a time. The County would need to hire a conservation service to address the invasive species and also hire a forestry consultant and logging company to perform the commercial thinning. Mr. Perry is sending County staff contact information for consultants that do this work.

Mr. Reed noted that he had reviewed the information and the plan looked really good, but he thought it would be a good idea for the County to have a survey of the property done. He noted there were some questions regarding the boundaries of the property. Mr. Reed also suggested they get the advisory committee together to review the report and make a recommendation. He noted that he had spoken with the Virginia Master Naturalists and it seemed feasible to have them involved on the invasive species scenario so they did not have to contract with a company to do that. Dr. Ligon asked if they needed to run anything by the Sturt family before they did anything. Ms. McGarry explained that the Sturt family had deeded the property over to the County, so the County was the current owner of the property. Dr. Ligon commented that the family seemed to stay involved. Mr. Reed indicated that the family had not been involved, rather the advisory committee had been formed and did not include any members of the Sturt family. Mr. Reed noted that advisory committee was made up of the Department of Forestry, himself, Susan McSwain, Pete Rose, Jerry West, and others. He also noted that a lot of the preliminary work had been done by Wintergreen Nature Foundation and they had even come up with a primary master plan. He commented that the master plan was just historical, and had nothing to go forward. Mr. Reed noted that the Sturt property had been deeded to the County with the intention that it would be primarily a nature preserve. Ms. McGarry noted that she would have to look at the deed, but it also included outdoor recreation. She commented that Pete Rose kept in contact with the Sturts' daughter. She noted that the County had brief conversations with her regarding the two grant submissions that the County had done for the Sturt property to keep her in the loop with what was happening with the property. Mr. Reed suggested that it would be good to look into what cost share options may be available for what was outlined in the forestry plan. He noted that the invasive work in the timeline may allow for reimbursement.

- F. 2021 HOME American Rescue Plan Project: Through the TJPDC's allocation of these funds, member jurisdictions were allotted project funds of \$312,664 to benefit qualifying populations as prescribed by the program guidelines. In December 2022, Nelson County Community Development Foundation (NCCDF), as the administrator of the County's traditional HOME funds, was authorized to use these funds coupled with the Foundation's HOME funds of \$175,000 to construct rental housing to address the homelessness of Nelson citizens or those at-risk of homelessness; prioritizing elderly/disabled and families with children. NCCDF has begun the project on property they own on St. James Church Road in Roseland which entails getting the site engineered for 3 duplex buildings (6 units) and building the first unit. Construction of other units will follow as funds allow.
- G. Lovingston Front Street Sidewalk Improvements TAP Grant: This project is part of the draft Six Year Improvement Plan (SYIP) that will be considered for approval by the Commonwealth Transportation Board in June. The Lynchburg District Spring SYIP Public hearing meeting was held on May 1, 2024 at the Lynchburg District Offices. Public comments were taken and written comments may also be submitted by mail or e-mailed to Six-YearProgram@vdot.virginia.gov until May 20, 2024.

Mr. Parr asked if there were any updates on the Lovingston branding. Ms. McGarry and Mr. Rutherford noted that Maureen Kelley and a few other entities like the Heart of Nelson and the Lovingston Village Association were involved. Mr. Rutherford noted that there were some t-shirts potentially in the works and they were just trying to figure out what they wanted to do.

- **H.** Lovingston System Water/Sewer Capacity Study: A draft report for review is expected by the end of May.
- I. FY25 State and Local Budget: As of May 10th reports, a budget deal has been reached between legislators and the Governor. The General Assembly is scheduled to reconvene on May 13th for a special session to vote on this budget; details will be communicated as they become available. The County's FY25 budget is scheduled for public hearing on Tuesday, June 4th with its adoption and appropriation scheduled to follow 7 days later at the regular meeting on June 11th. Changes to the budget may be made by the Board between the public hearing and its adoption; in which case, additional meetings either between June 4th and June 7th or any time before June 30th may be necessary.

Ms. McGarry reported that staff was currently working on how to address the bond financing proceeds and anticipated expenditures. She noted that Ms. Staton was going to meet with David Foley of RFCA today following his presentation to determine what would need to be done. She indicated that the bond financing could be a staff addition to the FY25 budget between the public hearing and the budget adoption.

- J. Nelson County Broadband Authority: The Broadband Authority meets at 1pm on May 14th and pending a report from Firefly, is to consider a resolution recommending dissolution and termination of the Authority to the Board of Supervisors. If the resolution is adopted, next steps include the Board of Supervisors considering a resolution of concurrence and if adopted, subsequent filing of Articles of Dissolution with the State Corporation Commission (SCC) and upon conclusion of the Authority's affairs, filing of Articles of Termination of corporate existence with the SCC. The County would then be assigned the Authority's assets and its contracts as well as assuming its operational revenues and expenses.
- K. Staff Reports: Department and office reports for April/May have been provided.
 - 2. Board Reports

Mr. Reed:

Mr. Reed reported that on April 24th, he had attended a breakfast awards ceremony by the local chapter of the Virginia American Red Cross where JABA CEO Marta Keane received a servant leader hero award.

Dr. Ligon:

Dr. Ligon reported that she attended the Economic Development Authority (EDA) meeting where they voted for bond initiative. She noted that she spoke and mentioned that she hoped Ms. McGarry and Ms. Kelley would do a deep dive on EDAs that have been successful in Virginia and what the relationship was between those EDAs and the Board of Supervisors in those localities. Dr. Ligon noted that she also mentioned that she had an expectation that the EDA members do the training recommended by the state. She commented that she hoped some of the Board would do that training also, possibly with the EDA members. She stated that she felt economic development in the County was important, and if they were to create jobs or some sort of industry in the County, it would change the County for decades. She hoped that the Board would stand behind her on her speech to the EDA. She reported that she had emails on two (2) different EDAs so far, but she was looking to get more information. She indicated that it was her hope to meet with the EDA and discuss how to make them more productive. Mr. Rutherford noted that the most active EDA he had worked with was in the Danville Pittsylvania area. He encouraged Dr. Ligon to look at

that EDA because he felt it was a good model to look at. He noted that he was all about training. Dr. Ligon commented that she had expectations on return on investment and the EDA needed to do the training and come up with ideas.

Mr. Rutherford:

Mr. Rutherford reported that he attended the TJPDC meeting. He suggested that the Board look at the CEDS plan. He noted there were a lot of good points in there. He indicated that the Department of Defense was a huge employer in the Charlottesville area. He noted that Waynesboro was also getting new business and asked what that could mean for Afton.

Mr. Harvey:

Mr. Harvey had nothing to report.

Mr. Parr:

Mr. Parr noted that there was no EMS Council meeting. He commented that he had nothing to report from Social Services, noting that they continue to do a great job.

B. Appointments

Mr. Parr reviewed the appointments, noting that most did not need to happen until June. He indicated that he wanted to pull a few appointments out for consideration during the meeting for the Economic Development Authority and MACAA. He noted that the rest of the appointments would be considered in June.

Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.
Nelson County Service Authority Board - West District	6/30/2024	4 Year Term / No limit	David Hight	Υ	David Hight
Nelson County Service Authority Board - South District	6/30/2024	4 Year Term / No limit	Sergio Sanchez	Υ	Sergio Sanchez
Aq & Forestal District Advisory Committee	5/13/2024	4 year term / 3 term limit	Sunny Taylor	N	No Applications Received
Nelson County Economic Development Authority	6/30/2024	4 year term/ No limit	R. Carlton Ballowe	Υ	R. Carlton Ballowe
Nelson County Economic Development Authority	6/30/2024	4 year term/ No limit	Deborah Brown	Y	Deborah Brown
Nelson County Economic Development Authority	6/30/2026	4 year term / No limit	Natt Hall	N - passed away	Jeri Lloyd
Board of Building Code Appeals	6/30/2024	4 year term / No limit	R. Carlton Ballowe	Υ	R. Carlton Ballowe
Board of Building Code Appeals	6/30/2024	4 year term / No limit	Ben Butler	Y	Ben Butler
Jefferson Madison Regional Library Board	6/30/2024	4 year term/ 2 term limit	Aleta Childs (UT)	Y	Aleta Childs
Planning Commission - West District	6/30/2024	4 year term / No limit	Michael Harman	γ	Michael Harman
Planning Commission - South District	6/30/2024	4 year term / No limit	Mary Kathryn Allen	Υ	Mary Kathryn Allen
JAUNT	6/30/2024	3 year term / No limit	Brad Burdette	Υ	Brad Burdette
(2) Existing Vacancies:					
Board/Commission	Terms Expired				
MACAA Board of Directors	3/13/2024	2 year term / No limit	Chris Sandquist	N	Ann Mische

MACAA

Mr. Reed moved to appoint Ann Mische to the MACAA Board of Directors. Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

Economic Development Authority

Mr. Parr noted that they had two (2) reappointments, R. Carlton Ballowe and Deborah Brown, and one (1) vacancy being filled by Jeri Lloyd. Mr. Rutherford moved to appoint R. Carlton Ballowe, Deborah Brown and Jeri Lloyd to the Economic Development Authority. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

C. Correspondence

Mr. Rutherford noted he had received some items for VDOT, but he had coordinated with Robert Brown.

D. Directives

The Board had no directives.

VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(1) & (A)(3)

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711- (A)(1) - "Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body;" and, (A)(3) - "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body." Dr. Ligon seconded the motion and there being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors approved the motion by vote of acclamation.

Upon reconvening in public session, Mr. Reed moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Dr. Ligon seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Property Purchase Agreement

Mr. Rutherford made a motion that the Nelson County Board of Supervisors agrees to purchase a parcel of real estate being 2.37 acres, more or less, situated in Nelson County, being tax map #57-A-34K for the price of \$90,000. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote. Mr. Rutherford then amended his motion to include authorizing Ms. McGarry to enter in the purchase agreement for the property. Mr. Reed seconded the amended motion. Mr. Parr called for a vote by acclamation on the amendment. Supervisors approved the amended motion by vote of acclamation.

IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 4:55 p.m. Mr. Parr adjourned the meeting until 7:00 p.m.

EVENING SESSION 7:00 P.M. – NELSON COUNTY COURTHOUSE

I. CALL TO ORDER

Mr. Parr called the meeting to order at 7:00 p.m. with five (5) Supervisors present to establish a quorum.

II. PUBLIC COMMENTS

There were no persons wishing to speak under public comments.

III. PUBLIC HEARING

A. FY25-30 Secondary Six-Year Road Plan (R2024-38)

The purpose of the public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2025 through 2030 in Nelson County and on the proposed Secondary Road System Improvement Priority List for Fiscal Year 2025.

Mr. Robert Brown of VDOT was present to discuss the draft FY25-30 Secondary Six-Year Plan. He noted that they held the work session during last month's meeting. He indicated that nothing had changed with the plan, other than the order of priority. Mr. Rutherford commented that when they got to the second resolution R2024-39, the roads were not listed in priority, they were just listed. Mr. Brown and Mr. Rutherford both noted that the second resolution was a separate thing from the Secondary Six-Year Road Plan.

Mr. Brown reviewed the allocations on the cover sheet. He explained that there were two (2) types of funding that Nelson received for secondary road construction, Telecommunication fees (Telefees) and District Grant Unpaved Road funds. He reported that the Fy25 District Grant Unpaved Road funding was estimated to be \$671,748, with the Telefee amount being \$36,186. He pointed out the District Grant Unpaved Road funds in FY26 which were \$454,996, which he noted was a pretty big cut from FY25. He assured that they would still get as much done with the roads as they could.

Mr. Brown reviewed the Secondary Six-Year Plan.

- 1. Cow Hollow Road (Route 674) Mr. Brown reported that Cow Hollow was completed last year and was waiting for financial closure.
- 2. Davis Creek Road (Route 623) Mr. Brown noted that Davis Creek Road should be completed in the current year.
- 3. Hunting Lodge Road (Route 646)
- 4. Jennys Creek Road (Route 674)
- 5. Wheelers Cove Road (Route 640) Mr. Brown noted that Wheelers Cove had a 1.5 mile section to complete.
- 6. Fork Mountain Road (Route 667)
- 7. Berry Hill Road (Route 613)
- 8. Gulleysville Lane (Route 629)
- 9. Buffalo Station Road (Route 606)
- 10. Walk Around Lane (Route 764)

- 11. Green Field Drive (Route 721)
- 12. Eagle Mountain Drive (Route 648)

Mr. Brown noted that those priorities were the active projects in the Six-Year Plan currently. He indicated that those priorities were fully funded throughout the next six (6) years.

Mr. Brown then reviewed the line in the plan for Nelson Countywide Transportation Services. He explained that it was an account that VDOT kept money in to help with special projects that come up from time to time on Secondary Roads. He noted that they usually put the Telefee money in that account. He indicated that the account also paid for new secondary road signs.

Mr. Brown commented that he felt the plan reflected the priorities worked on at April meeting. He offered to answer any questions.

Mr. Rutherford noted that the Board had asked for a list of current unpaved gravel roads in the County. He commented that it was not needed for any decisions that evening, but he would be interested in having that information for the future. He noted he was interested to know how many linear miles were left. Mr. Brown estimated that there were still about 120 to 130 miles of unpaved roads left in Nelson. He noted that North Fork had about seven (7) miles unpaved. Mr. Brown explained that as more roads are hard surfaced, the Unpaved Road allocation to the County decreases.

Mr. Brown reviewed the Rural Rustic Draft Priority list for FY25-30.

- 1. Spring Valley Road (Route 634)
- 2. North Fork Road (Route 687)
- 3. Pigeon Hill Road (Route 681)
- 4. South Powell Island Road (Route 662)
- 5. Toms Lane (Route 674)

PRIORITY	ROUTE	NAME	FROM	то	LENGTH	TC - VPD	Cost
1	634	Spring Valley Rd.	Rte. 616	Dead End	1.00 Mi.	180	\$250,000
2	687	North Fork Rd.	1.0 Mi. North Rte 56	2.0 Mi. North Rte 56	1.00 Mi.	110	\$250,000
3	681	Pigeon Hill Rd.	.63 Mi. S Rte. 666	Rte. 680	1.12 Mi.	90	\$280,000
4	662	South Powell Isl. Rd.	.68 Mi. North Rte. 739	1.45M.NorthRte 739	0.77 Mi	60	\$192,500
5	780	Toms Lane	Rte. 674	Dead End	0.40 Mi.	60	\$100,000
	647	Findlay Gap Rd.	Rte. 722	1.0 Mi.SouthRt. 722	1.00 Mi.	30	\$250,000
	685	Bradley Lane	Rte. 56	Rte. 686	1.11 Mi	50	\$277,500
	686	Spy Run Gap Rd.	Rte. Augusta CL	Rte. 685	.65 Mi.	60	\$162,500
							_
							\$1,762,500

Mr. Brown noted that there were three (3) additional routes on the list that were non-prioritized roads, which included Findlay Gap Road (Route 647), Bradley Lane (Route 685) and Spy Run Gap Road (Route 686). He indicated that portion of Findlay Gap was the section that goes to the County's property.

Mr. Brown noted the unpaved road list was a list of possible projects that could be changed each year. He commented that if conditions or warrants on priorities changed, things could move.

Mr. Parr opened public hearing. There were no persons wishing to speak and the public hearing was closed.

Mr. Rutherford moved to approve **Resolution R2024-38** as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-38 NELSON COUNTY BOARD OF SUPERVISORS APPROVAL OF FY25-FY30 SECONDARY SIX-YEAR ROAD PLAN AND FY24/25 CONSTRUCTION PRIORITY LIST

WHEREAS, Sections 33.2-331 and 33.2-332 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2024/25 through 2029/30) as well as the Construction Priority List (2024/25) on May 14, 2024 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List, and

WHEREAS, Staff of the Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2024/25 through 2029/30) and the Construction Priority List (2024/25) for Nelson County,

NOW THEREFORE BE IT RESOLVED, that said Board finds the Plan(s) to be in the best interests of the Secondary Road System in Nelson County and of the citizens residing on the Secondary System, and as such said Secondary Six-Year Plan (2024/25 through 2029/30) and Construction Priority List (2024/25) are hereby approved, as amended if applicable.

IV. APPROVAL OF THE RURAL RUSTIC DESIGN STANDARD FOR FY25-30 NELSON COUNTY SECONDARY ROAD SIX YEAR IMPROVEMENT PLAN (R2024-39)

Mr. Brown explained that according to the Rural Rustic Design Standard, the Board of Supervisors must approve the design standard. He noted that even though they passed a resolution with the six-year plan that specifically states rural rustic, they still needed to adopt a separate resolution. He explained that it was like a technicality to meet VDOT requirements

Mr. Reed moved to approve **Resolution R2024-39** as presented. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-39 NELSON COUNTY BOARD OF SUPERVISORS APPROVAL OF THE RURAL RUSTIC DESIGN STANDARD FOR UNPAVED ROADS IN THE FY25-30 NELSON COUNTY SECONDARY ROAD SIX YEAR IMPROVEMENT PLAN

WHEREAS, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Nelson County, Virginia desires to consider whether these Routes should be designated as Rural Rustic Roads as follows:

- Route 623, Davis Creek Road. from Dead End To: Road 625,
- Route 646, Hunting Lodge Road, From: Route 604 To: Route 645,
- Route 647, Jenny's Creek Road, From: Route 56 To: Route: 151,
- Route 606, Buffalo Station Road, From: Route 626 To: Route 1.4 miles East of Route 626,
- Route 667, Fork Mountain Road, From: 1.29-mile North of Rte. 56 To:2.29-mile North of Rte. 56
- Route 629, Gulleysville Road, From: Route 634 To: Dead End,
- Route 613, Berry Hill Road, From: Route 788 To: Route 634,
- Route 640, Wheelers Cove Road, From: Route 620 To: 1.50-mile South of Route 620,
- Route 764, Walk Around lane, From: Route 628 To: Dead End,
- Route 721, Green Field Drive, From: .70-mile North of Rte. 626 To: 2.8-mile North of Rte. 626
- Route 648, Eagle Mountain Drive, From: Route 703 To: Route 56

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on these roads; and

WHEREAS, the Board believes that these roads should be so designated due to their qualifying characteristics; and

WHEREAS, these roads are in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates these roads as Rural Rustic Roads, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that these roads be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

Mr. Parr asked if there were any other VDOT items to discuss with Mr. Brown. Mr. Rutherford thanked Mr. Brown for the sign in Lovingston. He thanked Mr. Brown for the gravel in the pothole in Schuyler. He noted that the pothole would need a more permanent fix in the future.

Dr. Ligon asked for a contact person with VDOT. She noted in speaking with a lot of the fire departments, there were complaints about VDOT response for traffic control during accidents. She asked who she could speak with about getting a quicker response. Mr. Brown indicated that the quickest way to get a response and by policy, it should go through the VDOT call center at 1-800-367-ROAD. Mr. Parr asked if that should be done through Dispatch or someone else. Mr. Brown explained that they are not supposed to respond unless it is from law enforcement. He noted that they were supposed to call the call center and the

request would be sent out immediately. Mr. Brown noted it was instantaneous to make sure that someone responded. Dr. Ligon noted that there was a squabble between fire departments and police regarding who was supposed to do traffic control. She commented that the police got mad when the firefighters said there was no fire, so it was not their job to do it. She said that everyone felt that it was the job of VDOT, but they were not showing up. Mr. Brown noted that VDOT did not need to respond to every accident. He noted if there was not a lane closure or a long term closure, they did not need to be there. Mr. Harvey noted that whichever fire department took the call, they were the ones to process. Dr. Ligon noted that she was trying to understand the process so that everyone would be educated and maybe it would work the way it was supposed to. Mr. Brown explained that the incident commander was the next to call VDOT.

V. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

VI. ADJOURN AND CONTINUE TO JUNE 4, 2024 AT 7 P.M. FOR THE FY25 BUDGET PUBLIC HEARING.

At 7:20 p.m., Mr. Rutherford made a motion to adjourn and continue the meeting to June 4, 2024 at 7:00 p.m. for the FY25 Budget public hearing. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.



BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

ERNIE Q. REED Central District

JESSE N. RUTHERFORD East District

J. DAVID PARR West District

DR. JESSICA LIGON South District



CANDICE W. MCGARRY County Administrator

AMANDA B. SPIVEY Administrative Assistant/ Deputy Clerk

LINDA K. STATON Director of Finance and Human Resources

RESOLUTION R2024-80 NELSON COUNTY BOARD OF SUPERVISORS AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET December 10, 2024

Appropriation of Funds (General Fund)

		<u>Amount</u>	Revenue Account (-)	Expenditure Account (+)	
	\$	10,042.50	3-100-001901-0032	4-100-031020-3038	
	\$	18,153.20	3-100-002404-0002	4-100-032020-5650	
	\$	11,490.00	3-100-002404-0007	4-100-082050-6008	
	\$	2,416.00	3-100-002404-0001	4-100-031020-5419	
	\$	42,101.70			
II.	Ар	propriation of	Funds (School Fund)		
		<u>Amount</u>	Revenue Acccount (-)	Expenditure Account (+)	
	\$	705,000.00	3-205-003302-0027	4-205-061100-9304	
	\$	705,000.00			
III.	Tra	nsfer of Funds	(General Fund Contingen	cy)	
		<u>Amount</u>	Credit Account (-)	Debit Account (+)	
	\$	131,000.00	4-100-999000-9905	4-100-012100-3002	
	\$	5,000.00	4-100-999000-9905	4-100-012100-5201	
	\$	2,000.00	4-100-999000-9905	4-100-012100-5401	
	\$	138,000.00			
oted:			Attest:		, Clerk
				Nelson County Board of Supervisors	

EXPLANATION OF BUDGET AMENDMENT

- I. Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line. The General Fund Appropriations of \$42,101.70 include requests of (1) \$3,315.00, \$1,657.50, \$3,672.50, \$1,137.50, and \$260.00 appropriations totaling \$10,042.50 requested for Sheriff's FY25 UVA MOU Special Events Overtime funding for October and November 2024; (2) \$18,153.20 appropriation requested for FY24 Four-For-Life funds received in FY25 for disbursement to the Nelson EMS Council; (3) \$11,490.00 appropriation requested for FY25 Litter Prevention and Recycling Program State grant funds; and (4) \$2,416.00 appropriation request for Sheriff's asset forfeiture funds received in FY25. The total appropriation request for this period is below the 1% of expenditure budget limit of \$752,641.01 for December.
- II. Appropriated School funds are the addition of unbudgeted funds received by the Schools for use within the current fiscal year budget. These funds increase the budget bottom line. The School Fund Appropriations of \$705,000.00 include (1) \$705,000.00 is requested for FY22 ESSER III (Elementary and Secondary School Emergency Relief) Grant funds to be received and expended in FY25. The total appropriation request for this period is below the 1% of expenditure budget limit of \$752,641.01 for December.
- III. Transfers represent funds that are already appropriated in the budget, but are moved from one line item to another. Transfers do not affect the bottom line of the budget. Transfers from General Fund Non-Recurring Contingency in the amount of \$138,000.00 are reflected in (1) \$138,000.00 transfer to the Reassessment line items (3002-Professional Services, 5201-Postal Services, and 5401-Office Supplies) for FY25 expenses related to the General Reassessment contract. Following approval of these expenditures, the balance of Non-Recurring Contingency would be \$305,722.19.

SHERIFF

NELSON COUNTY SHERIFF'S OFFICE

An equal opportunity employer
P.O. Box 36, 84 Courthouse Square, Lovingston, Virginia 22949 ~ Business 434.263.7050 ~Fax 434.263.7056

M.E. EMBREY INVOICE #10162024

Bill To: UVA

Date: 10/16/24

Officer:	Assignment:	Hourly Rate:	Hours Worked:	Total:
SERVICE VOTO	Hill Exit Gate	\$65.00	8.5	\$552.50
	Wahoo Walk/ East Gate	\$65.00	8.5	\$552.50
更级特色则	West Gate	\$65.00	8.5	\$552.50
	Hill Perimeter Wall Rove	\$65.00	8.5	\$552.50
医甲基 四型	Whitehead/ Chem Shuttle Drop	\$65.00	8.5	\$552.50
机械放送 机	Stadium Rd./ Whitehead Rd.	\$65.00	8.5	\$552.50

Balance Due: \$3315.00

Comments/Remarks: UVA Football vs. Louisville
Please make a single check for the full amount payable to: County of Nelson

Name:	
_Major Brad Metje	
Signature:	
Brad Mate	

SHERIFF M.E. EMBREY

NELSON COUNTY SHERIFF'S OFFICE

An equal opportunity employer
P.O. Box 36, 84 Courthouse Square, Lovingston, Virginia 22949 ~ Business 434 263.7050 ~fax 434.263.7056

INVOICE #10212024

Bill To: UVA

Date: 10/21/24

Officer:	Assignment:	Hourly Rate:	Hours Worked:	Total:
	Massie/ JPJ Crosswalk-West	\$65.00	8.5	\$552.50
WHEN THE	Massie/ JPJ Crosswalk-East	\$65.00	8.5	\$552.50
	Copeley/South Lot South Entrance	\$65.00	8.5	\$552.50

Balance Due: \$1657.50

Comments/Remarks: Sabrina Carpenter Concert Oct. 20th

Please make a single check for the full amount payable to: County of Nelson

чаше.	
Major Brad Metje	
ignature:	
Brad Mete	

SHERIEE SHERIE

NELSON COUNTY SHERIFF'S OFFICE

An equal opportunity employer P.O. Box 36, 84 Courthouse Square, Lovingston, Virginia 22949 ~ Business 434.263.7050 ~Fax 434.263.7056

SHERIFF M.E. EMBREY

INVOICE #10292024

Bill To: UVA

Date: 10/29/24

Officer:	Assignment:	Hourly Rate:	Hours Worked:	Total:
	Wahoo walk/ East gate	\$65.00	8	\$520.00
西郊外外	West Gate	\$65.00	8	\$520.00
	Stadium Rd/ Whitehead Rd	\$65.00	8	\$520.00
件程面面	Massie/ Copeley	\$65.00	8	\$520.00
为的特色 洪等	Emmet/ Massie	\$65.00	8	\$520.00
新发 国生物	Ivy/ Alderman	\$65.00	8.5	\$552.50
indicate and the	Rugby Rd/ University Ave	\$65.00	8	\$520.00

Balance Due: \$3,672.50

Comments/Remarks: UVA Football vs. UNC. Please make a single check for the full amount payable to:

County of Nelson

Name:
_Major Brad Metje_____
Signature:

Brad Majo____

SHERIFF

M.E. EMBREY

NELSON COUNTY SHERIFF'S OFFICE

An equal opportunity employer
P.O. Box 36, 84 Courthouse Square, Lovingston, Virginia 22949 ~ Business 434.263.7050 ~Fax 434.263.7056

INVOICE #11012024

Bill To: UVA Date: 11/04/24

Officer:	Assignment:	Hourly Rate:	Hours Worked:	Total:
QA THO	Massie/ JPJ	\$65.00	8.5	\$552.50
	Crosswalk-East			
	Massie/ JPJ	\$65.00	9	\$585.00
	Crosswalk-West			

				1
		Pages de sandaque		1

Balance Due: \$1137.50

Comments/Remarks: Jelly Roll Concert October 30th 2024
Please make a single check for the full amount payable to: County of Nelson

Name:	
_Major Brad Metje	
Signature:	
Brad Mage	

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SHERIFF M.E. EMBREY

NELSON COUNTY SHERIFF'S OFFICE

An equal opportunity employer

P.O. Box 36, 84 Courthouse Square, Lovingston, Virginia 22949 ~ Business 434.263.7050 ~Fax 434.263.7056

INVOICE #11082024

Bill To: UVA

Date: 11/08/24

Officer:	Assignment:	Hourly Rate:	Hours Worked:	Total:
是極地的	Main Entrance	\$65.00	4	\$260.00
444		\$0.00	\$0.00	\$0.00
		-		

Balance Due: \$260.00

Comments/Remarks: MBB vs Campbell November 6, 2024	
Please make a single check for the full amount payable to: County of	Nelsor
Name:	
_Major Brad Metje	
Signature:	•
Brad Mage_	

3100 1901 32 Period: Events OT Time: 1727 Encumbrances Balance \$10,047.50	Date Source Reference Number PO# Amount Period Description D3242024 CS 1 20241007 \$1,625.00-202409 -TREASURER CASH REPORT- 10072024 CS 1 20241007 \$1,527.50-202410 -TREASURER CASH REPORT- 110232024 CS 1 20241023 \$1,462.50-202410 -TREASURER CASH REPORT- ******** G/L Year-To-Date- \$4,615.00-					\$4,972,50-202411 -TREASURER CASH REPORT- \$3,677,50-202411 -TREASURER CASH REPORT- \$1,397,50-202411 -TREASURER CASH REPORT- \$10,047,50-				\$1,625.00-202410 FY25 UVA MOU AUGUST 24 05039 \$2,990.00-202411 FY25 UVA MOU 9/24 & 10/2405049 \$4,615.00~
1 Account Number: 3100 190 UVA-MOU Special Events Off Year To Date Encumb 0- \$14,662.50-	Source Reference Number CS 1 2024094 CS 1 20241007 CS 1 20241023 G/L Year-To-Date-	Encumbrance-	A/P Holding File-	P/R Holding File-	u/T Holding File-	202411108 20241115 20241120 A/R Holding File-	G/L Holding File-	S/S Holding File-	INV Holding File-	0000424 0000425 Budget Amount-
Company No: 001 Date:12/04/24 Budget Amount \$4,615.00-	Date Source 1 10072024 CS 1 10232024 CS 1 ********	****	****	****	****	11082024 CS 11152024 CS 11202024 CS ******	****	*****	****	10082024 BS 1 11142024 BS 1 *******

FEDERAL, STATE OR LOCAL GOVERNMENT ENTITY ASSISTANCE AGREEMENT

This agreement is entered into between the Nelson County Sheriff's Office and the University of Virginia Police Department on this 2nd day of August 2024.

Whereas University of Virginia Police Department desires the assistance of the Nelson County Sheriff's Office in the following described initiative:

Providing police and traffic control services and when deemed necessary, a representative in unified command for sporting and major events until agreement is cancelled by Nelson County Sheriff's Office.

Whereas, public safety and security may be enhanced through the deployment of extraordinary law enforcement resources, therefore, the Nelson County Sheriff's Office and the University of Virginia enter into the following agreement:

- 1. The Nelson County Sheriff's Office will use its best efforts to seek volunteer sworn employees to work paid overtime to assist in accomplishment of the initiative.
- 2. Sworn Nelson County Sheriff's Office employees assisting in the initiative will be under the sole control and supervision of the Nelson County Sheriff's Office at all times while engaged in the activity.
- 3. The Nelson County Sheriff's Office will evaluate all requests for support personnel to ensure Nelson County Sheriff's Office participation is desirable and feasible.
- 4. The Nelson County Sheriff's Office and University of Virginia will agree on desirable manpower and the number of hours of assistance required.
- 5. Sworn employees providing assistance will be available for temporary reassignment to other areas in the event that emergencies arise during the project and the sworn employees and/or sworn employees' supervisors shall have the same discretion to make the determination as would exist in similar situations absent this agreement.
- 6. The University of Virginia will reimburse the Nelson County Sheriff's Office (NCSO) for the number of hours of assistance provided at the sworn employees' overtime rates, plus fringe benefits and any predetermined actual costs associated with the use of vehicles during the project.
- 7. The University of Virginia will require that all events be billed individually as each event occurs.

 Any invoices received that are more than 20-days old will not be reimbursable due to payment constraints placed on us by the organizing event agency. Include on your billing statement the officer's name, date of the event, time in/out and hourly rate.
- 8. Provide ample parking for sworn employees of the Nelson County Sheriff's Office.

9. Name of contact person from your organization in charge of billing for services.

Name Address Email Phone Number 3-7050

Mark Embrey Timothy J. Longo, Sr.

AVP & Chief of Police

UVA Police Department

Sheriff

Nelson County Sheriff's Office



COMMONWEALTH of VIRGINIA

Department of Health

Office of Emergency Medical Services 1041 Technology Park Drive Glen Allen, VA 23059-4500 1-800-523-6019 (VA only) 804-888-9100 FAX: 804-371-3108

March 20, 2024

NELSON COUNTY BOARD OF SUPERVISORS PO Box 336 Lovingston VA 22949-0336

Dear City/County Administrator:

IMMEDIATE ATTENTION REQUIRED Please return this report within 30 days

Your locality will be receiving the Fiscal Year 2024 "Four-For-Life" payment for Emergency Medical Services (EMS) in the amount of \$18,153.20. These funds are for the collection period October 01, 2023 through September 30, 2024.

Guidelines for the use of these funds are attached and are available on our website: http://www.vdh.virginia.gov/emergency-medical-services/return-to-locality/. Prior to distribution of these funds to the local government, this office must receive your Report of Expenditures on last year's distribution. The total amount that must be reported for last year's distribution is annotated on the enclosed report.

The Four-For-Life program, as amended in 2000, stipulates that four additional dollars be charged and collected at the time of registration of each passenger vehicle, pickup or panel truck. The funds collected, pursuant to Section 46.2-694, Code of Virginia, shall be used only for emergency medical services. The law further states that the Department of Health shall return twenty-six percent (26%) of the registration fees collected to the locality wherein such vehicle is registered to provide funding for:

- 1. Training of volunteer or salaried emergency medical service personnel of licensed, non-profit emergency medical service agencies; or
- 2. The purchase of necessary equipment and supplies for licensed, non-profit emergency medical service agencies.

It is important to recognize two clauses in the Four-For-Life legislation: (1) non-supplanting funds and (2) failure to report the use of funds by any local governing body will result in funds being retained. The Assistant Attorney General, at our request has offered the following interpretation for use of the funds. "Any funds received from Section 46.2-694 by a non-state agency cannot be used to match any other funds derived from Section 46.2-694 by that same non-state agency" Simply put, funds returned to localities cannot be used as the matching share of any grants offered using Four-For-Life funds.

"Each local governing body shall report to the Board of Health on the use of **Four-For-Life** funds, which were returned to it. In any case in which the local governing body grants the funds to a regional emergency medical council to be distributed to licensed, non-profit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of **Four-For-Life** funds for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the board."

If you have any questions or need additional information, please do not hesitate to contact the Office of Emergency Medical Services at 804-888-9100.

Sincerely,

Michael D. Berg



Grace Mawyer

Monday, November 18, 2024 9:45 AM Neely Hull From: Sent: <u>ان</u>

Grace Mawyer

RE: Fire Funds and Four-For-Life Grants

Subject:

Trace Number: 82517948 **Deposit Date: 11/13/2024 Total Amount: 18,153.20**

EMS RETURN TO Description 0249452 Voucher Number Customer Number 10/25/2024 Invoice Date LOCALITY 252 Invoice Number **TOP Offset** Amount 0.00 **CDS Offset** Amount 0.00 Amount 18,153.20 Agy No 601

LOCALITI

CESG

Tot 601: 18,153.20

Good Morning,

We have received the money above but still have not gotten the 75721.00. I will let you know once it's received ©

Thank you,

Neely

From: Grace Mawyer

Sent: Thursday, October 24, 2024 4:24 PM

To: Neely Hull nhull@nelsoncounty.org

Cc: Linda Staton < lstaton@nelsoncounty.org>

Subject: Fire Funds and Four-For-Life Grants

Grace Mawyer

From:

Tuesday, November 19, 2024 11:33 AM Grace Mawyer Sent:

Neely Hull

Linda Staton

RE: EDi Code please

Subject:

ÿ T0:

Please use the code "CLIT." Thank you! ©

From: Neely Hull

Sent: Tuesday, November 19, 2024 10:11 AM

To: Grace Mawyer < gmawyer@nelsoncounty.org>

Cc: Linda Staton < lstaton@nelsoncounty.org>

Subject: EDi Code please

Trace Number: 82524890

Deposit Date: 11/20/2024

Total Amount: 11,490.00

Description 5288061 Voucher Number Customer Number 11/06/2024 Invoice Date N-2025-0028_ Invoice Number **TOP Offset Amount** 0.00 CDS Offset Amount 0.00 Amount 11,490.00 Agy No 440

LITTER GRA

Tot <u>440:</u> 11,490.00

PO BOX 100 Lovingston VA 22949 Neely Hull Treasurer

Grace Mawyer

From: Amanda Spivey

Sent: Wednesday, November 6, 2024 12:39 PM

To: Grace Mawyer; Linda Staton

Subject: FW: FY2025 Non-Competitive Litter Prevention and Recycling Grant

FYI

From: ceds@deq.virginia.gov [mailto:ceds@deq.virginia.gov]

Sent: Wednesday, November 6, 2024 12:37 PM

To: Candy McGarry < CMcGarry@nelsoncounty.org>; Amanda Spivey < aspivey@nelsoncounty.org>

Cc: Amanda Spivey <aspivey@nelsoncounty.org>

Subject: FY2025 Non-Competitive Litter Prevention and Recycling Grant



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219 P.O. Box 1105, Richmond, Virginia 23218 (800) 592-5482 FAX (804) 698-4178 www.deq.virginia.gov

Travis A. Voyles
Acting Secretary of Natural and
Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus, PE, PWD, PWS Emeritus Director (804) 698-4020

November 6, 2024

Candice W. McGarry County Administrator Nelson County 84 Courthouse Square P.O. Box 336 Lovingston, VA 22949

Dear Candice W. McGarry:

I am pleased to inform you that a total grant award of \$11,490.00 has been approved for the Nelson County Litter Prevention and Recycling Program activities and the Extended Polystyrene (EPS) campaign for the period of July 1, 2024 to June 30, 2025.

The total grant award amount above includes the following: Non-Competitive Grant Award: \$11,490.00

Processing of the grant awards is underway, and a payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact Prina Chudasama at prina.chudasama@deq.virginia.gov or at (804) 659-1530.

Sincerely,



Sanjay Thirunagari Programs Manager Division of Land Protection & Revitalization

Department of Criminal Justice Services 1100 Bank Street - 12th Floor Richmond, VA 23219



Asset Forfeiture Proceeds

Disbursements for: 11/15/2024 through 11/15/2024

DCJS Seizure No Date to Finance

Asset Description

Dishursal Amt

Value

Voucher No

County of Nelson

Nelson County Sheriff's Office

11/15/2024

20-FS07213

U.S. Currency

\$12,080.00

\$2,416.00

14512

9142-02018-001-H 82,416.00-> FDRG-3-100-2404-0001

\$2,416.00

Total:

Subtotal:

Page I of I

Mrs. Shannon Powell. Trustee West District

Mrs. Janet Turner-Giles, Trustee North District

Mrs. Margaret Clair, Vice Chair Central District



Nelson County Public Schools

Mr. Ceaser Perkins, Trustoe South District

Mr. George Cheape. Chair East District

Dr. Amanda C. Hester Division Superintendent

October 29, 2024

Nelson County Board of Supervisors 84 Courthouse Square Lovingston, VA 22949

RE: Request for Supplemental Appropriation

Hello,

I am writing to request the appropriation of Federal and State Grant Funds to the FY 24/25 General Operating Budget for the following grants to reconcile Anticipated Beginning FY 25 Balances to Actual FY 25 Balances:

School Construction Assistant Program Grant: Original Grant \$2,451,703 less amount received in FY 23/24 of (\$609,974.32) less amount already appropriated in FY 2024/25 of (\$1,400,000.00) for a remaining needed appropriation of \$441,728.68

ESSER III – Division Allocation: Original Grant \$3,701,389.92 less amount received in FY 22/23 in the amount of (\$1,643,985.33), less amount received in FY 23/24 in the amount of (\$504,284.36) less amount appropriated for FY 2024/25 of (\$504,993.00) for a remaining appropriation of \$1,048,127.23

Please let me know if you have questions or require additional information.

Respectfully,

Shannon T. Irvin, Assistant Superintendent

BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

ERNIE Q. REED Central District

JESSE N. RUTHERFORD East District

J. DAVID PARR West District

DR. JESSICA LIGON South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY Administrative Assistant/ Deputy Clerk

LINDA K. STATON Director of Finance and Human Resources

2026 Reassessment Procurement Summary (Competitive Negotiation Process per State Code §2.2-4300, Virginia Public Procurement Act - VPPA)

- Request for Proposals RFP #2024-NCREASSESS was issued June 20, 2024 with a submittal deadline of July 22, 2024
- Three (3) Proposals were received by the deadline from the following firms:
 - o Wampler-Eanes Appraisal Group, Ltd. Daleville, VA
 - o Pearson's Appraisal Service Inc. North Chesterfield, VA
 - Vision Government Solutions Hudson, MA
- Two (2) firms were selected for interviews and these were Wampler-Eanes Appraisal Group, Ltd. And Pearson's Appraisal Services Inc.
- On August 27, 2024, interviews were conducted by a committee of Kimberly Goff, Commissioner of Revenue, Susan Rorrer, Director of IT, Candy McGarry, County Administrator, and Amanda Spivey, Administrative Assistant/Deputy Clerk.
- Per the criteria given in the RFP, the Committee used the following matrix to score each firm on a 100-point scale and Wampler-Eanes Appraisal Group Ltd. was unanimously ranked #1

DESCRIPTION	WEIGHT %
Qualifications and experience of firm & personnel	25
Previous work experience with Nelson Co.	10
Experience in similar projects using ProVal	25
Timetable for completion of services	15
Non-binding Cost of services	15
Methodology Used in Evaluation of Properties	10
TOTAL	100

• On August 30, 2024, Wampler-Eanes Appraisal Group, Ltd. was notified by email of its top rank status and following negotiations on contract pricing, Wampler-Eanes Appraisal Group Ltd. was issued a Notice of Award on August 30, 2024 for a contract not to exceed (NTE) \$409,500.

BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

ERNIE Q. REED Central District

JESSE N. RUTHERFORD

J. DAVID PARR West District

DR. JESSICA LIGON South District



CANDICE W. MCGARRY County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON Director of Finance and Human Resources

NOTICE OF AWARD

Date: August 30, 2024

To: Gary L. Eanes, Owner/VP Wampler-Eanes Appraisal Group, Ltd.

From: Candice W. McGarry, Nelson County Administrator

Owner's Contract No. #2024-NCREASSESS

Project: Nelson County 2026 Reassessment

You are hereby notified that your proposal dated July 17, 2024 for the above project has been considered and you have been selected as the successful firm.

Subsequent to negotiations, you have been awarded a contract for the referenced project. The amount of your contract is for \$24.00 per parcel (16,569 parcels est.) and \$15.00 per mobile home (619 mobile homes est.), for a total not to exceed (NTE) \$409,500 (Four Hundred and Nine Thousand Five-Hundred Dollars), including new construction and associated clerical staff.

Three (3) copies of each of the proposed contract documents will be sent to you by mail, with one (1) copy sent to you by email. Please return one (1) signed copy by email and return two (2) executed copies to Nelson County by mail; retaining an original copy for your records. Please also provide a current Certificate of Liability Insurance in accordance with contract requirements.

Thank you and we look forward to working with you!



AGREEMENT

NELSON COUNTY, a political subdivision of the Commonwealth of Virginia

Contract #2024-NCREASSESS, 2026 Nelson County Reassessment

This Agreement is made and entered into this 3rd Day of September 2024, by Nelson County, a political subdivision of the Commonwealth of Virginia hereinafter referred to as the "County" and, Wampler-Eanes Appraisal Group, Ltd., hereinafter referred to as "Contractor".

WITNESSETH that the Contractor and the County, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows:

- SCOPE OF SERVICES: The Contractor shall provide County-wide Reassessment Services, and New Construction appraisals, to the County as set forth in the Contract Documents.
- 2. COMPENSATION: The County will pay and the Contractor will accept in full consideration for services rendered during the contract term, \$24.00 per parcel and \$8.00 per mobile home or a not to exceed (NTE) amount of Four Hundred Nine Thousand Five-Hundred dollars (\$409,500), including new construction and associated clerical staff at no additional charge, starting no later than October 1, 2024 forward and until December 31, 2025 for New Construction/ Additions and until September 1, 2025 for Transfers/Zoning.
- 3. CONTRACT PERIOD: October 1, 2024 through April 30, 2026.

 Contractor will provide support in the case of an appeal to Circuit Court at no additional cost to the County for three (3) years after the completion of the Contract Period.
- 4. **CONTRACT DOCUMENTS:** The contract documents ("Contract Documents") shall consist of and are listed in order of priority:
 - (1) This signed form;
 - (2) General Conditions
 - (3) RFP #2024-NCREASSESS dated June 20, 2024
 - (4) Contractor's proposal dated July 17, 2024
 - (5) Updated pricing sheet dated August 30, 2024

- 5. **EMPLOYEES:** Contractor's employees and agents, if any, who perform services for the County under this Agreement, shall also be bound by the provisions of this Agreement.
- 6. EMPLOYEE REMOVAL: The County, in its sole discretion may direct the Contractor to remove any employee, subcontractor, or agent of the Contractor from work in Nelson County. The Contractor shall forthwith honor any such directive.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

Wampler Eanes Appraisal Group, Ltd. 120 Amsterdam Road P.O. Box 685 Daleville, VA 24083	County of Nelson 84 Courthouse Square P.O. Box 336 Lovingston, VA 22949
By: Day of Ea Gary L. Eanes	By: Cardin W. Mc Mary Candice W. McGarry
Title: Partner/Vice President	Title: County Administrator
Date: September 3, 2024	Date: September 3, 2024
Approved as to Form:	

Philip D. Payne, IV County Attorney



BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

ERNIE Q. REED Central District

JESSE N. RUTHERFORD East District

J. DAVID PARR. West District

DR. JESSICA LIGON South District



CANDICE W. MCGARRY County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

PROCLAMATION P2024-06 NELSON COUNTY BOARD OF SUPERVISORS DESIGNATING DECEMBER 14, 2024 AS NATIONAL WREATHS ACROSS AMERICA DAY

WHEREAS, Wreaths Across America is a national nonprofit organization founded in 2007 to continue and expand the annual wreath-laying ceremony at Arlington National Cemetery begun by Maine businessman Morrill Worcester in 1992.

WHEREAS, Wreaths Across America's mission is to REMEMBER the fallen, HONOR those who serve, and TEACH the next generation about the true cost of freedom.

WHEREAS, Wreaths Across America is made up of more than 4,700 participating locations across the country run by dedicated volunteers looking to share the mission to Remember, Honor, and Teach, through annual wreath-laying ceremonies each December and awareness and education events throughout the year.

WHEREAS, The Rev. E. Clarence Purdue, Sr., American Legion Auxiliary Unit 17 of Lovingston, Virginia will conduct wreath laying and Military Honors Ceremonies at Trinity Episcopal Church Cemetery and Adial Baptist Church Cemetery in the County to honor all Nelson County Veterans.

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby proclaim December 14th, 2024 as **NATIONAL WREATHS ACROSS AMERICA DAY** in the Nelson County, Virginia, and extends thanks and appreciation to our veterans and Gold Star Families for their service and sacrifice and to Wreaths Across America for bringing this honor to our community.

Adopted: December 10, 2024	Attest:	, Clerk
		Nelson County Board of Supervisors



BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

ERNIE Q. REED Central District

JESSE N. RUTHERFORD East District

J. DAVID PARR West District

DR. JESSICA LIGON South District



CANDICE W. MCGARRY County Administrator

AMANDA B. SPIVEY Administrative Assistant/ Deputy Clerk

LINDA K. STATON Director of Finance and Human Resources

RESOLUTION R2024-81 NELSON COUNTY BOARD OF SUPERVISORS AUTHORIZATION TO PROCEED WITH CONSTRUCTION DRAWINGS FOR THE SOCIAL SERVICES OFFICE BUILDING

BE IT RESOLVED, that the Nelson County Board of Supervisors hereby authorizes PMA Architecture to proceed with the construction drawings for the Department of Social Services Office Building based on the building design presented or as amended on December 10, 2024.

Approved:	Attest:	,Clerk
	Nelson County B	oard of Supervisors











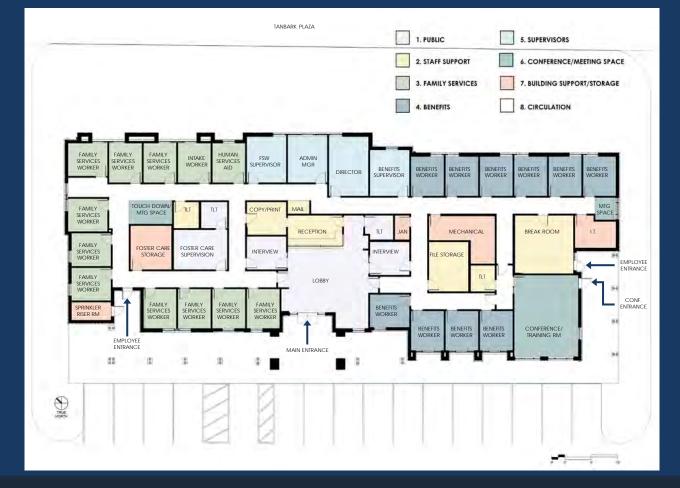
















- 02/24/25: Complete Working Drawings
- 03/11/25: Final Presentation to Board for

Authorization to Proceed with Bidding

- 6 weeks for Bidding
- 18 months for Construction







Financial Policy Guidelines Overview

Nelson County, Virginia



December 10, 2024



Introduction | Background



- As Financial Advisor to Nelson County, Virginia (the "County"), Davenport & Company LLC ("Davenport") was tasked with assisting in the development of Financial Policy Guidelines.
- Financial Policies that are adopted, adhered to, and regularly reviewed are recognized as a cornerstone of sound financial management.
 - Effective Financial Policies promote short-term and long-term financial stability by establishing clear and consistent guidelines that provide County stakeholders with a framework for measuring the fiscal impact of government services and decisions.
- With input from County Staff, Davenport has drafted a Proposed Financial Policy Guidelines document for the County's review.
 - The document is included in this presentation as Appendix A.
- The Proposed Financial Policy Guidelines were developed based on industry best practices, various analyses of the County's historical and projected financial condition, and comparisons to similarly sized and/or contiguous counties.
- The remainder of this presentation provides an outline of the Proposed Financial Policies and related analyses.



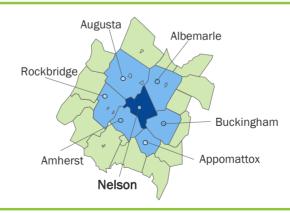
Introduction | Peer Groups



- To provide perspective for the County, Davenport developed two (2) Peer Groups based on the following criteria:
 - 1. Virginia "Budget" Peers Counties in Virginia with a Total Revenue Budget between \$50.0 million and \$80.0 million. (1)
 - At \$65.5 million, Nelson County approximates the middle of this budget range.
 - Contiguous Peers Counties that share a border with Nelson County.

Contiguous Peers

		Total Revenue
	County	Budget (\$000)
1	Nelson	\$65,488.7
2	Albemarle	\$526,814.0
3	Augusta	\$263,211.2
4	Rockbridge	\$98,974.9
5	Buckingham	\$70,395.9
6	Amherst	\$60,538.9
7	Appomattox	\$57,554.3



Virginia Budget Peers

County	Total Revenue Budget (\$000)
Southampton	\$79,949.8
Giles	\$78,919.2
Buckingham	\$70,395.9
Patrick	\$69,031.9
Northampton	\$66,183.3
Prince Edward	\$65,612.9
Nelson	\$65,488.7
Grayson	\$61,046.6
Amherst	\$60,538.9
King William	\$58,551.1
Brunswick	\$58,413.1
Clarke	\$57,643.2
Appomattox	\$57,554.3
Madison	\$55,627.6
Charlotte	\$54,694.6
Floyd	\$54,660.1
Nottoway	\$50,639.1
	Southampton Giles Buckingham Patrick Northampton Prince Edward Nelson Grayson Amherst King William Brunswick Clarke Appomattox Madison Charlotte Floyd



_(1) Total Revenue Budget data is sourced from the Auditor of Public Accounts Comparative Report for 2023; includes School Fund Revenues (net of the Local Contribution)

Introduction | Proposed Financial Policy Guidelines



- The Proposed Financial Policy Guidelines include nine (9) sections as follows:
 - 1. Policy Purpose
 - 2. Fund Balance / Reserves
 - 3. Revenues
 - 4. Expenditures
 - 5. Budgets
 - 6. Capital Improvement Program
 - 7. Debt
 - 8. Financial Reporting
 - 9. Economic Development

Financial Policy Guidelines

Nelson County, Virginia



DRAFT

Adopted [_____], 2024



Section 1 | Policy Purpose



- The framework and objectives of the Proposed Financial Policy Guidelines are outlined in Section 1 and provide guidance for financial decisions of the County.
- The County Board of Supervisors, the County Administrator, and the Finance Director will regularly review and promote compliance with the Proposed Financial Policy Guidelines.
- The objectives of the Proposed Financial Policy Guidelines are to:
 - Guide management policy decisions that impact the fiscal health of the County;
 - Promote financial stability and health;
 - Account for the big picture in all short- and long-term planning;
 - Maximize the County's credit such that it has reliable access to capital markets (either bank financing or public markets); and
 - Provide County Board of Supervisors/citizens with a framework for measuring the fiscal impact of government services.
- The Financial Policy Guidelines will be reviewed for appropriateness on an annual basis during the budget process.
 - Such review shall take into consideration the County's current and projected fund balance and debt ratios as well as any developments or changes in accounting standards and/or National Credit Rating Agency criteria.
 - Based on that annual review, the County may consider amending these policies as appropriate.



Section 2 | Fund Balance / Reserves

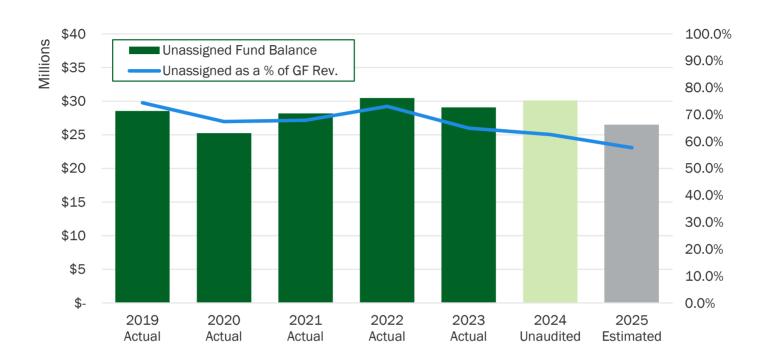


- Fund balances are categorized as required by GASB Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.
 - Non-spendable;
 - Restricted:
 - Committed by action of the Board of Supervisors;
 - Assigned does not necessarily require Board of Supervisors action; assigned via encumbrance process/purchasing activity; and
 - Unassigned amounts not in the above that may be used for any available purpose.
- The purpose of the Fund Balance / Reserves Policy is to specify the composition of the County's financial "Reserves", set minimum levels for fund balances or reserves, and to identify certain requirements for replenishing any General Fund balances or reserves utilized.
- The Reserves are to be initially established at levels that provide for cash flow flexibility, throughout the year and for unforeseen, emergency revenue decreases or expenditure increases, resulting in budgetary shortfalls.
- Annual review and/or amendment would take into account potential material changes in the County's Budget.



Section 2 | Fund Balance / Reserves (Continued) Existing Reserves: Unassigned Fund Balance





	2019	2020	2021	2022	2023	2024	2025
	Actual	Actual	Actual	Actual	Actual	Unaudited	Estimated
Unassigned Fund Balance	\$28,540,188	\$ 25,247,975	\$28,169,080	\$30,473,594	\$29,078,931	\$30,093,080	\$ 26,515,653
Total General Fund Revenues	\$38,361,577	\$37,449,968	\$41,484,023	\$41,697,571	\$44,743,496	\$48,099,139	\$45,952,760
Unassigned as a % of GF Rev.	74.4%	67.4%	67.9%	73.1%	65.0%	62.6%	57.7%
						(1)	(2)

⁽¹⁾ Provided by the County's auditor. Preliminary, not yet final.



Source: County Audits, Budgets, Staff.

⁽²⁾ Based on the County's FY 2024 ending fund balance, adjusted for the \$3,577,427 of fund balance included in the FY 2025 Budget. Note: does not include the Capital Reserve held in the Debt Service Fund (approximately \$3.2 million as of FY 2023) that has been set aside as a part of the Multi-Year Debt Capacity / Affordability Analysis.

Section 2 | Fund Balance / Reserves (Continued) Proposed "Reserves": Unassigned Fund Balance & Budget Stabilization Fund



Recommendation:

- Davenport recommends the following Proposed "Reserve Policy":
 - Unassigned Fund Balance (UFB) level at 30% of General Fund Revenues. Based on the FY 2025 Budget, this figure approximates \$13.8 million.
 - Budget Stabilization Fund (BSF) level at 5% of General Fund Revenues. Based on the FY 2025. Budget, this figure approximates \$2.3 million.
- The Reserve Policy also incorporates a plan to add/replenish the above funds over three (3) years in the event that they are used.
- The target levels should be sufficient for the County to avoid the use of Revenue Anticipation Note (RAN) cash flow borrowings and provide enough funds for unplanned, unforeseen circumstances.

	FY 2025 Reserves	Befo	re & After Po	lici	es
	Proposed Reserves Policy	Ве	fore Policies	A	fter Policies
1	Unassigned Fund Balance (30%)		- n/a -	\$	13,785,828
2	Budget Stabilization Fund (5%)		- n/a -	\$	2,297,638
3	Additional Funds Over Policies		- n/a -	\$	10,432,187
4	Total Reserves	\$	26,515,653	\$	26,515,653
5	Total General Fund Revenues	\$	45,952,760	\$	45,952,760
6	UFB as a % of Gen. Fund Revs		57.7%		30.0%
7	BSF as a % of Gen. Fund Revs		- n/a -		5.0%
8	Additional as a % of Gen. Fund Revs		- n/a -		22.7%
70	.0%				
60	.0%				
50	.0%				
40	.0%				
30	.0%				
20	.0%				
10	.0%				
0	.0% Before Policies	ı	After	Polici	es
	■ Unassigned Fund Balance ■ Budg	et Stab	ilization Fund Add	itiona	al Funds



Source: County Audits, Budgets, Staff.

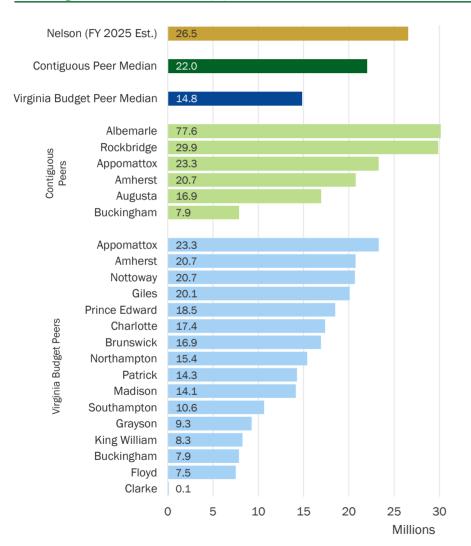
Section 2 | Fund Balance / Reserves (Continued)



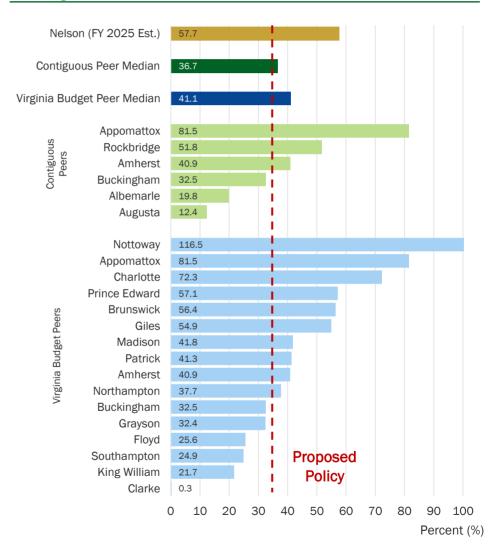


9

Unassigned Fund Balance (\$)



Unassigned Fund Balance as a % of Revenues(1)





Source: Nelson's FY 2023 ACFR and Budgets, most recent peer ACFRs available (FY 2023 in most but not all cases).

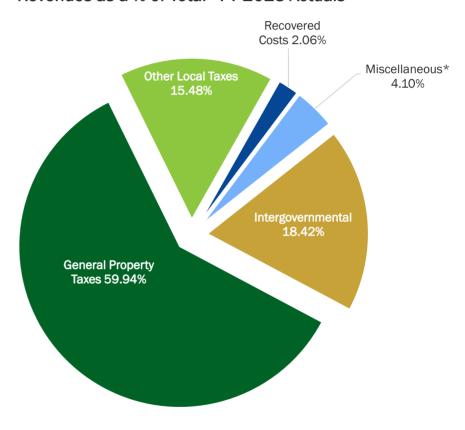
Section 3 | Revenues



■ The County shall:

- Strive to maintain a diversified mix of revenues in order to balance the sources of revenue amongst taxpayers and to provide ongoing stability and predictability.
- Monitor all taxes to ensure they are equitably administered and collections are timely and accurate.
- To the extent possible, fees and charges shall be structured in order to recover full costs, including all direct costs, capital costs, department overhead, and County-wide overhead.
- Estimated County revenues shall be set at realistic and attainable levels, sufficiently conservative to avoid shortfalls, yet accurate enough to avoid a systematic pattern of setting tax rates that produce significantly more revenue than is necessary to meet expenditure, fund balance, and reserve requirements.
- Limit the use of one-time revenues to one-time expenditures such as non-recurring capital projects.
 - However, permitted exceptions may include dedicated reserve funds (Funds set aside and can be demonstrated that use of such funds in the operating budget may provide a temporary and strategic benefit to defray targeted expenditures such as debt service for a defined period of time).

Revenues as a % of Total - FY 2023 Actuals



*Note: Miscellaneous is composed of the line items "Permits, Privilege Fees, and Regulatory Licenses", "Fines and Forfeitures", "Revenue from Use of Money & Property", "Charges for Services", and "Miscellaneous" from County Audit.

Source: County 2023 Audit.



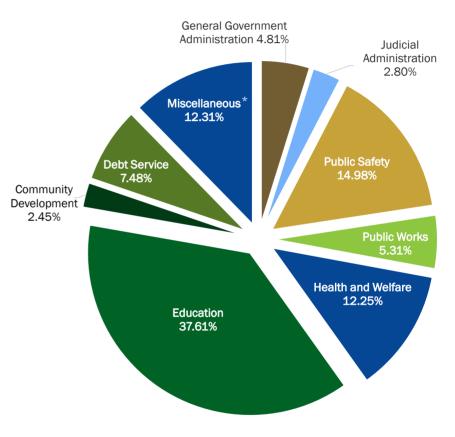
Section 4 | Expenditures



■ The County shall:

- Accommodate ongoing expenditures within current resources.
- Fund one-time expenditures with an offsetting revenue or from an established and adequately funded capital reserve fund.
- Evaluate expenditures based on their fiscal impact to current and future operations.
 - On-going expenses will be monitored in comparison with budget appropriations, effectiveness of the services, and operational efficiency.
- Seek to optimize the efficiency and effectiveness of its services through Improvement efforts, performance measures, and by assessing its services with comparable localities to reduce costs and improve service quality.
- Manage program expenses within the total adopted operating budget, which will be the responsibility of the County Administrator or Department Directors, as applicable.

Expenditures as a % of Total - FY 2023 Actuals



*Note: Miscellaneous is composed of the line items "Parks, Recreation, and Cultural",

"Nondepartmental" and "Capital Projects" from County Audit.

Source: County 2023 Audit.

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Section 5 | Budgets



- The annual budget shall be balanced within all available operating revenues, including the fund balance, and adopted by the Board of Supervisors.
- The annual budget of the County will be considered balanced when all payments for operations, debt service, and annual capital plan needs do not exceed budgeted revenues.
- The County Administrator shall annually deliver a Proposed Budget for Board of Supervisors review. The Proposed Budget shall serve as a financial plan for the upcoming fiscal year and shall contain the following information:
 - A budget message that outlines the proposed revenue and expenditures for the upcoming fiscal year together with an
 explanation of any major changes from the previous fiscal year. The budget message should also include any proposals for
 major changes in financial policy;
 - Summaries of proposed revenues and expenditures by department for all funds proposed to be expended and received in a fiscal year;
 - The proposed budget document will contain Revenue and Expenditures in the three following categories: prior year actuals, current year budget (as adopted and amended, if applicable), and proposed budget year;
 - Budget Transfers and Adjustments.
- Ongoing and stable revenues will be used to support ongoing operating costs.
- The use of one-time revenues and one-time expenditure savings (excess cash balances) will be used for non-recurring expenditures, subject to certain exceptions (i.e., Capital Reserve Funds).



Section 6 | Capital Improvement Program



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- The County will annually prepare and adopt a five-year Capital Improvement Plan. The overall Capital Improvement Program will include two (2) components:
 - Capital Improvement Plan: A listing of capital items that the locality anticipates undertaking within the next five (5) years.
 A capital item is any tangible asset or project with a total cost of \$25,000 or more and a useful life of at least five (5) years.
 - Capital Budget: An element of the locality's annual budget adoption process and details the upcoming budget year's planned expenditures for capital projects. This capital budget is based on the Capital Improvement Plan.
- The adopted Capital Improvement Plan will include major capital improvements and identify estimated funding sources and annual operational costs for facilities to include anticipated debt service requirements.
 - Incremental operating costs associated with capital projects shall be funded in the operating budget after being identified and approved in the Capital Improvement Program.
- Capital improvements not to include routine annual maintenance on existing capital assets.
- Long-term borrowing shall be confined to major capital improvements and equipment purchases.



Section 7 | Debt



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- As reflected on the next several pages, the policy includes ratios associated with the County's Tax-Supported Debt, which is defined as any and all debt service that is supported by general revenues of the County:
 - Tax-Supported Debt as a percentage of Total Assessed Value of Taxable Property should not exceed 3.5%;
 - Note: this policy includes an exception for any debt that is repaid from dedicated and restricted funding sources, such as a potential Local Sales Tax specifically enacted for School capital and debt service.
 - Tax-Supported Debt Service as a percentage of Total Operating Expenditures⁽¹⁾ should not exceed 10-12%; and
 - Tax-Supported Debt Service and Fixed Costs as a percentage of Total Operating Expenditures⁽¹⁾ should not exceed 17%.
- All Debt Ratio Policies are intended to be measured at least annually and at such time as a new debt issuance is being considered for approval by the County Board.
- Additionally, the following topics are addressed in this section of the document:
 - Guidelines for the use of different types of long-term debt (i.e., general obligation indebtedness, lease revenue bonds, lease purchase obligations, and moral obligation/other off balance sheet debt);
 - Refunding of existing debt (including minimum savings required, restructuring of payments, and term of refundings);
 - Short-term borrowing for interim financing of projects; and
 - Continuing financial disclosure.



* Includes the General Fund and School Operating Expenditures, net of the County's contribution to schools.

Section 7 | Debt (continued) Existing Tax-Supported Debt



Tax-Supported Debt Service

FY	Principal		Interest	Total	
Total	\$	8,354,000	\$1,380,866	\$9,734,866	
2025		1,702,000	526,246	2,228,246	
2026		1,767,000	469,311	2,236,311	
2027		1,826,000	215,944	2,041,944	
2028		1,879,000	116,584	1,995,584	
2029		545,000	32,859	577,859	
2030		315,000	14,922	329,922	
2031		320,000	5,000	325,000	

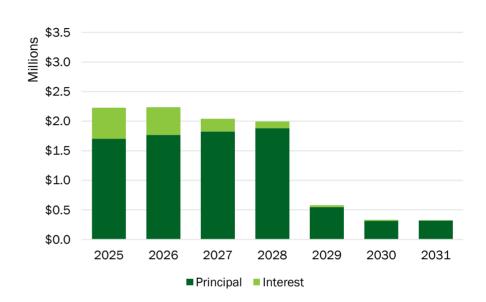
Note: the table above and graph to the right include the interest on the 2022 and 2024 Lines of Credit.

Par Outstanding - Estimated as of 6/30/2024

Туре	Par Amount
Existing Long-term Debt	\$8,354,000
Existing Lines of Credit (1)	6,800,000
Total	\$15,154,000

(1) Existing Lines of Credit are to be permanently financed over a longer period.

Tax-Supported Debt Service

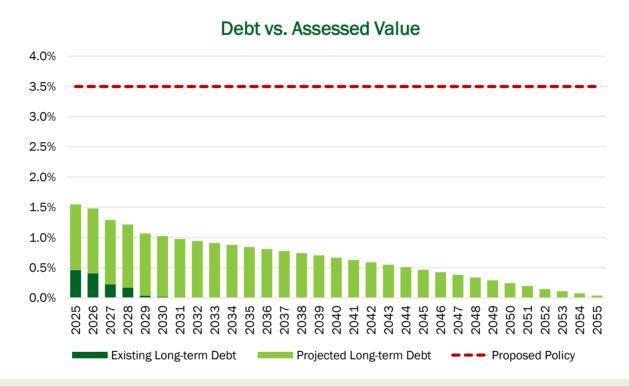


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Proposed Policy: Debt vs. Assessed Valuation



■ Tax Supported Debt vs. Assessed Value of taxable property is a key ratio that answers the question "Can I Borrow This?".



Recommendation:

- Davenport recommends that the County implement Debt Policies that govern the amount of debt that can be issued and still be in compliance with "Best Practices" of comparable local governments.
- Proposed Debt Policy: Davenport recommends that the County consider adopting a Debt vs. Assessed Value Policy of 3.5%.
- After the projected debt of \$35.1 million from the most recent Debt Capacity and Affordability Analysis is accounted for, the County has the capacity to issue approximately \$64.3 million of additional debt.



Source: County Audited Financial Statements.

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Proposed Policy: Debt vs. Assessed Valuation

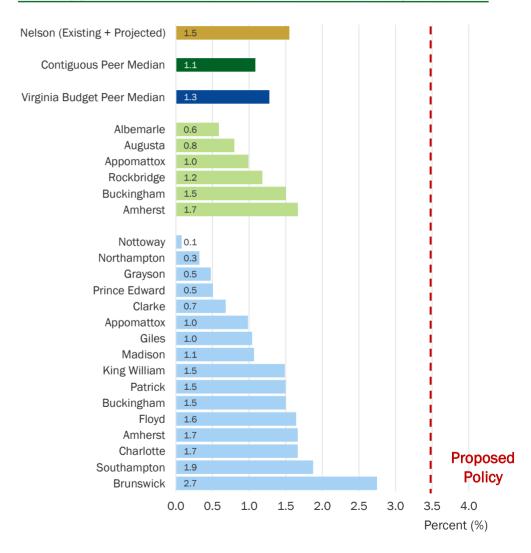


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Rating Considerations:

 S&P: A positive qualitative adjustment is made to the Debt and Contingent Liabilities score for a debt to market value ratio below 3.0%, while a negative adjustment is made for a ratio above 10.0%.

Tax-Supported Debt to Assessed Value Peer Comparative



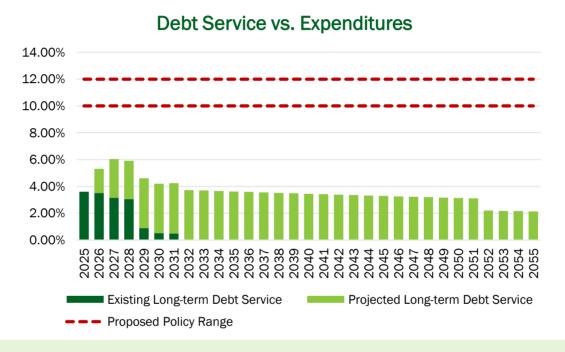
Source: Nelson County FY25 reflects 2022 Assessed Value grown at 1% annually. Regional peer median is calculated as of most recently available audited financial statements for each respective peer County.



Proposed Policy: Debt Service vs. Expenditures

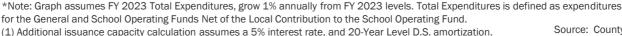


■ Tax-Supported Debt Service vs. Expenditures is a key ratio because it measures how much of the annual budget is being spent to pay for debt, and can show how much additional debt service can be added before exceeding prudent levels. It answers the "Can I Afford This?" question.



Recommendation:

- Davenport recommends that the County implement Debt Policies that govern the amount of debt that can be issued and still be in compliance with "Best Practices" of comparable local governments.
- Proposed Debt Policy: Davenport recommends that the County consider adopting a Debt Service vs. Total Expenditures Policy
 of 10 12%.
- After the projected debt of \$35.1 million from the most recent Debt Capacity and Affordability Analysis is accounted for, the County has the capacity to issue approximately \$30.1 \$45.3 million of additional debt.



Source: County Audited Financial Statements & Budgets.

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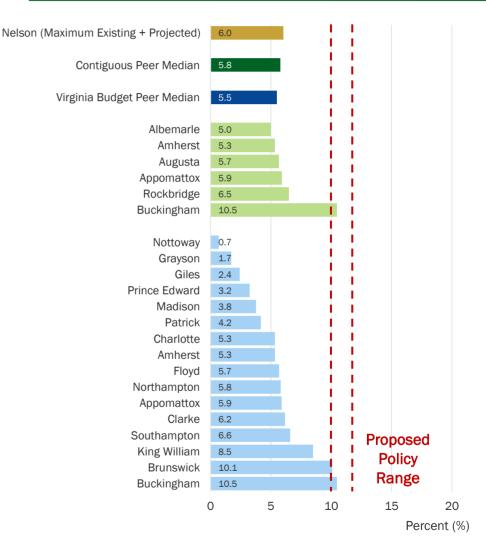
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Debt Service vs. Expenditures Peer Comparative

Rating Considerations:

 S&P: The Debt and Contingent Liabilities section defines categories of Net Direct Debt as a % of Total Governmental Funds Expenditures.

Very Strong	< 8%
Strong	8% - 15%
Adequate	15% - 25%
Weak	25% - 35%
Very Weak	> 35%



Source: Nelson County FY25 reflects 2023 General Fund and Schools Expenditures grown at 1% annually. Regional peer median is calculated as of most recently available audited financial statements for each respective peer County.

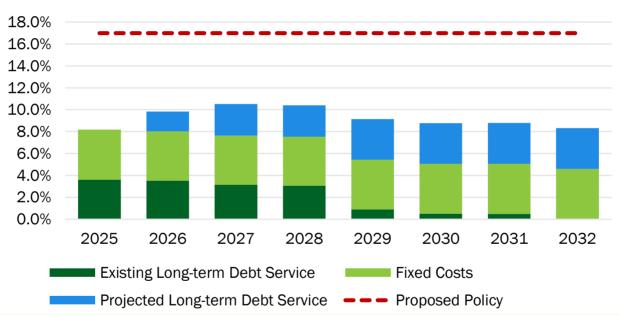




Proposed Policy: Debt Service and Fixed Costs/Contingent Liabilities to Expenditures

- The Fixed Costs Ratio provides an important indication of the annual financial burden associated with the County's debt, pensions, OPEB obligations, and other miscellaneous long-term liabilities relative to its budget.
 - The ratio also reflects the percentage of revenue that remains available for the County to provide core services after
 Fixed Costs are paid. Higher Fixed Costs may indicate greater challenges meeting demand for services.





Recommendation:

- Davenport recommends that the County implement Debt Policies that govern the amount of debt that can be issued and still be in compliance with "Best Practices" of comparable local governments, even when including non-debt liabilities.
- Proposed Debt Policy: Davenport recommends that the County consider adopting a Debt Service & Fixed Costs/Contingent Liabilities vs. Total Budgeted Expenditures Policy of 17%.



*Note: Graph assumes FY 2023 Total Expenditures and Fixed Costs grow 1% annually from FY 2023 levels. Total Expenditures is defined as expenditures for the General and School Operating Funds Net of the Local Contribution to the School Operating Fund.

Source: County Audited Financial Statements.

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Section 8 | Financial Reporting



- Financial reporting financial statements will conform to Generally Accepted Accounting Principles (GAAP) as established by the Governmental Accounting Standards Board (GASB).
- Maintenance of accounting records and annual preparation of audited financial statements.

Section 9 | Economic Development



■ Economic Development projects: Prior to any formal or informal introduction of a potential Economic Development Project that may require the County's direct or indirect support, the County Administrator will be required to provide an independent assessment of the proposed Economic Development Project to the County Board.



Next Steps



■ Discuss and receive feedback from the County Board on additional revisions to the Proposed Financial Policy Guidelines.

• Revise the Proposed Financial Policy Guidelines for further consideration by the County Board and Staff.

Present the updated document to the County Board for consideration of adoption.

Work with County Staff to implement any new processes established in the Proposed Financial Policy Guidelines.

■ Further develop Potential Investment Management Policies with the Treasurer and County Staff for future consideration of adoption by the Board.





Appendix

Proposed Financial Policy Guidelines



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Financial Policy Guidelines

Nelson County, Virginia



DRAFT

Adopted [_____], 2024



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1.0 Policy Purpose

Nelson County, Virginia (the "County") and its governing body, the Board of Supervisors (the "Board"), recognizes and acknowledges that local government resources must be used wisely to ensure adequate funding for the services, public facilities, and infrastructure necessary to meet the community's present and future needs. The following financial policies and guidelines establish the framework for the County's overall fiscal planning and management.

1.01 Policy Objectives

The primary objective of sound financial management policies is for the Board to create a framework within which financial decisions will be made. This fiscal policy is a statement of the guidelines and objectives that will influence and guide the financial management practices of the County. A fiscal policy that is adopted, adhered to, and regularly reviewed is recognized as the cornerstone of sound financial management and safeguards the fiscal stability of the County. In order to achieve its purpose, the fiscal policy has the following objectives for the County's fiscal performance.

- A. To contribute significantly to the County's ability to insulate itself from fiscal crisis and economic disruption.
- B. To guide Board and management policy decisions that have significant fiscal impact.
- C. To promote long-term financial stability by establishing clear and consistent guidelines.
- D. To direct attention to the total financial picture of the County rather than single issue areas and promote the view of linking long term financial planning with day-to-day operations.
- E. To ensure sound financial management by providing accurate and timely information on the County's financial condition; the foundation for effective financial analysis.
- F. To enhance the County's access to both short-term and long-term capital by helping the County to strengthen its credit standing (for purposes of bank, financing, and access to capital markets through other financing vehicles).
- G. To ensure that the organization has adequate resources to meet the provisions of all of the County's indebtedness and perform mandated responsibilities.
- H. To provide the Board and citizens with a framework for measuring the fiscal impact of government services against established fiscal parameters and guidelines.

1.02 Policy Implementation and Coordination

The Board, in conjunction with the County Administrator, will review and promote compliance with the financial policies outlined herein.

The County intends to adhere to these polices. If there is any anticipated or unplanned variance from these policies, staff will advise the Board and establish a plan for recovery within three (3) years.



1.03 Review and Revision

These polices will be reviewed for appropriateness on an annual basis during the budget process. Such review shall take into consideration the County's current and projected fund balance and debt ratios as well as any developments or changes in accounting standards and/or National Credit Rating Agency criteria. Based on the review the County may consider amending these policies as appropriate.

2.0 Fund Balance / Reserves Policy

The County is dedicated to maintaining an appropriate level of fund balance sufficient to mitigate current and future financial risks and to ensure stable tax rates; and, therefore, formally establishes the General Fund Balance Policy for the County's General Fund Balance. This policy also authorizes and directs the County Administrator to prepare financial reports, which accurately categorizes fund balance as required by GASB Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

The County believes that sound financial management principles require that sufficient funds be retained by the County to provide a stable financial base at all times. To retain this stable financial base, the County needs to maintain Unassigned Fund Balance, and other fund balances or reserves as identified by the County, if any, sufficient to fund all cash flows of the County, to provide financial reserves for unanticipated or emergency expenditures and/or revenue shortfalls, and to provide funds for all existing expenses.

Nelson County's Unassigned General Fund Balance shall be maintained at a level to provide the County with sufficient working capital and a comfortable margin of safety to address emergencies and unexpected declines in revenue without borrowing.

2.01 Purpose

The purpose of the General Fund Balance Policy is to specify the composition of the County's financial reserves, set minimum levels for fund balances or reserves, and to identify certain requirements for replenishing any general fund balances or reserves utilized.

The County shall not use the Unassigned General Fund Balance to finance recurring operating expenditures.

2.02 General Fund Balance Categories

For documentation of the County's fund balance position, communication with interested parties and general understanding, a clear and consistent system of classification of the components of the County's fund balances is necessary. The County's reporting and communication with respect to General Fund Balance will utilize the classifications outlined in generally accepted accounting principles (GAAP). GAAP dictates the following hierarchical fund balance classification structure based primarily on the extent to which the County is restricted in its use of resources.

A. Non-spendable Fund Balance: amounts that are not in a spendable form, such as land, prepayments, or trust or endowment funds where the balance must remain intact.



- B. Restricted Fund Balance: amounts that have constraints placed on their use for a specific purpose by external sources such as creditors, legal, or constitutional provisions.
- C. Committed Fund Balance: amounts that have been designated for a specific purpose or which have constraints placed by the Board. Committed fund balance may also include contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual requirements. Amounts within this category require Board action to commit or to release the funds from their commitment.
- D. Assigned Fund Balance: amounts set aside with the intent that they be used for specific purposes. The expression of intent can be made by the Board or County Administrator and does not necessarily require Board action to remove the constraint on the resources. Fund Balance may be assigned through the encumbrance process as a result of normal purchasing activity (which includes the issuance of a purchase order).
- E. Unassigned Fund Balance: amounts not included in the previously defined categories that are available for any purpose. The County's General Fund should report a positive Unassigned Fund Balance. Amounts in this classification represent balances available for appropriation at the discretion of the Board. However, the Board recognizes that the Unassigned Fund Balance needs to be comprised of liquid cash and investments to meet the County's cyclical cash flow requirements and be at a level sufficient to allow the County to avoid the need for short-term revenue anticipation borrowing. The Unassigned Fund Balance should also allow for a margin of safety against unforeseen expenditures that could include, but not be limited to, natural disasters, severe economic downturns, and economic development opportunities. Unassigned Fund Balance shall not be used for annual recurring expenditures, except for unforeseen emergency circumstances.

2.03 Committed Fund Balance Policy

The Board is the County's highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution/ordinance approved by the Board. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.

2.04 Assigned Fund Balance Policy

The Board may set aside funds with the intent that they be used for specific purposes. The expression of intent can be by the Board or County Administrator and does not necessarily require formal action to remove the constraint on the resources.



2.05 Unassigned Fund Balance Policy

The Board recognizes that the Unassigned Fund Balance Policy should be:

- A. 30% of the County's General Fund Budgeted Revenues.
 - Example Calculation: Based on the County's FY 2025 Adopted Budget, 30% translates into \$13,785,828 as follows:

General Fund Revenues (Less Appropriated Fund Balance) \$45,952,760 **X 30% = Unassigned Fund Balance Target** \$13,785,828

Funds in excess of the Unassigned Fund Balance Policy target may be considered to supplement "pay-as-you-go" capital outlay expenditures, other non-recurring expenditures, or as a greater buffer to General Fund balance.

To the extent that funds are available in excess of the minimum described above (i.e., 30%), the Board recognizes that it could strategically utilize these funds, if appropriate. However, the Board also recognizes that maintaining reserves above the minimum Unassigned Fund Balance Policy target may be beneficial to the overall well-being of the County. Should any amounts above the 30% Unassigned Fund Balance Policy target exist, they should only be appropriated for non-recurring expenditures, as they represent prior year surpluses that may or may not materialize in subsequent fiscal years. Amounts above the 30% Unassigned Fund Balance Policy target could be used for the following purposes (listed in order of priority):

- A. Increase Restricted Fund Balances as necessary.
- B. Fund additional reserves as deemed appropriate by the Board.
- C. Allocating such amounts toward equity funding of the capital needs, economic development or transfer to a capital project or capital reserve fund.

2.06 Budget Stabilization Fund

In addition to the Unassigned Fund Balance, the County shall establish a Budget Stabilization Fund, which shall be considered a part of the County's Committed Fund Balance. The Budget Stabilization Fund shall be used for unforeseen, emergency expenditures or unplanned, unforeseen declines in revenues. The Budget Stabilization Fund shall be initially established in an amount equal to 5% of General Fund Budgeted Revenues. Example Calculation as follows:

A. Based on the County's FY 2025 Adopted Budget, 5% of the County's General Fund Revenues translates into \$2,297,638 as follows:

General Fund Revenues (Less Appropriated Fund Balance) \$45,952,760 **X 5% = Budget Stabilization Fund** \$2,297,638

- B. Should future County budgets require additional moneys to be added to meet these requirements, the County will build up the required amounts over three (3) years.
- C. To the extent needed, the Budget Stabilization Fund shall be used first, in priority before Assigned and Unassigned Fund Balances. See Section 2.08 for Prioritization of use of Fund Balances.



2.07 Replenishment of Unassigned Fund Balance/Budget Stabilization Fund

Upon the use of any Unassigned Fund Balance or Budget Stabilization Fund for temporary funding of unforeseen emergency needs, which causes such fund balance to fall below the Unassigned Fund Balance Policy target or below the Budget Stabilization Fund target, the Board must approve and adopt a plan to restore amounts used within 36 months. If restoration of the reserve cannot be accomplished within such period without severe hardship to the County, then the Board will establish a different time period.

2.08 Prioritization of Fund Balances

As indicated, the fund balance classifications outlined in Section 2.02 are based on the level of restriction. In the event expenditures qualify for disbursement from more than one fund balance category, it shall be the policy of the County that the most constrained or limited fund balance be used first. Funds shall be used in the following order: Restricted, Committed, Assigned, and Unassigned as they are needed.

2.09 Carryover Funds

Carryover funds are unspent funds requested by departments to move out of the previous fiscal year and into the new fiscal year raising the overall budget from adopted to amended budget classification. These funds could include projects that were not completed in the previous year as expected or changes that occurred after acceptance of the new budget for the upcoming fiscal year.

General operation funds typically should not be carried over from one fiscal year to the next unless funds are tied to a grant. It is the responsibility of the departments to properly budget upcoming expenses for the new fiscal year.

Capital improvement funds may be carried over if a project is not completed within the year, upon recommendation of the County Administrator and approval by the Board.



3.0 Revenues

The County will strive to maintain a diversified mix of revenues in order to balance the sources of revenue amongst taxpayers, to provide ongoing stability and predictability, and to shelter it from short-term fluctuations in any one revenue source.

Current revenues will fund current expenditures. The County must balance the need for services and the County's ability to raise fees, charges, and taxes to support those services.

3.01 Revenue Collections

The County will monitor all taxes to ensure that they are equitably administered and collections are timely and accurate. The County will aggressively collect property taxes and related penalties and interest as authorized by the Code of Virginia.

3.02 Fees and Charges

As much as is reasonably possible, County services that provide private benefit should be supported by fees and charges in order to provide maximum flexibility in use of general County taxes to meet the cost of services of broader public benefit. Charges for services that benefit specific users should recover full costs, including all direct costs, capital costs, department overhead, and County-wide overhead. Departments that impose fees or service charges should prepare and periodically update cost-of-service studies for such services. A subsidy of a portion of the costs for such services may be considered when consistent with legal requirements to meet other County interests and objectives, such as remaining competitive within the region.

3.03 Reassessment

Reassessment will be made of all real property on a scheduled basis as determined by the County. The County will maintain sound appraisal procedures to keep property values current.

3.04 Intergovernmental Aid

The County will pursue intergovernmental aid, including grants, for those programs and activities that address a recognized need and are consistent with the County's long-range objectives, and will attempt to recover all allowable costs associated with those programs. Any decision to pursue intergovernmental aid should include the consideration of the following:

- A. Present and future funding requirements;
- B. Cost of administering the funds;
- C. Costs associated with special conditions or regulations attached to the grant award; and
- D. The effect on the County Budget if grants or other intergovernmental aid are reduced or eliminated in the future.



3.05 Revenue Forecasts

The estimate of the County's revenues shall be set at realistic and attainable levels, sufficiently conservative to avoid shortfalls, yet accurate enough to avoid a systematic pattern of setting tax rates that produce significantly more revenue than is necessary to meet expenditure, fund balance, and reserve requirements.

3.06 Restricted Revenue

Restricted revenue shall only be used for the purpose intended and in a fiscally responsible manner.

3.07 Use of One-Time Revenues

The County will limit the use of one-time revenues to one-time expenditures such as non-recurring capital projects. However, to the extent that dedicated capital reserve funds are set aside and it can be demonstrated that use of such funds in the operating budget may provide a temporary and strategic benefit to defray targeted expenditures (e.g., debt service) for a defined period of time, the County may incorporate use of such one-time funds in its operating budget.

Capital reserve funds may be comprised of Unassigned Fund Balance in excess of policy targets, operating surpluses from a given fiscal year, "banked revenues", budgeted contingencies, or some combination thereof.

3.08 Use of Fund Balance

The County's General Fund balance will be utilized to provide sufficient working capital in anticipation of current budgeted revenues and to finance unforeseen emergencies without borrowing. The General Fund equity of the County (Unassigned Fund Balance) should not be used to finance current operations.



4.0 Expenditures

The County should accommodate ongoing expenditures within current resources. One-time expenditures should be funded with an offsetting revenue or from an established and adequately funded capital reserve fund. Expenditures will be evaluated based on the fiscal impact on current and future operations. Ongoing expenses will be monitored in comparison with budget appropriations, effectiveness of the services, and operational efficiency.

4.01 Continual Improvements

The County will seek to optimize the efficiency and effectiveness of its services through improvement efforts, performance measures, and by assessing its services with comparable localities to reduce costs and improve service quality.

4.02 Monitoring

The County Administrator or Department Directors, as applicable, are responsible for managing program expenses within the total adopted operating budget.



5.0 Budgets

The County will annually adopt and execute a budget for such funds as may be required by law or by sound financial practices and generally accepted accounting principles. The budget shall control the levy of taxes and the expenditure of money for all County purposes during the ensuing fiscal year. The County budget shall be balanced within all available operating revenues, including the fund balance, and adopted by the Board. Per the County's budget adoption and appropriation resolutions, the County Administrator is authorized and directed to do all things necessary to implement the annual budget to include making all payments and disbursement consistent with the purpose and intent of the adopted budget.

Public participation in the budgetary process will be encouraged. The County will avoid dedicating revenue to a specific project or program because of the constraint this may place on flexibility in resource allocation except in instances where programs are expected to be self-sufficient or where revenue is dedicated to a program for statutory or policy reasons.

The budget process will be coordinated in a way that major policy issues are identified for the Board prior to consideration of budget approval. All expenditures will be tracked for each fund.

A structured budget preparation and formulation process shall be used for all departments and Funds receiving funding from the County.

- Departmental budgets shall be managed within the total appropriated departmental budget for each fiscal year.
- All operating budget appropriations shall lapse at the end of the fiscal year to the extent that they are not expended or encumbered.
- The budget shall be adopted and appropriated by the favorable vote from the Board majority.
- The vision and priorities established by the Board, in the Comprehensive Plan, in the Capital Improvement Plan, and any other means will serve as the framework for the budget proposed by the County Administrator.
- The fiscal year for the County is July 1 through June 30.
- One-time revenues shall be used for one-time expenditures only.
- The County will maintain a budget control system and staff will monitor and evaluate expenditures and revenues as compared to budget and/or prior year-to-date reports. The County Administrator will propose recommendations to the Board for adjustments as needed.

5.01 Balanced Budget and Process

The annual budget of the County will be considered balanced when all payments for operations, debt service, and annual capital plan needs do not exceed budgeted revenues. The County Administrator shall annually deliver a Proposed Budget for Board review. The Proposed Budget shall serve as a financial plan for the upcoming fiscal year and shall contain the following information:

1) A budget message that outlines the proposed revenue and expenditures for the upcoming fiscal year together with an explanation of any major changes from the previous fiscal year. The budget message should also include any proposals for major changes in financial policy.



- 2) Summaries of proposed revenues and expenditures by department for all funds proposed to be expended and received in a fiscal year.
- 3) The proposed budget document will contain Revenue and Expenditures in the three following categories; prior year actuals, current year budget (as adopted and amended, if applicable) and proposed budget year.
- 4) The proposed budget appropriation process;
 - a. Pursuant to the Code of Virginia, the Board shall hold a public hearing on the budget, including the Capital Improvement Program, pursuant to the Board's rules of procedure.
 - b. Following the public hearing on the budget, the Board may make adjustments. In instances where the Board increases the total proposed expenditures, it shall also identify a source of funding at least equal to the proposed expenditures.
- 5) Budget Transfers and Adjustments, and Implementation
 - a. Per the County's budget adoption and appropriation resolutions, the County Administrator is authorized to make transfers and adjustments among the various budgetary accounts within each agency.
 - b. Per the County's budget adoption and appropriation resolutions, the County Administrator is also authorized and directed to do all things necessary to implement the annual budget, to include executing all purchase orders/contracts and making all payments and disbursements consistent with the purpose and intent of the approved budget.
- 6) Budget requests after the budgetary process and adoption of the annual budget, particularly from outside organizations, shall be considered in the next budget cycle, unless such request is deemed an emergency or provides a material benefit (i.e., grant matching funds or other similar items) that affects the operations of County government.

5.02 Current Revenues to Support Current Expenditures

Ongoing and stable revenues will be used to support ongoing operating costs.

5.03 One-time Revenues and One-time Expenditures

The use of one-time revenues and one-time expenditure savings (excess cash balances) will be used for non-recurring expenditures, subject to certain exceptions as provided by section 3.07 and 4.0.

5.04 Budget Performance Monitoring

All departments of the County will periodically examine and effect changes in program delivery responsibilities or management which would improve productivity, lower costs, enhance service, and further communication with the public. The County will prepare monthly reports comparing actual revenues and expenditures (expenses) to budgeted amounts. The County Administrator is authorized to implement any cost savings measures necessary to ensure the County stays within its adopted budget (i.e., expenditures do not exceed revenues).



6.0 Capital Improvement Program

In order to prepare and plan for upcoming capital needs and improve capital infrastructure, the County will annually prepare and adopt a minimum five-year Capital Improvement Plan.

The adopted Capital Improvement Plan will include major capital improvements and identify estimated funding sources and annual operational costs for facilities to include anticipated debt service requirements. Incremental operating costs associated with capital projects shall be funded in the operating budget after being identified and approved in the Capital Improvement Program.

Capital improvements do not include routine maintenance on existing capital assets.

Long-term borrowing shall be confined to major capital improvements and equipment purchases.

To the extent that there are any remaining bond funds, the County shall consult bond counsel and their Financial Advisor in order pursue the best course of action pursuant to tax laws and / or County negotiations in affect at the time.

6.01 Capital Improvement Program Components

The County's capital improvement program consists of two (2) components:

- A. Capital plan a listing of capital items that the locality anticipates undertaking within the next five (5) years. A capital item is any tangible asset or project with a total cost of \$25,000 or more and a useful life of at least five (5) years.
- B. Capital budget an element of the locality's annual budget adoption process and details the upcoming year's planned expenditures for capital projects. This capital budget is based on the capital improvement plan.



7.0 **Debt**

The Board shall follow the guidelines listed below in making financial decisions on debt issuance. Adherence to these guidelines allows the County to plan for the necessary financing of capital projects while maintaining credit worthiness. In addition, continued adherence to these policies will help ensure that the County maintains the strongest financial position possible.

The County shall use an objective analytical approach to determine whether it can afford new or additional general-purpose debt. This process shall use the County's standards of affordability. These standards include policies described under Section 7.07 herein.

The County may obtain debt through a variety of methods including, but not limited to: stand-alone issuance via the public markets, state pooled loan programs, loans obtained directly from banks, United States Department of Agriculture (USDA) loans, or other funding mechanism as they may be available to local governments.

The County may use the services of a Financial Advisor to assist in the analysis of debt issuance and undertaking debt obligations.

7.01 Revenue Anticipation Notes (RANs)

The County does not intend to issue revenue anticipation notes (RANs) to fund government operations. However, if extraordinary circumstances arise affecting the timing of receipt of revenues in the course of the fiscal year requires the borrowing of money to support expenditures within the adopted budget, the County may issue promissory notes pursuant to Board authorization.

7.02 Bond Anticipation Notes (BANs)

The County may issue Bond Anticipation Notes (BANs) in expectation of issuing long-term Bonds when cash is required in order to initiate or continue a capital project or when long-term markets do not appear appropriate but have a clear potential for improvement within the designated BAN time frame.

If the County issues a bond anticipation note for a capital project, the BAN will be converted to a long-term bond or redeemed at its expiration.

7.03 Letters of Credit

The County may enter into a letter-of-credit (LOC) when such an agreement is deemed prudent and advantageous. Such LOC may be used in lieu of a BAN.

7.04 Lease Purchase Obligations

Lease purchase and master lease obligations may be considered as an alternative to vendor leases. Such debt shall be subject to annual appropriation.



7.05 Public-Private Partnerships

The County recognizes the value of developing public-private partnerships. As such, public-private partnerships that require the County to provide capital or credit enhancement to a project will be considered in light of the following:

- A. The project is multi-faceted requiring coordinated and/or accelerated development. The project is non-traditional with a mixed use of public and private components. The project calls for the bundling of design, construction, and operation phases.
- B. There is an urgent need to construct multiple facilities or other public infrastructure simultaneously to keep pace with a rapidly growing population or other critical public need.
- C. The project has undergone a rigorous cost-benefit analysis by County Staff (or agents employed by the County for such purpose). If the project ultimately requires County credit enhancement, such obligations will be treated as if debt by the County.
- D. The financing mechanism in the proposed public-private partnership will be evaluated in context of financing sources available to the County and the most beneficial financing mechanism (e.g., cost of funds, terms and conditions, etc.) shall be undertaken.

7.06 Compliance with Legal Requirements

The County shall comply with all applicable state and federal laws related to the issuance of indebtedness and/or lease obligations. The County shall retain the use of a nationally recognized bond counsel to provide the appropriate legal advice with respect to any debt or lease issuance.

7.07 Tax-Supported Debt and Fixed Costs/Contingent Liability Ratio Policies

<u>Policy 1: Tax-Supported Debt as a Percentage of Total Assessed Value of Taxable Property shall not exceed 3.5%.</u>

This ratio indicates the relationship between the County's debt and the Total Taxable value of real property, personal property, public service property and any other taxable property in the County on which a tax is levied. It is an important indicator of the County's ability to repay debt, because property taxes are the primary source of the County's revenues used to repay debt. A small ratio is an indication that the County will be better able to withstand possible future economic downturns and continue to meet its debt obligations. The County may choose to exclude certain debt issuances if the principal and interest thereof is repaid from a dedicated funding source that is restricted for that use.

<u>Policy 2: Tax-Supported Debt Service payments (principal and interest) shall not exceed 10-12% of Total Governmental Expenditures.</u>

This ratio is a measure of the County's ability to repay debt without hampering other County services. A smaller ratio indicates a lesser burden on the County Budget. Total Governmental Expenditures is defined as budgeted expenditures for the General and School Operating Funds, net of the Local Government Contribution to the School Operating Fund.



Note: Any long-term debt financing or lease obligations which may be subject to annual appropriation by the County or have the County's Moral Obligation pledge will also be included in the calculations of tax-supported debt and debt service in the above policies.

Compliance with the above debt policy ratios will be calculated each fiscal year in conjunction with the budget development process and provided to the Board with the proposed annual budget.

Tax-supported obligations are those that are expected to be repaid from the General Fund tax revenue of Nelson County. These include general obligation bonds (except fully or partially self-supporting bonds) and capital leases. General obligation bonds issued for self-supporting enterprise funds are not included in calculations of tax-supported bonds.

Policy 3: Tax-Supported Debt Service payments (principal and interest) in conjunction with payments related to pensions/OPEB/other contingent liabilities shall not exceed 17% of Total Governmental Expenditures.

This ratio captures a more expansive view of the County's liability profile by including other fixed payments/obligations related to pensions/OPEB/other contingent liabilities in the calculation of the ratio. Fixed Costs/Contingent Liabilities shall be defined as the County's actuarially required annual contribution on previously mentioned pensions/OPEB/other contingent liabilities.

The Fixed Costs Ratio provides an important indication of the annual financial burden associated with the County's debt, pensions, OPEB obligations and other miscellaneous long-term liabilities relative to its budget.

The ratio also provides by proxy the percentage of revenue that remains available for the County to provide core services after Fixed costs are paid. Higher Fixed Costs may indicate greater challenges meeting demand for services.

The above policies shall not include debt that is fully self-supporting from a user fee revenue stream (i.e. Business-type / Enterprise Fund indebtedness), although such debt will be taken into consideration in the evaluation of the County's overall debt burden. A user fee revenue stream is defined as a revenue stream that provides partial or full coverage of all debt service obligations with minimal or no general fund support (i.e., Business-type / Enterprise Funds, which have revenues derived from charges for services and used to support related debt).



7.08 Long Term Debt Policy

The County will use debt financing for capital projects and unusual equipment purchases under the following circumstances:

- A. When the project is included in the County's capital improvement program.
- B. When the project is not included in the County's Capital Improvement Program, but it is an emerging critical need whose timing was not anticipated in the Capital Improvement Program, or it is a project mandated immediately by state or federal requirements.
- C. When the project's useful life, or the projected service life of the equipment, will be equal to or exceed the term of the financing.
- D. When there are designated revenues sufficient to service the debt, whether from project revenues, other specified and reserved resources, or infrastructure cost sharing revenues.

The following criteria will be used to evaluate funding options for capital improvements:

- A. Factors that favor pay-as-you-go:
 - Current revenues and adequate fund balances are available.
 - Project phasing is feasible.
 - Debt levels would adversely affect the County's credit.
 - Financial market conditions are unstable or present difficulties in marketing the sale of long-term financing investments.
 - The percentage interest rate earned on invested funds is less than the percentage interest rate for the cost of borrowing.
- B. Factors that favor long-term financing:
 - Revenues available for debt service are considered sufficient and reliable so that longterm financing can be marketed with the highest possible credit rating.
 - The project for which financing is being considered is of the type that will allow the County to maintain the best possible credit based on industry standard best practices.
 - Market conditions present favorable interest rates and demand for municipal financings.
 - A project is mandated by state or federal requirements and current revenues and fund balances are insufficient to pay project costs.
 - A project is immediately required to meet or relieve capacity needs.
 - The percentage interest rate for the cost of borrowing is less than the percentage interest rate earned on invested funds.



There are many different types of long-term debt instruments available. Depending on the specific circumstances, the County will consider using the following types of financing instruments depending upon circumstances as evaluated by the County:

- A. General Obligation Bonds.
- B. Lease Revenue Bonds, or Subject-to-Appropriation (i.e. Moral Obligation) Bonds.
- C. Revenue Bonds.
- D. Selected State Pooled-Borrowing Programs for General and/or Utility Capital Needs, Including those of the Virginia Resources Authority.
- E. Loans or leases obtained directly from banks and/or leasing institutions.
- F. USDA Loans.

7.09 Bond Structure

The County shall establish all terms and conditions relating to the issuance of bonds, and will invest all bond proceeds pursuant to the terms of the bond. Unless otherwise authorized by the County, the following shall serve as bond requirements:

A. Term

All capital improvements financed through the issuance of debt will be financed for a period not to exceed the useful life of the improvements. It is the County's goal to issue bonds with a final maturity of no more than thirty (30) years. However, maturities longer than 30 years (e.g., USDA loans) may be issued at the County's discretion based on the nature and useful life of the asset being financed and budgetary cash flow considerations.

B. Capitalized Interest

From time to time, certain financings may require the use of capitalized interest from the issuance date until the County has beneficial use and/or occupancy of the financed project. Interest shall not be funded (capitalized) beyond three years or a shorter period if further restricted by law. Interest earnings may, at the County's discretion, be applied to extend the term of capitalized interest but in no event beyond the term allowed by law.

C. Debt Service Structure

Debt issuance shall be planned to achieve relatively equal payments of principal and interest (level debt service) while matching debt service to the useful life of facilities. The County shall avoid the use of bullet or balloon maturities except in those instances where these maturities serve to make existing overall debt service level. The County may elect a more rapid debt service structure, such as level principal payments, or less rapid wrapped debt service structures at its discretion and depending upon affordability.

D. Call Provision

In general, the County's debt will include an early redemption (or "call") feature, which is no later than 10 years from the date of delivery of the bonds. The County will avoid the sale of non-callable bonds absent careful, documented evaluation by the County in conjunction with its Financial Advisor with respect to the value of the call option.



E. Original Issue Discount

An original issue discount will be permitted if the County determines that such discount results in a lower true interest cost on the bonds and that the use of an original issue discount will not adversely affect the project funding.

F. Deep Discount Bonds

Deep discount bonds may provide a lower cost of borrowing in certain markets. The County will carefully consider their value and effect on any future refinancing as a result of the lower-than-market coupon associated with deep discount bonds.

G. Derivative and Swap Transactions

The County recognizes that derivatives and swap transactions are highly complex financial instruments. In general, the County should seek to fund its capital and other needs with more traditional financing vehicles such as those financing vehicles outlined under Section 7.08. In the event that there is a compelling reason to consider the use of a derivative or swap transaction, the County will work closely with its Financial Advisor to analyze the risks of such derivative or swap transaction. In addition, the County will obtain its Financial Advisor's written recommendation and rationale as to why the use of a derivative or swap transaction is the best funding strategy for the County. County Management and the Board will acknowledge its understanding of its Financial Advisor's written recommendation and the risks involved with entering into a derivative or swap structure transaction.

Prior to the use of a derivative or swap transaction, the County will adopt a comprehensive Derivative and Swap Management Plan that is consistent and does not conflict in principle with this governing policy.

7.10 Variable Rate

To maintain a predictable debt service burden, the County may give preference to debt that carries a fixed interest rate. The County, however, may consider variable rate debt. The percentage of variable rate debt outstanding (excluding debt which has been converted to synthetic fixed rate debt with a derivative or swap transaction) shall not exceed 75% of the County's combined Unassigned Fund Balance and Revenue Stabilization Fund Balance. The County may consider issuing variable rate debt to:

- A. Match Assets and Liabilities: By issuing variable rate debt the County matches variable interest rates to its short-term investment assets.
- B. Potentially Lower Debt Service Costs: Historically variable interest rates are less than fixed rate cost of capital.
- C. Add Flexibility and Diversity to the County's Debt Structure: Variable rate bonds are traditionally callable every 30 days and can generally be refunded on a fixed rate basis to take advantage of low fixed rates and open up variable rate capacity for higher rate environments.

In determining its use of variable rate debt, the County will utilize an analysis from the County's Financial Advisor evaluating and quantifying the risks and returns involved in the variable rate financing.



7.11 Refinancing Outstanding Debt

The County Administrator, with assistance from the County's Financial Advisor, will have the responsibility to analyze outstanding bond issues for refunding opportunities. The County will consider the following issues when analyzing possible refunding opportunities:

A. Refunding

The County establishes a minimum aggregate present value savings threshold of 3% of the refunded bond principal amount. The present value savings will be net of all costs related to the refinancing. Debt service savings may be taken in equal amounts over time or on an upfront or deferred basis, at the County's discretion. The County shall receive a written refunding analysis indicating the estimated amount of net present value savings from its Financial Advisor prior to selling bonds to refund any outstanding bonds.

B. Restructuring

The County will restructure debt when it is in the best financial interest of the County to do so. Such refunding will be limited to restructuring to meet unanticipated revenue expectations, achieve costs savings, mitigate irregular debt service payments, release reserve funds, remove unduly restrictive bond covenants, or to respond to a financial emergency. Refunding transactions for revenue bonds can be structured so that savings are realized over the life of the refunding bonds or up-front, depending on the results of a cost-benefit analysis.

C. Term of Refunding Issues

The County will refund bonds within the term of the originally issued debt. However, the County may consider maturity extension, when necessary to achieve a desired outcome, provided that such extension is legally permissible. The County may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.

D. Escrow Structuring

The County shall utilize the least costly securities available in structuring refunding escrows, which is typically provided by State and Local Government Series (SLGS) securities issued by the Federal Government. In the event that SLGS are not available, the County shall use the services of a bidding agent to obtain an escrow consisting of competitively obtained open market securities shall be used for escrows. A certificate will be provided by a third party provider stating that the open market securities were procured through an arms-length, competitive bid process, and that the price paid for the securities was reasonable within Federal guidelines. Under no circumstances shall an underwriter, bidding agent, or Financial Advisor sell escrow securities to the County from its own account.

E. Arbitrage

The County shall take all necessary steps to optimize escrows and to avoid negative arbitrage in its refunding. Any resulting positive arbitrage will be rebated as necessary according to Federal guidelines.



7.12 Methods of Issuance

The County shall comply with all requirements of the Public Finance Act as included in Title 15.2 of the Code of Virginia and other legal requirements regarding the issuance of bonds and certificates of the County or its debt issuing authorities.

The County shall comply with all U.S. Internal Revenue Service rules and regulations regarding issuance of tax exempt debt, including arbitrage rebate requirements for bonded indebtedness, and with all Securities and Exchange Commission requirements for continuing disclosure of the County's financial condition, and with all applicable Municipal Securities Rulemaking Board requirements.

The County will determine the method of issuance on a case-by-case basis in consultation with its Financial Advisor.

A. Competitive Sale

In a competitive sale, the County's bonds shall be awarded to the bidder providing the lowest true interest cost as long as the bid adheres to the requirements set forth in the official notice of sale.

B. Negotiated Sale

The County recognizes that some securities are best sold through negotiation. In its consideration of a negotiated sale, the County shall assess the following circumstances:

- Bonds issued as variable rate demand obligations.
- A structure which may require a strong pre-marketing effort such as a complex transaction or a "story" bond.
- Size or credit rating of the issue which may limit the number of potential bidders.
- Market volatility is such that the County would be better served by flexibility in timing a sale in a changing interest rate environment.

C. Direct Bank Loans

From time to time the County may elect to obtain Direct Bank Loans for its financing needs. Such Direct Bank Loans shall be considered if other methods are not viable or cost effective.

7.13 Bond Insurance

The County may purchase bond insurance when such purchase is deemed prudent and advantageous. Use of bond insurance shall be based on such insurance being less costly than the present value of the difference between the interest on insured bonds versus uninsured bonds.

In the case of a competitive sale, the County may permit bidders for its bonds to purchase bond insurance if such insurance will enhance the market reception and lower the interest rate on the County's bonds. The winning bidder in a competitive sale will bear any associated cost with such enhancement.

In the instance of a negotiated sale, the County may solicit quotes for bond insurance from interested providers. The County may select a provider whose bid is most cost effective and whose terms and conditions governing the guarantee are satisfactory to the County.



7.14 Debt Service Reserves

If necessary, the County may establish a reserve account funded from bond proceeds, subject to federal tax regulations and in accordance with the requirements of credit enhancement providers and/or rating agencies. The County may purchase reserve equivalents (i.e., a reserve fund surety or letter of credit) when such purchase is deemed prudent and advantageous. Such equivalents shall be evaluated in comparison to cash funding of reserves on a net present value basis.

7.15 Underwriter Selection

A. Senior Manager Selection

The County shall select a senior manager for any proposed negotiated sales. The selection criteria shall include but not be limited to the following:

- The firm's ability and experience in managing transactions similar to that contemplated by the County.
- Prior knowledge and experience with the County.
- The firm's ability and willingness to risk capital and demonstration of such risk and capital availability.
- Quality and experience of personnel assigned to the County's engagement financing plan presented.
- Underwriting fees.

B. Co-Manager Selection

Co-managers may be selected on the same basis as the senior manager. In addition to their qualifications, co-managers appointed to specific transactions will be a function of transaction size and the necessity to ensure maximum distribution of the County's bonds.

C. Selling Groups

The County may establish selling groups in certain transactions. To the extent that selling groups are used, the County Administrator at his or her discretion, may make appointments to selling groups from within the pool of underwriters or from outside the pool, as the transaction dictates.

D. Underwriter's Counsel

In any negotiated sale of County debt in which legal counsel is required to represent the underwriter, the appointment will be made by the Senior Manager.

E. Underwriter's Discount

The County Administrator, with assistance from the County's Financial Advisor, will evaluate the proposed underwriter's discount against comparable issues in the market. If there are multiple underwriters in the transaction, the County Administrator will determine the allocation of underwriting liability and management fees in consultation with the County's Financial Advisor.



The allocation of fees will be determined prior to the sale date; a cap on management fee, expenses, and underwriter's counsel will be established and communicated to all parties by the County Administrator. The senior manager shall submit an itemized list of expenses charged to members of the underwriting group. Any additional expenses must be substantiated.

F. Evaluation of Underwriter Performance

The County will evaluate each bond sale after completion to assess the following: costs of issuance including underwriters' compensation, pricing of the bonds in terms of the overall interest cost and on a maturity-by-maturity basis, and the distribution of bonds and sales credits.

7.16 Consultants

A. Financial Advisor

The County may select a Financial Advisor (or advisors) to assist in its debt issuance and debt administration processes. Selection of the County's Financial Advisor(s) shall be based on, but not limited to, the following criteria:

- Experience in providing consulting services to entities similar to the County. Knowledge and
 experience in all matters related to Public Finance, including, but not limited to, budgeting
 analysis and projections, debt management, debt structuring and issuance, credit rating
 services, financial modeling, and economic development project analysis, among others.
- Fees and expenses.
- Conflicts of Interest. The County requires that its consultants and advisors provide objective advice and analysis, maintain the confidentiality of County financial plans, and be free from any conflicts of interest.

B. Bond Counsel

County debt will include a written opinion by legal counsel affirming that the County is authorized to issue the proposed debt, that the County has met all legal requirements necessary for issuance, and a determination of the proposed debt's federal income tax status. The approving opinion and other documents relating to the issuance of debt will be prepared by counsel with extensive experience in public finance and tax issues. Bond Counsel will be selected by the County.

C. Disclosure by Financing Team Member

All financing team members will be required to provide full and complete disclosure, relative to agreements with other financing team members and outside parties. The extent of disclosure may vary depending on the nature of the transaction. However, in general terms, no agreements shall be permitted which could compromise the firm's ability to provide independent advice which is solely in the County's best interests or which could reasonably be perceived as a conflict of interest.

Nelson County, Virginia DRAFT Financial Policy Guidelines



7.17 County Financial Disclosure

The County is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, County departments, and the general public to share clear, comprehensive, and accurate financial information. The County is committed to meeting secondary market disclosure requirements on a timely and comprehensive basis through the Municipal Securities Rulemaking Board ("MSRB") Electronic Municipal Market Access ("EMMA") dataport, if applicable.

EMMA Procedures (if applicable): The County will undertake the following procedures to ensure prompt and timely submission of its continuing disclosure information if the County is required to do so in connection with a public offering of debt or obligation requiring disclosure through EMMA.

- 1) Email reminders are to be established and maintained through the EMMA dataport to automatically generate 30 days prior to the filing due date each year. These emails are scheduled to be delivered to the Finance Director ("Primary Contact"), and County Administrator ("Secondary Contact").
- 2) After the email reminders have been received by the individuals listed above, a new continuing disclosure submission is created by the Primary Contact. All information is then reviewed for accuracy by the Secondary Contacts and then submitted by Primary Contact on or before the required filing due date. If the required continuing disclosure information will not be ready prior to the required filing due date, then a notice of failure to file the continuing disclosure information will be filed that contains an estimated filing date for the required continuing disclosure information.
- 3) The County shall file any material event notices within 10 days of such event occurring. If the County is unsure of the materiality of an event, it shall be discussed with its Bond Counsel and/or Financial Advisor to confirm if such event should be filed.

The procedures listed above will continue annually, however the individuals listed may change.

Nelson County, Virginia DRAFT Financial Policy Guidelines



8.0 Financial Reporting and Accounting Standards

The County's financial statements will conform to generally accepted accounting principles (GAAP) as established by the Government Accounting Standards Board (GASB).

8.01 Accounting Records

The County will maintain an accounting system to allow for the accurate and timely preparation of financial statements.

8.02 Audit Requirements

An independent certified public accountant will perform an annual audit of the County's financial statements and present the results to the Board.

9.0 Economic Development

Prior to any formal or informal introduction of a potential Economic Development Project that may require the County's direct or indirect support, the County Administrator will be required to provide an independent assessment of the proposed Economic Development Project to the Board. In providing such independent assessment, the County Administrator may be assisted by the County's Financial Advisor and any other consultants that are deemed appropriate. Ample time shall be provided so that the independent assessment will include, at a minimum, the following:

- A. Identification of business risk/going concern risks of the business prospect;
- B. Construction costs, including contingencies, of the Proposed Project;
- C. The direct and/or indirect County commitment involved with the Proposed Project;
- D. Evaluation of inflationary impact, if any, related to the Proposed Project or County's commitment;
- E. Evaluation of any performance management contracts that may be entered into in conjunction with the Proposed Project;
- F. Identification of any potential contingent liabilities to the County that may result from the Proposed Project; and
- G. Identification of all annual revenues and expenses (e.g., incentives, maintenance, debt service, etc.) that would result from the Proposed Project. In addition, the independent assessment shall provide, if possible, an annual cash flow pro-forma analysis so as to determine the annual impact on the County's General Fund and/or other fund as applicable.

Finally, the independent assessment shall include a determination of the impact, if any, on the County's current and/or future debt capacity.

Disclaimer



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December 10, 2024 Nelson County, Virginia



November 7, 2024

Nelson County FFA 6919 Thomas Nelson Highway Lovingston, VA 22949 434-263-8317 cramsev@nelson.k 12.va.us

Dear Nelson County Board of Supervisors,

We hope this message finds you well. We are writing to share the exciting achievements of our livestock judging team at the recent Virginia State FFA Convention, where we placed 3rd overall. Placing third out of forty-one teams has earned us the opportunity to travel to Denver, Colorado, for the National Western Stock Show, where we will compete in the National Western Stock Show livestock judging contest on January 8-13, 2025. Last year, we placed 5th at the State Convention, which afforded us the chance to showcase our skills at the Big E in Massachusetts, where we placed third.

This season, our dedicated team has worked diligently, engaging in numerous practices to enhance our evaluation and public speaking skills for upcoming contests. Our team consists of four Nelson Senior FFA members: Campbell Bauserman, Jodie Saunders, Laney Harvey, and Eli Hatter. Each member brings a diverse background in the livestock industry and a passion for expanding our knowledge in the meat animal industry.

Through our training, we have learned to evaluate and rank individual animals within a group of four, identify their traits and qualities, and place them based on our evaluations according to industry standards. Additionally, we have developed skills in analyzing performance data across all four species of livestock. A key aspect of our training involves articulating our reasoning behind the placement decisions we make which increases critical thinking and public speaking skills.

In previous years, our livestock team has successfully fundraised to cover all expenses for our students. allowing them to participate without any personal financial burden and enabling them to create lasting memories together. This year has presented unique challenges with three out-of-state trips, including our participation in the Big E, National FFA Convention, and now the National Western. We estimate that this trip will cost approximately \$10,000.

We want to express our sincere appreciation for the support you provide to the Nelson County FFA program. Without your continued backing and financial support, many of our students would miss out on transformative opportunities like these. We look forward to our ongoing partnership in nurturing the next generation of agriculturalists. Thank you for your consideration of financial support to our team.

Sincerely,

Jodie Saunders

Livestock Judging Team Members

Campbell Bauserman

Cole Ramsey FFA Advisors

Laney Harvey

Margaret Seaman

From: Ramsey, Cole
To: Candy McGarry

Cc: Margaret Seaman; Amanda Spivey; David Parr

Subject: Re: Donation Request for the Board of Supervisors

Date: Thursday, November 7, 2024 9:28:48 PM

Attachments: NWSS Schedule.pdf



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender cramsey@nelson.k12.va.us

Happy to provide the information! My responses to the questions are in the black text below.

• the status and \$ amount of any other donations

As of right now we have raised approximately \$900 for the trip. We expect this number to be higher by December 10th. Fundraising for National FFA Convention and the Agricultural Mechanics Team's trip to the Big E took priority this fall, so we are now onto the next thing.

 fundraising efforts that have occurred or will occur and \$ amount raised and/or expected to be raised

As far as fundraising that has already occurred, members of the team have participated in Fruit and Apple Butter sales with a portion of that fundraiser going towards their trip. They have also begun a donation letter campaign from family friends and businesses in the community, we expect at least \$1000 from this effort. Our FFA Alumni is planning on helping with a raffle that will raise approximately \$2000. We plan on a Pork Barbeque fundraiser that is expected to raise around \$1000.

• \$ amount of funding provided by the School Board or Division

The school board office received their letter today as well. Historically the School Board has donated \$1000 for Nationally Competing teams. It could be more or less- I cannot speak for them at this time, but I will know more by December 10th.

school affiliated chaperones that these funds will cover

School affiliated chaperones will be Cole Ramsey and Margaret Seaman, both FFA Advisors for the high school FFA Chapter.

• a schedule of the event if that is available

I am attaching our tentative schedule for the trip. Details will be ironed out soon and I will be able to provide a more accurate schedule in December. Contest officials have been slow releasing some information. Basically the first half of the trip is devoted to the Livestock Judging contest and preparation. The second half of the trip is a livestock industry experience at the largest livestock industry event in the country. Students will attend sales, livestock expo, cattle shows, rodeos, pen and carload shows and more.

Let me know if you have further questions!

Cole Ramsey

On Thu, Nov 7, 2024 at 2:59 PM Candy McGarry < CMcGarry@nelsoncounty.org > wrote:

All is well thank you and I hope the same for you and your families! Congratulations on this exciting opportunity; I have copied the Board Chair on this communication and we will consult with him about including this request on the December 10th afternoon agenda. In the meantime, at your earliest convenience, please provide the following additional information:

- the status and \$ amount of any other donations
- fundraising efforts that have occurred or will occur and \$ amount raised and/or expected to be raised
- \$ amount of funding provided by the School Board or Division
- school affiliated chaperones that these funds will cover
- a schedule of the event if that is available

Thank you so much, we will follow back up with you to confirm your placement on the December 10th afternoon (2pm) agenda.

Best,

Candy

From: Ramsey, Cole [mailto:<u>cramsey@nelson.k12.va.us</u>]

Sent: Thursday, November 7, 2024 10:18 AM

To: Candy McGarry < CMcGarry@nelsoncounty.org; Margaret Seaman

<mseaman@nelson.k12.va.us>

Subject: Donation Request for the Board of Supervisors

Good Morning,

I hope all is well with you and your family! Historically the Board of Supervisors has sponsored Nelson FFA Teams competing at the National Level. This year our Livestock Judging Team will be competing at the National Western Stock Show in Denver. We are also excited that this year FFA members have been given permission to go before the board to seek the donation themselves.

Could you put us on the agenda for November or December meeting?

Thanks,

Cole Ramsey

Agricultural Education Instructor/FFA Advisor

Nelson County High School

(434)263-8317

Cole Ramsey Agricultural Education Instructor/FFA Advisor Nelson County High School (434)263-8317



Nelson County Planning & Zoning

Memo

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning DMB

Date: December 10, 2024

Re: Proposed Work Order Amendment: Zoning Text Amendment for Short Term

Rentals (Berkley Group)

At their meeting on October 23, 2024, the Planning Commission directed staff to contact the Berkley Group to draft a proposed work order amendment for the Zoning & Subdivision Ordinance updates, to address short term rental regulations first and concurrently. Berkley Group provided the attached scope of work, which provides for a memo highlighting best practices summaries and benchmark research findings from 2 localities, as well as draft text for the amendment with one round of revisions. Staff would facilitate any worksessions and the public hearings.

The Planning Commission reviewed this proposed work order amendment at their meeting on November 20, 2024. Staff was asked to communicate with the Berkley Group regarding the selection criteria for these benchmark localities, and asked for a revision to provide for at least 10 benchmark localities, as well as ensuring legal actionable strategies are generated as a result.

Staff is awaiting response from the Berkley Group on this inquiry, as well as if and how the proposed cost (currently \$1,773.20) might be affected. Staff is recommending that the Board of Supervisors defer their consideration of this work order amendment to the joint worksession that is scheduled for December 18, 2024 at 5:00 p.m.



November 14, 2024

Ms. Dylan Bishop Director, Planning & Zoning P.O. Box 558 Lovingston, VA 22949

RE: Comprehensive Plan Update and Recommendations for Zoning and Subdivision Ordinance Amendments RFP21-PZ01 Scope of Work Amendment 4: Zoning Text Amendment for Short-Term Rentals

Dear Ms. Bishop:

We are pleased to present this amendment to the Comprehensive Plan Update scope of work. This amendment will add an immediate zoning text amendment for short-term rentals.

Should you or your staff have any questions related to the amendment and associated fee, please let me know.

Sincerely,

Andrew D. Williams
Chief Executive Officer

I have reviewed the scope and fee for the associated work order and I hereby give the consultant notice to proceed for the work described herein.

Ms. Dylan Bishop, Director of Planning

Date

6

SCOPE OF WORK

Deliverables:

The Scope of Work will result in the following:

- 1. The County will receive a memo highlighting best practices summaries and benchmark research findings for short-term rentals.
- 2. The County will receive draft text for short-term rental use permissions and use standards. This will be submitted in digital (pdf) and word (.docx) format to the County.

Assumptions:

The specific tasks required as part of this scope of work are outlined at the bottom of page 1 and top of page 2 in Attachment A, <u>ZTA Fees.</u> The following assumptions shall apply:

- 1. **Project Management:** Berkley Group will correspond regularly with the County point of contact. Two (2) virtual project meetings with County staff will occur to develop an understanding of the need and concerns and then to review and edit the drafted text. If additional meetings are needed, they will be charged based on hourly rates for each staff member by position unless a work order amendment occurs.
- 2. **Memo:** Berkley Group will provide a memo highlighting best practices for short-term rentals and comparisons from up to two (2) benchmark localities. The memo is to serve as background information for the proposed zoning text.
- 3. **Zoning Text Amendment:** To the extent possible, the text amendment will follow the current Nelson County style and numbering system.
- 4. **Comments & Revisions:** One (1) round of revisions is anticipated with County staff. Revisions associated with additional meetings, work sessions, or public hearings will require a scope amendment and additional fee.
- 5. **Work Sessions & Public Hearings:** No Planning Commission and/or Board of Supervisor work sessions or hearings are scoped with this project. It is assumed that County staff will conduct any meetings and required hearings. Berkley Group assistance can be added for an additional fee.
- 6. **Graphics:** No illustrations relating to the ordinances are associated with this scope but can be added as an optional service.
- 7. **Optional Services:** Optional services may be added with written authorization from the locality and subject to the following assumptions:
 - **A. Illustrations:** Basic illustrations by Berkley Group would be integrated into the draft text.
 - B. Additional Work Session / Meeting / Public Hearing

Schedule:

Berkley Group proposes to perform the tasks included in this Work Order within 60 days of approval. This schedule is predicated on the assistance of County staff in providing timely documentation, guidance, and scheduling of necessary meetings.

If the work order is not signed and work commenced within 30 days, the proposed fee and schedule expires, and Berkley Group may propose a new fee and schedule.

Estimate



Date 11-14-2024

Project Nelson-PLAN-1A - Comprehensive Plan Update &

Recommendations for Zoning & Subdivision Ordinance Amendments - Amendment 3: Zoning & Subdivision

Ordinance Update

Client

Nelson

P.O. Box 558

Lovingston, VA 22949

Attn:

Project Totals

Task	Estimate	Previous	Grand Total
A1 - Project Management/Staff Input	\$0.00	\$6,400.00	\$6,400.00
A2 - Project Kickoff (Virtual)	\$0.00	\$760.00	\$760.00
A3 - Joint Kickoff & Land Use Diagnostic Presentation	\$0.00	\$3,000.00	\$3,000.00
A4 - Public Workshop (1)	\$0.00	\$3,400.00	\$3,400.00
A5 - Focus Group Listening Sessions (up to 4)	\$0.00	\$3,400.00	\$3,400.00
A6 - Engagement Summary	\$0.00	\$1,060.00	\$1,060.00
B01 - Joint Work Sessions (up to 6)	\$0.00	\$18,900.00	\$18,900.00
B02 - Ordinance Table of Contents & Crosswalk	\$0.00	\$4,880.00	\$4,880.00
B03 - Definitions	\$0.00	\$5,750.00	\$5,750.00
B04 - General, Administrative, Nonconformity	\$0.00	\$5,940.00	\$5,940.00
B05 - Permit & Application Provisions	\$0.00	\$7,160.00	\$7,160.00
B06 - District Standards	\$0.00	\$9,400.00	\$9,400.00
B07 - Overlay & Special Districts	\$0.00	\$7,750.00	\$7,750.00
B08 - Use Matrix	\$0.00	\$8,400.00	\$8,400.00
B09 - Use Performance Standards	\$0.00	\$7,750.00	\$7,750.00
B10 - Community Design Standards (Signs, Lighting, Landscaping, etc.)	\$0.00	\$8,760.00	\$8,760.00
B11 - Subdivisions	\$0.00	\$8,300.00	\$8,300.00
B12 - Formatting & Final Review	\$0.00	\$3,040.00	\$3,040.00
B13 - Changes Matrix & Contents Crosswalk Update	\$0.00	\$3,860.00	\$3,860.00
C1 - Open House (Public Draft Review) (up to 1)	\$0.00	\$4,150.00	\$4,150.00
C2 - Pre-Adoption Joint Work Session (Up to 1)	\$0.00	\$3,500.00	\$3,500.00
C3 - Incorporate Final Revisions	\$0.00	\$3,040.00	\$3,040.00
C4 - PC & Board of Supervisors Public Hearings	\$0.00	\$6,000.00	\$6,000.00
C5 - Post-Adoption Deliverables	\$0.00	\$2,120.00	\$2,120.00
D03 - Additional Public Outreach Meeting	\$0.00	\$3,400.00	\$3,400.00
D07 - Website Hosting (with Comp Plan)	\$0.00	\$2,500.00	\$2,500.00
D10 - ZTA Project Management	\$495.00	\$0.00	\$495.00
D11 - Memo - STR best practice	\$480.00	\$0.00	\$480.00

Estimate



Task	Estimate	Previous	Grand Total
D12 - ZTA STR Text	\$730.00	\$0.00	\$730.00
Labor Subtotal	\$1,705.00	\$142,620.00	\$144,325.00
Direct Expenses	\$68.20	\$6,836.00	\$6,904.20
Total	\$1,773.20	\$149,456.00	\$151,229.20
		Labor Total	\$1,705.00
	Direct E	xpenses Total	\$68.20
	7	otal Estimate	\$1,773.20
	Previous Co	ntract Amount	\$149,456.00
	Grand	Total Budget	\$151,229.20



BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

ERNIE Q. REED Central District

JESSE N. RUTHERFORD East District

J. DAVID PARR West District

DR. JESSICA LIGON South District



CANDICE W. MCGARRY County Administrator

AMANDA B. SPIVEY Administrative Assistant/ Deputy Clerk

LINDA K. STATON Director of Finance and Human Resources

RESOLUTION R2024-82 NELSON COUNTY BOARD OF SUPERVISORS AUTHORIZATION FOR PUBLIC HEARING AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA CHAPTER 7, MOTOR VEHICLES AND TRAFFIC

BE IT RESOLVED, that pursuant to §15.2-1427 and §15.2-2204, of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **January 14, 2025 at 7:00 PM** in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to include language to authorize Nelson County as allowed by §46.2-1300 to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour.

Approved:	Attest:		,Clerk
		Nelson County Board	d of Supervisors

BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

ERNIE Q. REED Central District

JESSE N. RUTHERFORD East District

J. DAVID PARR West District

DR. JESSICA LIGON South District



CANDICE W. MCGARRY County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

DRAFT ORDINANCE

NELSON COUNTY BOARD OF SUPERVISORS AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA CHAPTER 7, MOTOR VEHICLES AND TRAFFIC ARTICLE IX, LOCAL AUTHORITY TO REDUCE SPEED LIMITS

WHEREAS, the governing bodies of counties are authorized by Virginia Code Section 46.2-1300 to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs. At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this subdivision, the governing body shall provide written notice of the change to the Commissioner of Highways.

WHEREAS, it is the sense of this Board that an ordinance should be enacted authorizing the County Administrator to exercise the authority above-described after receiving consent of the Board following a public hearing.

NOW, THEREFORE BE IT ORDAINED that the following ordinance be enacted:

New

Article IX. – LOCAL AUTHORITY TO REDUCE SPEED LIMITS

Sec. 7-149. Provisions.

Following public hearing and consent by resolution of the Board of Supervisors, the County Administrator is authorized to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within the County that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs.

Sec. 7-150. Notice to Commissioner of Highways.

At 1	least	30 days	prio	r to cha	nging	a speed	limit	on any	highway	in the	state	e hi	ghway	sys	tem
pursuant to	this	section,	the	County	Admii	nistrator	shall	provid	e written	notice	of t	he	change	to	the
Commission	ner of	f Highwa	ys.												

BE IT FURTHER ORDAINE	D that this ordinance	e shall be effective upon enactm	ent.
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Adopted:	Attest:		, Clerk
•	_	Nelson County Box	ard of Supervisors

Local Authority to Reduce 25 MPH Speed Limits in Business or Resident Districts

VIRGINIA STATE CODE §46.2-1300 A (4)

Provisions of Virginia State Code §46.2-1300 A (4)

- **❖** Governing body of any county, city, or town may (1) by ordinance or may (2) by ordinance authorize its chief administrative officer to :
 - Reduce the speed limit to either 15 MPH or 20 MPH on any highway within its boundaries that is located within a <u>business district</u> or <u>residence district</u> where the posted speed limit is 25 MPH, and
 - Restore a speed limit that has been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, and
 - Provided that such reduced or restored speed limit is indicated by lawfully placed signs, and
 - Written notice of the speed limit change must be provided to the Commissioner of Highways at least 30 days prior to changing the speed limit.

Definition of Business & Resident Districts Per State Code §46.2-100

- ❖ <u>Business District</u>: the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.
- *Resident District: the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

Code of Virginia
Title 46.2. Motor Vehicles
Subtitle III. Operation
Chapter 13. Powers of Local Governments

§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties

A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

- 1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and provided such speed area or zone is clearly indicated by markers or signs;
- 2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed 60 days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;
- 3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or more of the intersecting streets has been designated as a part of the primary state highway system in a town that has a population of less than 3,500;
- 4. Reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs. At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this subdivision, the governing body shall provide written notice of the change to the Commissioner of Highways. If any provision of this subdivision is inconsistent with the provisions of § 33.2-310, 33.2-317, 33.2-326, or 46.2-878, this subdivision shall be controlling.
- B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.
- C. No governing body of a county, city, or town may (i) provide penalties for violating a provision of an ordinance adopted pursuant to this section that is greater than the penalty imposed for a similar offense under the provisions of this title or (ii) provide that a violation of a provision of an ordinance adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or arrest is prohibited for a similar offense under the provisions of this title.

1

12/4/2024 12:00:00

- D. No county whose roads are under the jurisdiction of the Department of Transportation shall designate, in terms of distance from a school, the placement of flashing warning lights unless the authority to do so has been expressly delegated to such county by the Department of Transportation, in its discretion.
- E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance relating to the ownership or maintenance of a motor vehicle unless such violation is a jailable offense. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

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Code 1950, §§ 46-198, 46-200; 1956, c. 134; 1958, c. 541, § 46.1-180; 1960, c. 172; 1972, c. 522; 1984, c. 345; 1989, c. 727; 2020, Sp. Sess. I, cc. 45, 51;2021, Sp. Sess. I, c. 318;2024, c. 842.
```

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

2

12/4/2024 12:00:00



BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

ERNIE Q. REED Central District

JESSE N. RUTHERFORD East District

J. DAVID PARR West District

DR. JESSICA LIGON South District



CANDICE W. MCGARRY County Administrator

AMANDA B. SPIVEY Administrative Assistant/ Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

RESOLUTION R2024-83 NELSON COUNTY BOARD OF SUPERVISORS AUTHORIZATION FOR PUBLIC HEARING PROPOSED WINTERGREEN MASTER PLAN AMENDMENT FOR CONSERVATION EASEMENT

BE IT RESOLVED, that pursuant to §15.2-2204, of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors authorizes a public hearing to be held on **December 18, 2024 at 5:00 PM** in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on a request for County approval to amend a portion of Wintergreen's Master Plan. The subject property is located at Tax Map Parcel #11-A-2G and is currently designated for residential development (Grassy Ridge I and II). The owner is proposing to place a portion (355.451 acres) of the property into an open space conservation easement. The subject properties are owned by Wintergreen Partners, Inc. a Virginia Corporation.

Approved:	Attest:	,Clerk
	Nelson County Boar	d of Supervisors

Nelson County Planning & Zoning

Memo

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning DMB

Date: December 10, 2024

Re: Request for Amendment to Wintergreen Master Plan

The Planning & Zoning Department received a request from Taylor Cole with Conservation Partners in Lexington, VA on November 1, 2024, to amend the Wintergreen Master Plan to allow for a conservation easement on a portion of property located in Wintergreen. The properties are currently designated for residential and mixed use development as *Grassy Ridge 1 & 2*. Virginia Code 15.2-2204 requires that the governing body advertise for adoption of any plan, ordinance or amendment thereof. WPOA Executive Director Jay Roberts indicated that the WPOA would not approve all of Grassy Ridge being in a conservation easement, and is requiring that a portion of approximately 40 acres be held for future development.

The public hearing for this request is scheduled for December 18, 2024 at 5:00 p.m. in the General District Courtroom.

Property Information:

Tax Map Number: 11-A-2G (portion)
Owner: Wintergreen Partners, LLC

Acreage of Proposed Conservation Easement: 355.451

Attachments:

Letter from Taylor Cole
Associated Maps and Plats
GIS Aerial of Area to Remain for Development
Wintergreen Master Plan



Taylor Cole Request Letter

From Dylan Bishop dbishop@nelsoncounty.org

Date Thu 12/5/2024 1:27 PM

To Dylan Bishop <dbishop@nelsoncounty.org>

From: Taylor Cole

Sent: Friday, November 1, 2024 1:44 PM

To: 'Dbishop@nelsoncounty.org' < Dbishop@nelsoncounty.org>

Subject: FW: Letter to Nelson County and the WPOA

Good morning Ms. Bishop!

My name is Taylor Cole and I am with Conservation Partners in Lexington Virginia. Conservation Partners works with landowners throughout the Commonwealth of Virginia helping them protect their farms and other open space lands for the future. As outlined below, I have two requests of Nelson County, and by extension, the Wintergreen Property Owners Association (WPOA).

Request #1 Approval of a Conservation Easement Donation

You may be aware that the owners of two Nelson County tracts near Wintergreen are proposing to donate an open space conservation easement on these properties. The properties are designated on the attached map as Grassy Ridge 1&2 and in the county records as portions of tax map number 11-A-2.

The goal of the conservation easement on Grassy Ridge is to protect the natural character of the property for the appreciation and enjoyment of future generations of Nelson County and Wintergreen residents. In addition to restrictions intended to protect the extraordinary conservation values of the property, the rights retained are particularly restrictive and include only one permitted division and only one building envelope encompassing two residential structures. We will forward the draft deed of conservation easement outlining the terms as soon as it is available.

To comply with federal and state law for charitable conservation easement donations, Nelson County has frequently been asked to approve easements on properties throughout the county. Meeting this requirement is particularly important when, as is the case here, those properties have been previously designated as potential residential developments. To meet the locality approval requirement, the owners of Grassy Ridge are requesting that the county approve the proposed conservation easement. As the easement will be held by the Land Trust of Virginia, the county's approval would be indicated in a letter to the following:

Ashton Cole, Executive Director Land Trust of Virginia 119 The Plains Road, Suite 200 Middleburg, VA 20117

Ashton can be reached at <u>ashton@landtrustva.org</u>, 540-907-8204

With copies to:

Taylor M. Cole, Conservation Partners P.O. Box 152 Lexington, VA 24450

Since Nelson County and the Wintergreen Property Owners Association have joint planning jurisdiction over the Grassy Ridge property, we are also requesting that the WPOA approve the conservation easement. Jay Roberts, Executive Director of the WPOA, has suggested that the Nelson County letter approving the easement also include reference to the WPOA's planning jurisdiction over the Grassy Ridge property and be signed by the WPOA indicating their approval. I believe you have Mr. Roberts' contact information.

Request # 2 Approval of Residential Development to be Subsequently Restricted by the Conservation Easement

As evidenced in the attached maps, the development potential of the Grassy Ridge tracts has been recognized since the earliest days of the Wintergreen project. With the proposed conservation easement designed to protect the natural character of the property, there will be no development beyond the very limited building allowance mentioned above. As the value of the conservation easement is be treated as a charitable donation, the restrictions on subdivision development must be addressed in the donation appraisal. Therefore, we are requesting that the county and the WPOA provide a letter indicating their approval of the attached subdivision plan. The letter should be addressed to the owners as provided below:

Wintergreen Partners, Inc. 302 S. Jefferson Street Roanoke, Virginia 24011

With Copies to:

Weasley Woods, MAI Myers and Woods Appraisal Group 3700 S. Amherst Hwy Madison Heights, VA 24572

Wesley can be reached at wesley@myersandwoods.com, 434-841-0414

Taylor M. Cole, Conservation Partners P.O. Box 152 Lexington, VA 24450

Attached to this email are the maps, surveys, and development plan for the Grassy Ridge properties near Wintergreen. Included are the following:

- GIS aerial and topo maps
- The original Wintergreen development plat from 1975
- The proposed plan Grassy Ridge parcels 1 & 2
- Plat indicating approximate locations of buildings permitted in the conservation easement

I very much appreciate your expedited attention to these requests as we are trying to accomplish recordation of the Deed of Gift as quickly as possible, and hopefully during the month of November so that the other required tasks associated with the donation can be accomplished by year end. With that compressed timeline in mind, please do not hesitate to call on me for any additional information you might need or for answers to any questions that may arise.

Thank you!

Taylor

Taylor M. Cole Cell: 540-292-1492 Office: 540-464-1899

tcole@conservationpartnersllc.com www.conservationpartnersllc.com

or for conservation ideas: www.scotthollowfarm.com



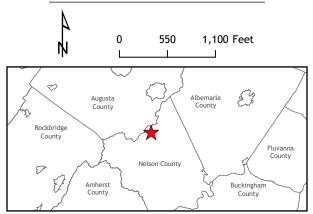
Neither Taylor M. Cole nor Conservation Partners can provide legal or tax advice, and nothing herein should be considered professional advice of any sort. This email may contain confidential or privileged information. If you are not the intended recipient, please notify the sender and erase this email.

Aerial Map

Grassy Ridge Properties I & II
Tax Map No. 11-A-2G (portion)
369.27 acres (GIS)
Nelson County

Legend

- Property Boundary
- Crawford's Knob State Natural
 Area Preserve
- Roads
- Hydrology

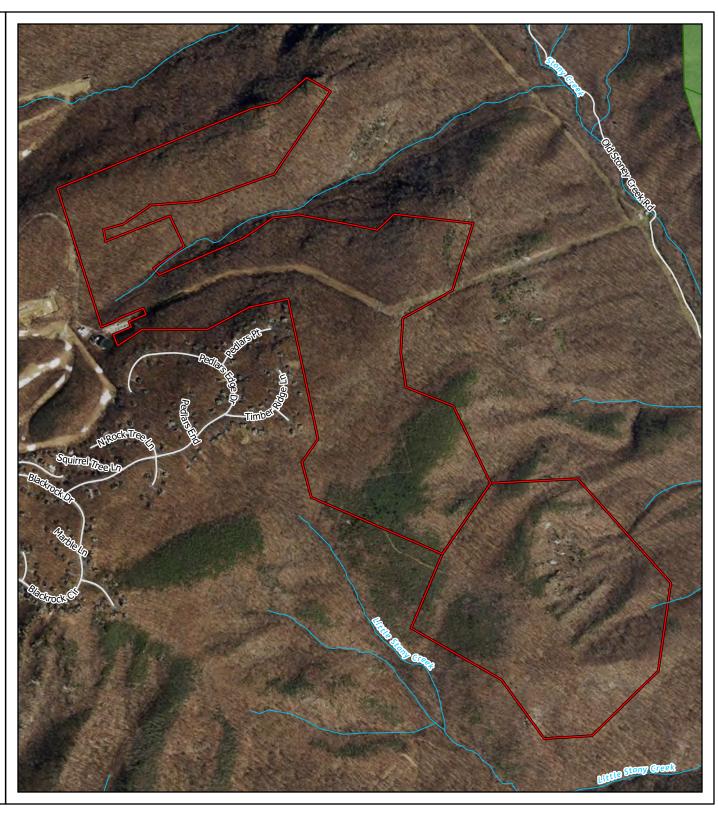


Data sources: VGIN (parcel(s), roads), USGS NHD (hydrology), VA DCR - Natural Heritage (conserved lands). Aerial imagery dated 2022, from VGIN VBMP, copyright Commonwealth of Virginia.

Map prepared by Conservation Partners on 10/28/2024.

This data information and related graphics are for preliminary illustrative purposes only. Any property boundaries or other delineations are approximate. This is not a legal document and is not intended to be used as such. This map is for informational purposes only, and it is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use.





Topographic Map

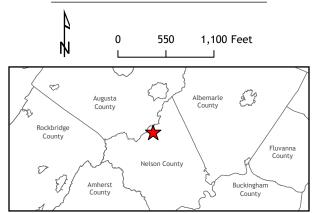
Grassy Ridge Properties I & II
Tax Map No. 11-A-2G (portion)
369.27 acres (GIS)
Nelson County

Legend

Property Boundary

Crawford's Knob State
Natural Area Preserve

--- Roads

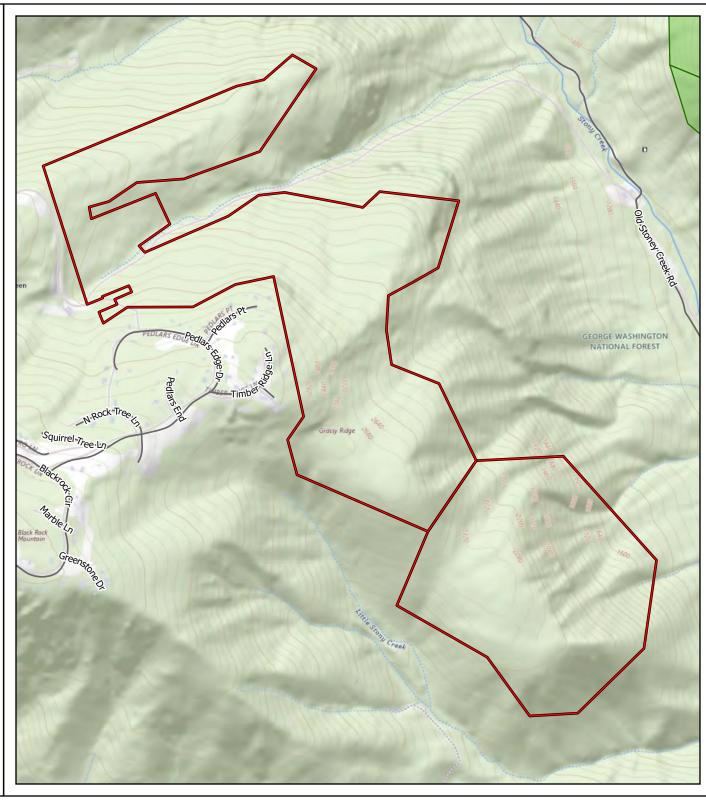


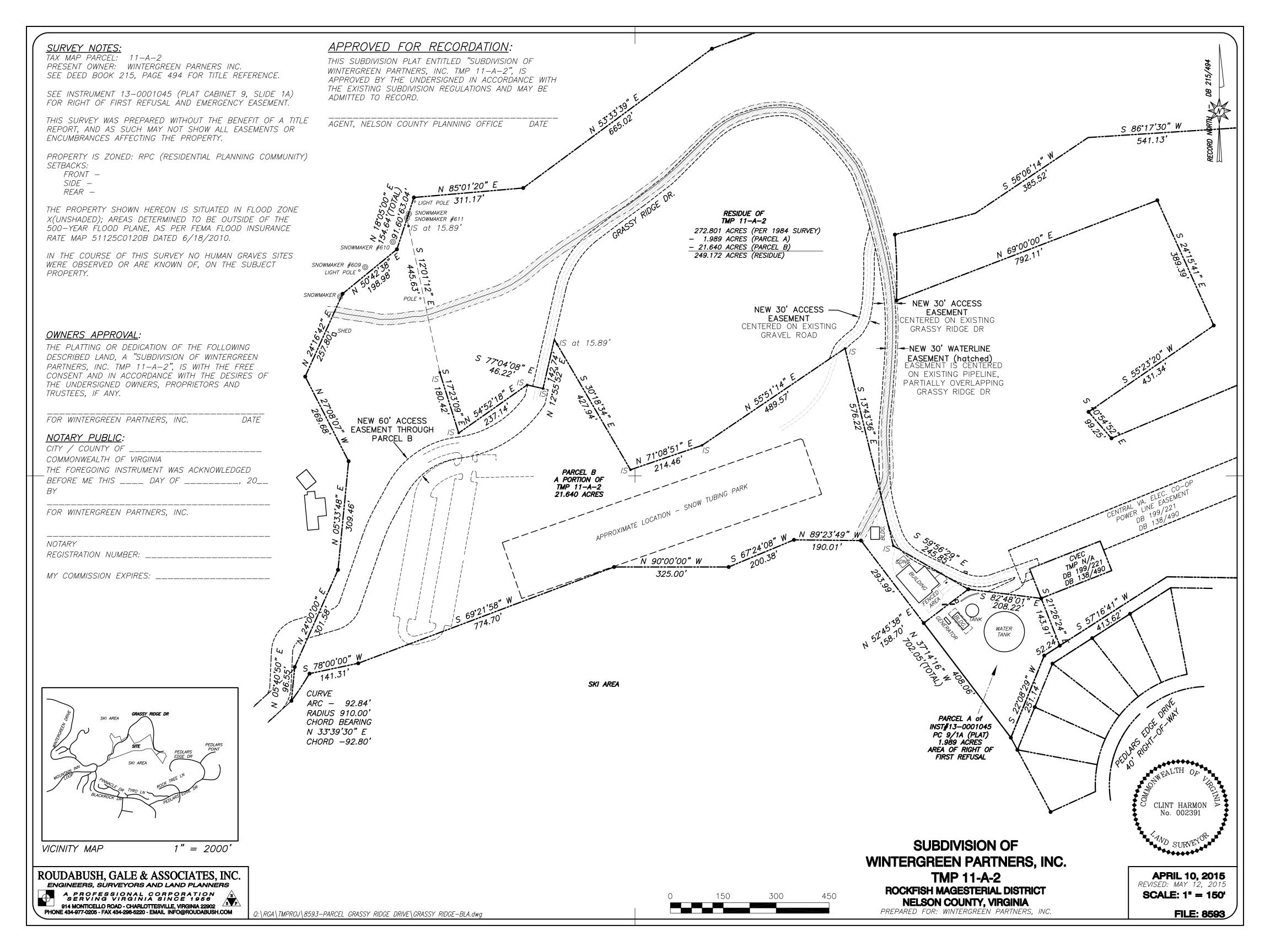
Data sources: VGIN (parcel(s), roads), VA DCR - Natural Heritage (conserved lands). USGS quadrangle(s): Sherando.

Map prepared by Conservation Partners on 10/28/2024.

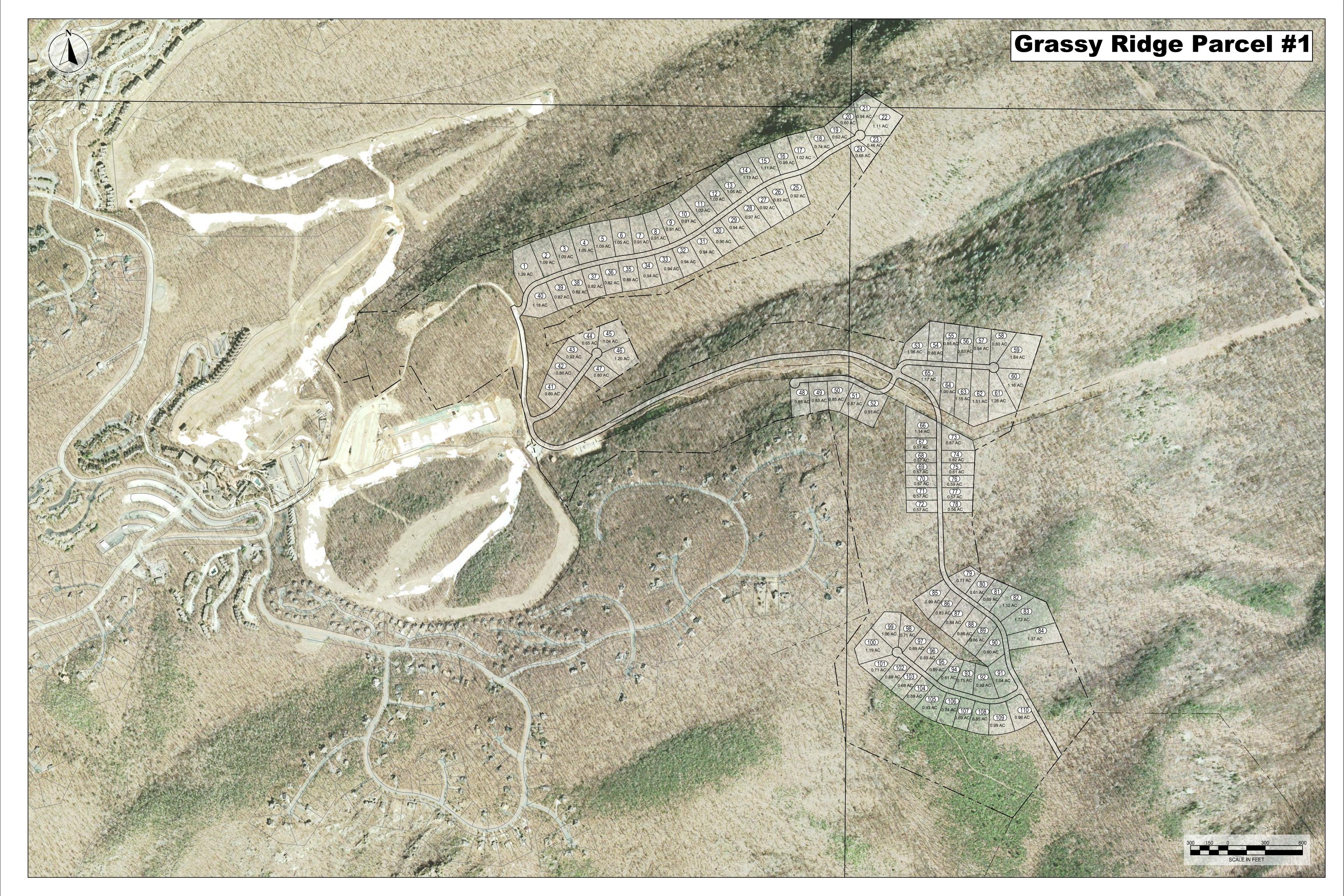
This data information and related graphics are for preliminary illustrative purposes only. Any property boundaries or other delineations are approximate. This is not a legal document and is not intended to be used as such. This map is for informational purposes only, and it is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use.

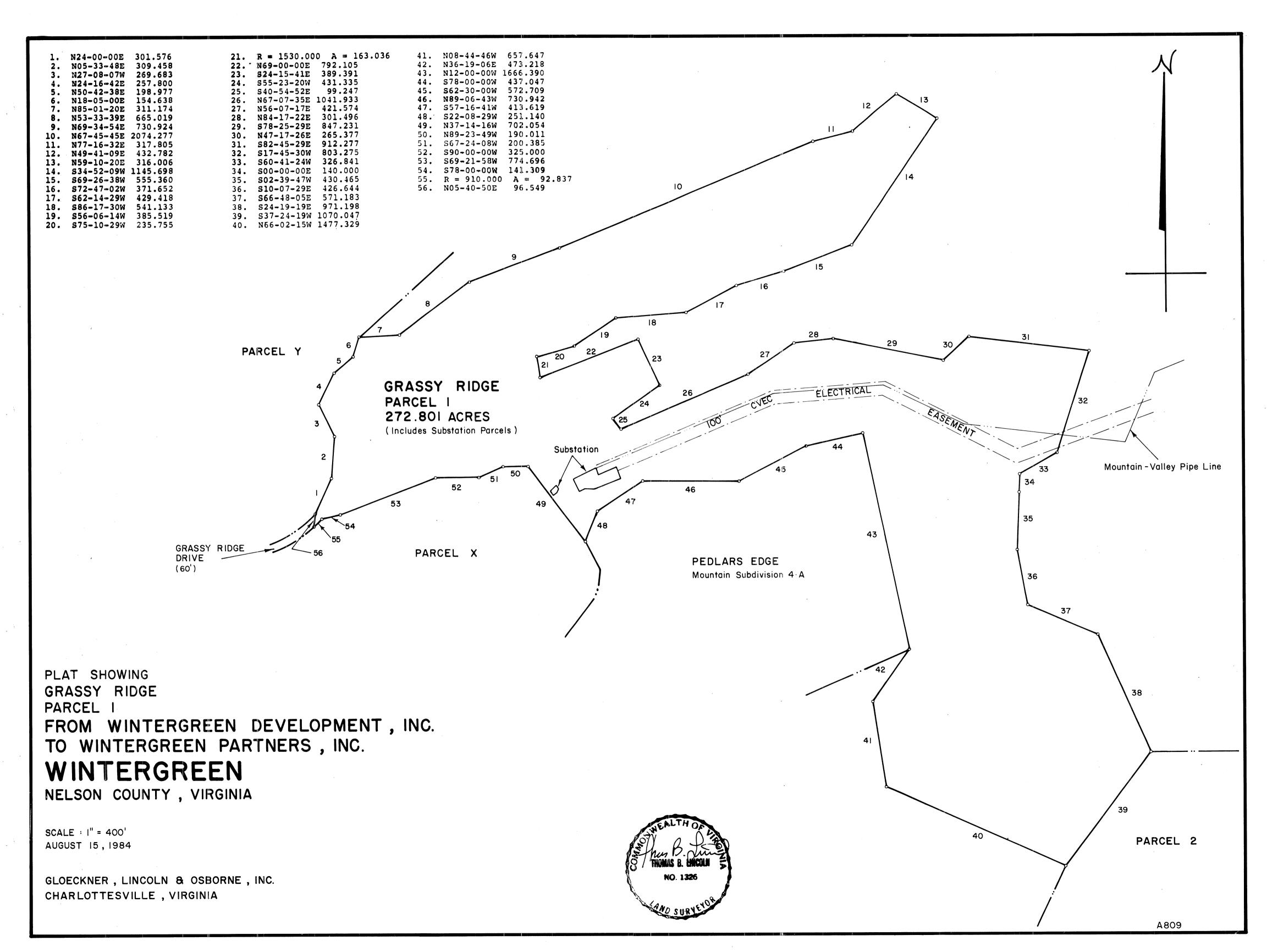




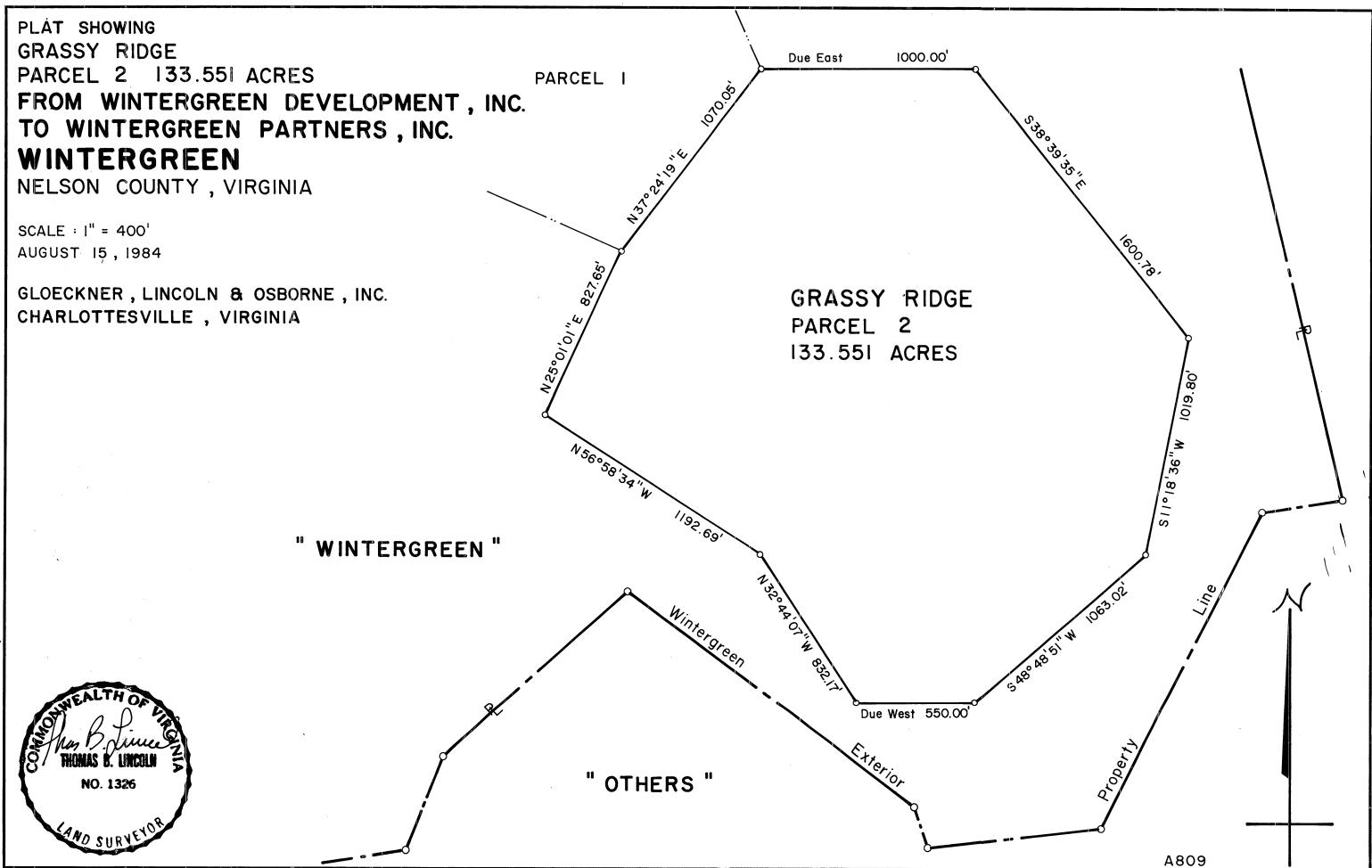






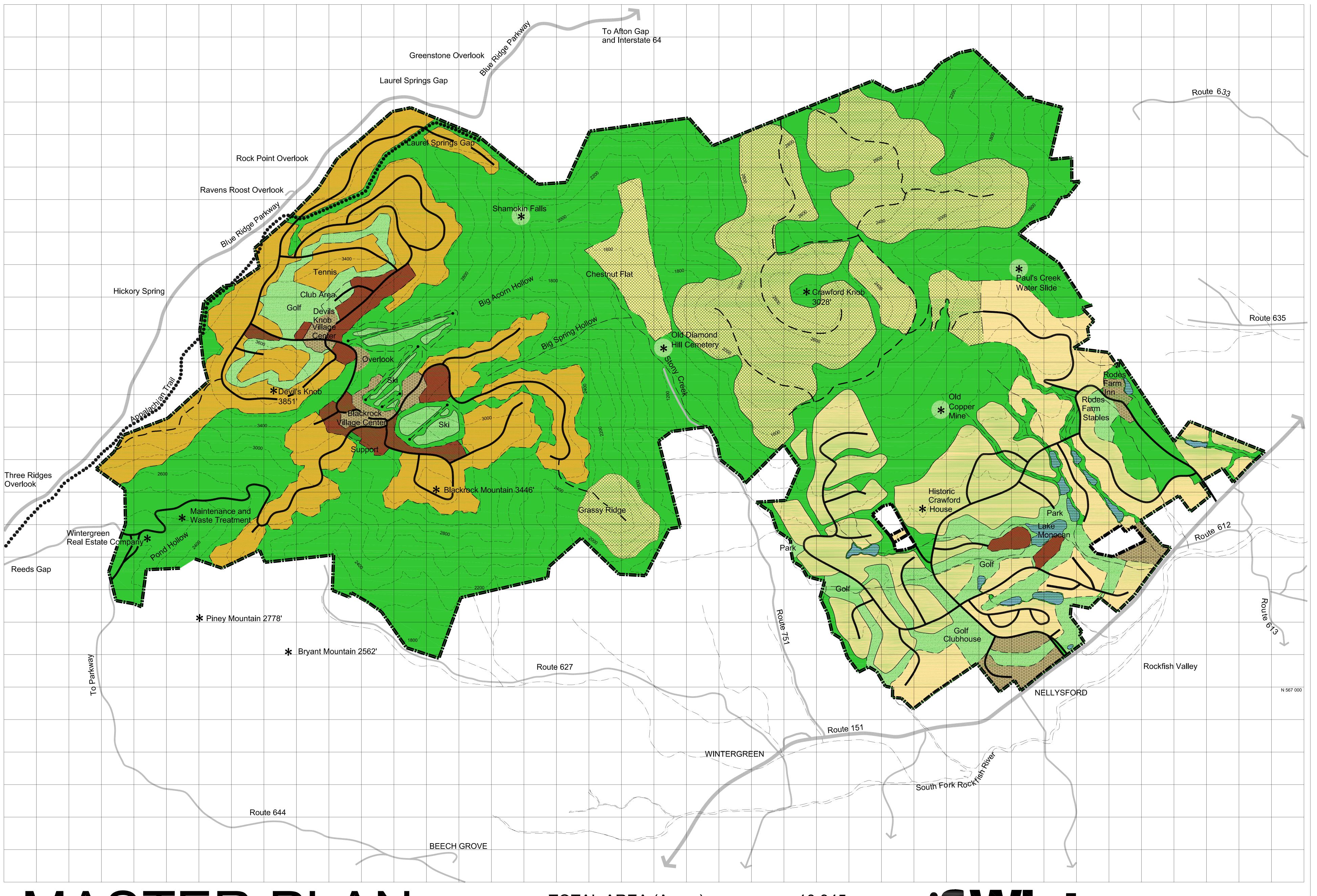








0.05 0.1 0.19 km



MASTER PLAN

DESCRIPTION	MOUI	V NIATV	'ILLAGE	VAL	LEY VIL	LAGE	WILDE	RNESS	AREAS		TOTAL	
	Acres	Units	Density	Acres	Units	Density	Acres	Units	Density	Acres	Units	Density
MU - Multiple Use												
Village Center (mixed use)	67	710		99	360	3.64				166	1070	
Recreation	400			238						638		
Lakes				75						75		
Undeveloped Open Space							5400			5400		
SR - Single Family Residential												
Wilderness Parcels							1450	200	.14	1450	200	.14
Valley Village Lots				1744	817	.47				1744	817	.47
Mountain Village Lots	1325	1714	1.29							1325	1714	1.29
MR - Multiple Family Residential												
Condominiums & Clusters	120	961	8.01	27	58	2.15				147	1019	6.93
TOTAL	1912	3385		2183	1235		6850	200		10945	4820	.44

TOTAL AREA (Acres) = 10,945 TOTAL DWELLING UNITS = 4,820 GROSS DENSITY (D.U./Acre) = .44

LEGEND

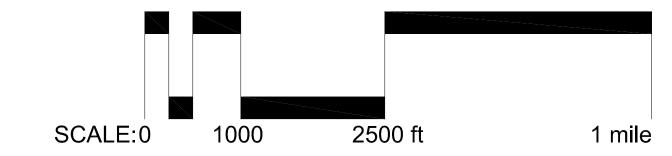
- * Points of Interest
- Property Line
- Roads
- > Jeep Trails
- **** Appalachian Trail
- Ski Lifts

es Wintergreen

Developer: High Country Associates, LLC

Revised April, 2004 Revised September, 2005







(1) New Vacancies/Expiring Seats & New Applicants :									
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant(s)				
JABA Council on Aging	12/31/2024	2 Year Term/No limits	Mary S. Cunningham	N	Advertising				
(2) Existing Vacancies:									
Board/Commission	Term Expired								
Thomas Jefferson Area Community Criminal Justice Board	6/30/2026	3 Year Term/2 Term Limit	Edith Napier	N - Resigned	Pending				

THOMAS JEFFERSON AREA COMMUNITY CRIMINAL JUSTICE BOARD

NAME, ADDRESS & PHONE TERM

Governing Body Representative Annually Appointed

Daniel Rutherford January 2024 – December 31, 2024

84 Courthouse Square/P.O. Box 447

Lovingston, VA 22949 PH: (434) 263-7010

drutherford@nelsoncounty.org

<u>Citizen Representative</u> 3 Years, 2 Consecutive Term Limit

Edith Napier July 1, 2023 – June 30, 2026 (**Term 1**)

43 Napier Loop Arrington, VA 22922 PH: (434) 996-9403 3424dw@gmail.com

Authority: Established by the Code of Virginia §53.1-180 et seq. & §19.2-152 et seq.

Membership: Local membership is one (1) Governing Body Representative and one (1)

Citizen Representative. Members serve on a volunteer basis.

Term(s) of Office: The Governing Body representative is annually appointed at the BOS annual

organizational meeting; the Citizen Representative Term is 3 years with a 2 consecutive term limit unless no other person meets the criteria for the

position.

Summary of Duties: To enable participating localities to work together to develop community-

based pretrial court services and post conviction alternatives to incarceration

for misdemeanants and certain non-violent felons.

Meetings: Meetings are held 4 times a year usually on the second Wednesday (January,

April, July and October) at 4:00 PM at the Albemarle County Office Building. Thomas Jefferson Area Community Criminal Justice Board, Thomas Jefferson Area Crisis Intervention Team (CIT), 1600 5th Street Ext, Room B, Charlottesville, VA 22902, Office: (434) 296 - 2441 Ext: 117, FAX: (434) 979 – 4038. Contact: Matt Vitale mvitale@oar-jacc.org

JEFFERSON AREA BOARD FOR AGING ADVISORY COUNCIL

2 Members

<u>Term</u>

Carl Stellwag 411 Perry Lane Faber, VA 22938 C (703) 344-4267 carlstellwag@gmail.com January 1, 2024 - December 31, 2025

Mary S. Cunningham 171 Joshua Lane Afton, VA 22920 H (540) 456-8316 C (434) 882-1587 mscsherpa@gmail.com January 1, 2023 - December 31, 2024

<u>Term(s) of Office</u>: 2 years: January 1st to December 31st

Summary of Duties: Responsible for developing a comprehensive and coordinated system for

services for all persons 60 and over. Acts as an advocate for seniors' interests and as a resource for agencies, organizations and individuals. Provides information referral/tracking service and transportation to

improve links between older persons and existing service.

Meetings: Meets the first Thursday of each month at Noon at JABA 674 Hillsdale

Drive, Charlottesville. Members serve on a volunteer basis. Contact:

Marta Keene CEO. mkeene@jabacares.org, ph 434-817-5238

Closed Session Form Motion

1. Motion to Convene in Closed Session

FORM MOTION FOR CONVENING CLOSED MEETING

"I move that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711-

(A)(8) - "Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter." - Region 2000 Services Authority

- 2. Conduct Closed Session
- 3. Motion to Reconvene in Public Session
- 4. Motion to Certify Closed Session

CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC SESSION:

(Requires recorded roll call vote)

"I move, pursuant to the requirements of Chapter 37, Virginia Freedom of Information Act and Section 2.2-3712 of the Code of Virginia, that the Nelson County Board of Supervisors certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body."

LEGAL NOTICE NOTICE OF PUBLIC HEARING NELSON COUNTY BOARD OF SUPERVISORS

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-2204, §15.2-2285, §15.2-2310, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at 7:00 p.m., Tuesday, December 10, 2024 in the General District Courtroom on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston.

Public Hearing(s):

1. Special Use Permit #24-0014 – Large Solar Energy System

Consideration of a Special Use Permit application requesting County approval to allow a Large Solar Energy System on two adjacent properties zoned A-1 Agricultural. The applicant is Wild Rose Solar Project, LLC, a subsidiary of Savion, LLC. The two (2) subject parcels included in this Special Use Permit application total 4646.8 acres. The Project is sited on a portion of the subject parcels that totals approximately 2470 acres ("Project Limits"). Within the Project Limits, the footprint of the proposed infrastructure or "Project Footprint" will cover approximately 550 acres. The subject properties are located at Tax Map Parcels #97-1-9 (4599.4 acres owned by Weyerhaeuser Company) and #97-A-29 (47.4 acres owned by Joe & Bobby Hickey) in the Gladstone area. The public hearing for Special Use Permit #24-0014 will take place concurrently with the public hearing for the proposed siting agreement.

2. Proposed Siting Agreement - Large Solar Energy System

Consideration of a Proposed Siting Agreement between Wild Rose Solar Project, LLC and Nelson County, Virginia, pursuant to §15.2-2316.8 in connection with a solar facility proposed by Wild Rose Solar Project, LLC to be constructed on the following Tax Map Parcels #97-1-9 (4599.4 acres owned by Weyerhaeuser Company) and #97-A-29 (47.4 acres owned by Joe & Bobby Hickey) in the Gladstone area.

Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovingston, Virginia, Monday through Friday, 8:00 a.m. to 4:00 p.m., or the Office of the County Administrator, 84 Courthouse Square, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS

Nelson County Planning & Zoning

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning DMB

Date: December 10, 2024

Re: SUP #24-0014 – Wild Rose Solar Project, LLC – Gladstone

BACKGROUND: This is a request for a special use permit for a large solar energy system on property zoned A-1 Agriculture.

Public Hearings Scheduled: PC - June 26; BOS - December 10

Location / Election District. Gladstone / South District

Owners / Tax Map Numbers / Acreage:

Weyerhaeuser Company	4646.8 acres	#97-1-9
Joe & Bobby Hickey	47.4 acres	#97-A-29
Total of Subject Parcels	4694.2 acres	
Area Under Site Control	2470 acres	
Construction Area	550 acres	
Area Under Panels	470 acres	

Applicant Contact Information: Wild Rose Solar Project, LLC, a subsidiary of Savion, LLC

Attn: Jeannine Johnson

422 Admiral Blvd, Kansas City, MO 64106

(816) 421-9599

jjohnson@savionenergy.com

Comments: This request is Nelson County's first application for a large solar energy system, governed by Article 22A of the Zoning Ordinance and defined as, "an energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one (1) acre or more of total land area. Also known as solar energy arrays or solar energy farms."

The applicant is proposing to install a 90 megawatt (utility scale) solar energy farm on land in active timber use. The remaining land is planned to remain in silvicultural use during the life of the project, which is proposed at a length of 35-40 years. The electricity generated by the panels is sent to inverters, which converts it to a current where collection lines can then transfer it to the project substation. From there, it is transferred by overhead transmission line to the Gladstone substation, then fed into AEP's power grid for distribution. The application indicates that above ground lines are necessary for connection into the power grid.

The applicants facilitated public outreach, including two meetings at the Nelson Heritage Center (one for property owners adjacent to the project boundaries, and one for those within a one-mile radius). The County then hosted the applicant for a Community Open House at the Gladstone Fire Department where mailers were sent out to almost 300 residents. The applicant has also presented the proposed project to both the Planning Commission and Board of Supervisors.

To ensure adequate notification, County staff send adjoining owner notices for the special use permit public hearings to those within a one-mile radius of the project site.

Local zoning approval is one of the first steps in a lengthy review process for utility scale solar projects. Should the special use permit be ultimately approved, the applicants are then required to proceed with DEQ's Permit By Rule process (PBR) which requires that any impacts be avoided, minimized, or mitigated. This includes the submittal of studies, and review and approval by agencies such as Department of Historic Resources (DHR), Department of Wildlife Resources (DWR), and Department of Conservation and Recreation (DCR). If applicable, permits will be required from the Army Corps of Engineers (USACE), Virginia Water Protection (VWP), and Virginia Marine Resources Commission (VMRC). The applicants hired a third party consulting firm (Stantec Consulting Services, Inc.) to complete historical and cultural resources studies, wildlife and endangered species studies, topographical, wetlands, and soils surveys, glare hazard study, traffic study, and decommissioning plan, copies of which were submitted with the application. Should the special use permit be approved, a Major Site Plan will be required, and to accommodate for the additional review time the applicants are requesting a period of 5 years to secure building permits from the date of approval. The current expected commercial operation date is 2027. A table of contents of the application is provided below for clarity. Those items in **bold** should be closely reviewed.

Project Narrative

Appendix A: Project Location Map Appendix B: Special Use Permit - Proposed Conditions

Appendix C: Minor Site Plan

Appendix D: Site Plan Associated Mapping

Appendix E: Comprehensive Plan Review

Appendix F: Conceptual Landscaping Planting Plan

Appendix G: Photo Renderings
Appendix H: Decommissioning Plan

Appendix I: Context Map

Appendix J: Cultural Resources Desktop Analysis

Appendix K: Desktop Wetland Review

Appendix L: Desktop Threatened and Endangered Species Review

Appendix M: Glare Hazard Analysis

Appendix N: Preliminary Equipment Specifications Sheet

Appendix O: Traffic Study

The applicant has indicated a partnership with Shine, the Solar Hands-on Instructional Network of Excellence, which provides a mobile lab to facilitate local workforce job training. The construction is proposed to generate up to 250 temporary jobs and 2-5 permanent positions. The acreage being removed from Land Use taxation relief will require rollback tax payment of approximately \$132,000. The applicant has also submitted a Siting Agreement, which proposes additional funds above tax obligations to be utilized by the County.

Utility scale solar projects can be taxed as Machinery and Tools (M&T), or through "Revenue Share," which provides for up to \$1,400 per megawatt. The siting agreement proposes a "greater of" option, where the higher amount of the two options in each year is calculated to be the payment obligation. Other terms of the siting agreement include \$112,000 payment within 60 days of approval of the Siting Agreement, \$1 million within 60 days of the Site Plan approval, and \$1 million within 60 days of issuance of all building permits. The Siting Agreement also proposes a total of \$5 million in equal yearly installments over the first 7 years after the site is in commercial operation. The total amount paid to the County over the life of the project is estimated at \$16 million. The developer would also be responsible to pay for all third-party inspections by a firm approved by the County Building Official.

An update to the proposed conditions includes, "13. <u>Agricultural use within Project Site.</u> The Applicant will deploy agricultural uses within the Project Site (i.e. Agrivoltaics). The Applicant will develop and submit as part of the Final Site Plan review process a Farming Plan for such agricultural uses."

DISCUSSION:

Land Use / Floodplain: This area is primarily silvicultural and residential in nature. Zoning in the vicinity is A-1 Agriculture. This property is located close to the Amherst County border, northwest of the Gladstone community along Route 60 and bisected by Tye River Road. There are no floodplains located on the property.

Access / Traffic / Parking: The site is proposed to be served by a network of access roads, utilizing existing logging roads where feasible. Entrances will be located on Tye River Road, Twin Oaks Lane, Route 60, and Buck Mountain Lane. A traffic study has been submitted and requires approval from VDOT.

Erosion & Sediment Control / Stormwater: Per DEQ, all areas under panels are considered impermeable, and factor into the calculation for land disturbance. As such, both an Erosion and Sediment Control Plan and Stormwater Management Plan will be required to be approved by the Building Inspections Department and DEQ, respectively.

Visual / Environmental Impacts: The project is proposed to be screened utilizing existing vegetation as much as possible. Where plantings are required, native, pollinator-friendly species will be utilized. The applicant has proposed at least a 125' buffer zone, and 200' in areas adjacent to residential structures. Wetlands buffers are proposed as well as wildlife crossing corridors. Approximately 7,500 acres of surrounding land will continue to remain active timber. Photo renderings from various locations along adjacent roadways were submitted with the application as well (Appendix G). The height of the panels shall not exceed 15' when at maximum tilt. Additionally, the panels will be anti-glare with anti-reflective coating, and are considered not hazardous to air, soil, or water per the Environmental Protection Agency's standards

Decommissioning: Appendix H contains the proposed Decommissioning Plan and associated bond for the project.

Comprehensive Plan: This property is located in a Rural Area on the County's Future Land Use Map, which should ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses. One of the Rural Area's primary land use types is solar installations (contingent on site conditions), and a planning guideline is that solar development should be sited to have minimal impacts to scenic viewsheds and natural resources. It is the duty of all localities in Virginia to plan for alternative energy sources, and Nelson must work with developers to help accommodate alternative energy sources as much as is feasible. According to Comprehensive Plan maps, the subject properties are not located within areas of steep slopes (over 20%) or areas of high conservation value.

Rural Areas



Description

The aspect of Nelson County valued most by the people who live and visit here is its rural character. Rural Areas comprise the majority of the County, aiming to protect rural character by maintaining natural areas and agricultural uses while allowing low density residential development that fits into the landscape. Rural Areas typify the historic and natural landscape of Nelson County that includes prime agricultural areas, forested mountains, and rural homesteads. The area also currently includes some low-density single-family subdivisions. Alterations and retrofits to these developments to enhance resiliency and conform to current health, environmental, zoning and subdivision standards is appropriate and encouraged; however, expanded, or new subdivisions is not the primary intent of this planning area. Any new residential development must be carefully planned for, taking into account slope, soil, and septic suitability, viewshed protection, resource impact, and other factors.

Core

Ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses.

Primary and Use Types

- Farms, agriculture, forestry
- Agritourism uses
- Institutional uses
- Solar installations (contingent on-site conditions)

Incorporate cluster and/or conservation

- Single-family detached residential
- · Single-family attached residential
- Manufactured homes
- Accessory dwelling units
- Parks, recreation, and trails

development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources.

Setback, screen, or locate development leaded along an incompanion to the productive land.

 Setback, screen, or locate development located along primary routes to minimize impact to views from these corridors.

Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection.

 Buffer residences from more intense farming, forestry, or extraction-based uses.

 Discourage development of areas with prime agricultural soils.

 Solar development should be sited to have minimal impact to scenic viewsheds and natural resources. Michaela de la constant de la consta

Planning

Substantially In Accordance Provision: VA Code 15.2-2232 requires that the Planning Commission review solar facilities for substantial accord with the Comprehensive Plan.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

The motions from the Planning Commission at their meeting on June 26, 2024 are below:

1. Voted (4-1) that proposed SUP #24-0014, Wild Rose Solar Project, LLC large solar energy system *is not* deemed to be in substantial accord with the Nelson 2042 Comprehensive Plan per Section 15.2-2232 of the Code of Virginia.

(Note: The applicant submitted an appeal of this determination on July 8, 2024.)

2. Voted (5-0) to recommend *denial* of proposed SUP #24-0014, Wild Rose Solar Project, LLC large solar energy system to the Board of Supervisors.

Attachments: Application Package Siting Agreement Petition for Appeal Public Comments



December 20, 2023

Dylan Bishop Director, Nelson County Planning and Zoning Department 80 Front Street P.O. Box 558 Lovingston, VA

Re: Wild Rose Solar Project Nelson County, Virginia

Dear Ms. Bishop,

Wild Rose Solar Project, LLC is proposing to develop the Wild Rose Solar Project, a 90-megawatt large solar energy system and associated facilities in Nelson County, Virginia. In accordance with Article 12-3-4(a) of the Nelson County Zoning Ordinance, Wild Rose Solar Project, LLC is an authorized applicant and submits the enclosed application and supporting documents for a Special Use Permit for the Project.

The \$200 Special Use Permit filing fee has been paid to Nelson County via credit card. 10 hard copies of the application have been provided, along with four copies of full-size plans. If additional copies are needed, please let me know. Representatives of the Project can be available at your convenience to discuss any questions during your review.

If you have any guestions, please feel free to contact the following Project contacts:

Jeannine Johnson Development Manager Email: jjohnson@savionenergy.com

Phone: (816) 509-4953

Lauren Devine
Permitting & Environmental Manager
Email: Idevine@savionenergy.com

Phone: (816) 421-9599

Thank you in advance for your cooperation.

Ufalmen

Sincerely,

Jeannine Johnson
Development Manager

Savion, LLC



WILD ROSE SOLAR PROJECT NELSON COUNTY, VA

Special Use Permit Application

December 20, 2023

Prepared for: County of Nelson, Virginia Department of Planning and Zoning 80 Front Street P.O. Box 558 Lovingston, VA 22949

Prepared by: Stantec Consulting Services Inc. 5209 Center Street Williamsburg, VA 23188

On behalf of: Wild Rose Solar Project, LLC

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LIST OF APPENDICES

Appendix A: Project Location Map

Appendix B: Special Use Permit Application and Proposed Conditions

Appendix C: Minor Site Plan

Appendix D: Site Plan Associated Mapping Appendix E: Comprehensive Plan Review Appendix F: Conceptual Landscape Planting Plan

Appendix G: Photo Renderings



Appendix H: Decommissioning Plan

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Appendix J: Cultural Resources Desktop Analysis

Appendix K: Desktop Wetland Review

Appendix L: Desktop Threatened and Endangered Species Review

Appendix M: Glare Hazard Analysis

Appendix N: Preliminary Equipment Specification Sheets

Appendix O: Traffic Study

Acronyms / Abbreviations

A-1 Agricultural District
AC Alternating Current

AEP Appalachian Electric Power
Applicant Wild Rose Solar Project, LLC

SUP Special Use Permit DC Direct Current

DCR Virginia Department of Conservation and Recreation

DEQ Virginia Department of Environmental Quality
DHR Virginia Department of Historic Resources
DWR Virginia Department of Wildlife Resources

ESC Erosion and Sediment Control
ESD Environmental Site Design
FAA Federal Aviation Administration

Gen-tie Generation tie line

Module Solar Panel
MET meteorological
MV Medium Voltage

MW Megawatt

MWac Megawatts Alternating Current
NHD National Hydrographic Dataset
NWI National Wetlands Inventory

PBR Permit by Rule

Project Wild Rose Solar Project

PV Photovoltaic Savion Savion, LLC

SUP Special Use Permit

SWM Stormwater Management
TMDLs Total Maximum Daily Loads

USACE United States Army Corps of Engineers
USDA United States Department of Agriculture
USFWS United States Fish and Wildlife Service

VCRIS Virginia Cultural Resources Information System



VDOT Virginia Department of Transportation
VGIN Virginia Geographic Information Network
VMRC Virginia Marine Resources Commission
VSMP Virginia Stormwater Management Program

VWP Virginia Water Protection

1 Project Narrative

1.1 Project Introduction

Wild Rose Solar Project, LLC ("Applicant") seeks a Special Use Permit ("SUP") to build and operate a 90-megawatt alternating current ("MW_{ac}") large solar energy system and associated facilities ("Wild Rose Solar Project" or "the Project") in Nelson County, Virginia, approximately 2 miles northwest of the community of Gladstone. The Project is located west of Norwood Road (Route 626), north of Piedmont Road (Route 601) and Buck Mountain Lane (Route 791) and is bisected by Tye River Road (Route 657), Twin Oaks Lane (Route 820), and Richmond Highway (Route 60) (a location map is included in **Appendix A**). Construction of the Project is scheduled to begin in the second quarter of 2026, with a projected Commercial Operation Date in early 2027. Once operational, the project is anticipated to operate for 35-40 years.

1.2 The Applicant

The Applicant is a wholly owned subsidiary of Savion, LLC ("Savion"). Savion, a Shell Group portfolio company operating on a stand-alone basis, is an industry-leading solar and energy storage organization built on a foundation of specialized experience and mastery in the craft of development. With a growing portfolio of more than 36.5 gigawatts, Savion is currently one of the country's largest and most technologically advanced utility-scale solar and energy storage project development companies. Savion is committed to helping decarbonize the energy grid by replacing electric power generation with renewable sources and delivering cost-competitive electricity to the marketplace. Savion is a U.S. based company headquartered in Kansas City, Missouri, with projects in various phases of development, construction, and operation across 33 states.

1.3 Description of the Project

The six (6) Subject Parcels¹ included in this SUP application total 4,647 acres². The Project is sited on a portion of the Subject Parcels that totals approximately 2,470 acres (the "Project Limits") (Figure D-1). Within the Project Limits, the footprint of the proposed infrastructure or "Project Footprint" will cover approximately 550 acres. A Minor Site Plan showing the overall location and components of the Project is included in **Appendix C**. The Applicant will be restricted to developing the Project within the approximately 2,470-acre Project Limits as depicted in this SUP application. Portions of the Subject Parcels that fall outside of the Project Footprint will largely remain under the control of the current landowner and are expected to continue to be utilized for silviculture. In compliance with Section 22A-6(1)(b) of the Nelson County Zoning Ordinance, the Applicant will be required to submit a Major Site Plan for approval prior to the issuance any building permit or other County issued permits required for the construction of the Project. The design depicted in the Minor Site Plan included in this SUP application is preliminary in nature and is expected to evolve as project due diligence continues. Any updates to project design will meet or exceed the commitments made throughout this SUP application and will be subject to review as part of the Site Development Plan approval.

The Project will utilize photovoltaic ("PV") solar panels ("modules") mounted on a single-axis tracking rack to maximize solar energy capture and electric generation of the Project. Per Section 22A-6(2)(b) of the Nelson County Zoning Ordinance, the modules shall not exceed fifteen (15) feet in height when oriented at maximum tilt. Electricity generated by the modules will be sent to inverters located throughout the array that will convert the electricity from direct current ("DC") to alternating current ("AC"). A series of medium voltage ("MV") collection lines will transfer the electricity from the inverters to the Project substation. From the Project substation, an overhead generation tie-line ("gen-tie") will deliver electricity to the existing Gladstone substation, which will serve as the connection point between the Project and Appalachian Power's ("AEP") power grid. The preliminary design includes twelve distinct and separate module array areas that will be surrounded by chain link fence and appropriately screened to minimize

² Acreage of the Subject Parcels is based on surveys completed by the landowner which align with the Nelson County GIS database. This information does not correspond with information included in the Nelson County ProVal system, but the Applicant and the County discussed the discrepancy and the County approved using the 4,647 acres as described in the surveys and the County's GIS database as the Subject Parcels for this SUP application.



-

¹ Portions of parcels 97-1-9 and 97-A-29.

visual impacts. The array areas will be connected throughout the Project Limits by a network of access roads, which will utilize and improve existing logging roads, to the extent possible. The arrays will be accessed via entrances located along Tye River Road, Twin Oaks Lane, Route 60, and Buck Mountain Lane.

AEP is part of PJM, the Regional Transmission Operator that coordinates the movement of wholesale electricity throughout 13 states and the District of Columbia in the Midwest and Mid-Atlantic, including Virginia. The Applicant submitted a transmission filing with PJM for the Project with a total capability of 90-MW_{ac} under Wild Rose Solar Project, LLC. At this time, the Project has received Feasibility Study and System Impact Study Reports. The Facilities Study is expected in Summer 2024 and an Interconnection Service Agreement is anticipated to be executed as soon as Q4 2024.

1.4 Impact Minimization

The Applicant has determined the Project Limits to be suitable for a large solar energy system based on the following factors: proximity to available transmission capacity, landowner interest, and evaluation of site suitability. The Project is also in line with Virginia's Clean Economy Act, which was passed in 2020, and increased the Commonwealth's Renewable Portfolio Standard from 15% by 2025 to 100% by 2045.

The Project has been intentionally sited to minimize impacts on the surrounding area. As described previously, the Project Footprint (550 ac) will utilize only a small portion of the total acreage of the Subject Parcels (4,647 ac) and the Project Limits (2,470 ac), which are predominantly used for silviculture. The general area surrounding the Project consists of approximately 7,500 acres of active timber land. The Project is unique in that it will be screened almost entirely by existing vegetation from the outset of construction, meaning with very limited exceptions, it will be obscured from view of adjacent property owners and the motoring public for its full operational lifetime. The Applicant has committed to maintaining a 125-foot buffer of existing vegetation in areas adjacent to any residential property line or roadway, which exceeds the 20-foot-wide requirement included in the Nelson County Zoning Ordinance (Section 22A-6(2)(e)). There are no residentially zoned properties adjacent to the Project, but the Applicant took a conservative approach and will maintain a buffer in areas adjacent to any parcel zoned A-1 that is believed to include a residential structure. In areas that are adjacent to properties with a residential structure or public roadways where the existing vegetation is insufficient, enhancement screening will be installed to ensure visual impacts are mitigated. The Applicant will retain site control of these buffer yard areas to ensure the vegetative buffer is maintained for the life of the Project. The current landowner will not be permitted to clear these buffer yard areas. Additional information regarding the Project's approach to screening is provided in Section 5.1. The Conceptual Landscape Planting Plan (Appendix F) denotes where the Applicant is meeting and exceeding the buffering requirements with existing vegetation and proposed enhancement screening. A Final Landscaping Plan will be submitted prior to or concurrent with the Final Site Plan (see Appendix B - Proposed Permit Conditions). This will ensure that the vegetative buffer has been updated to accommodate any changes in the status of existing vegetation (i.e., tree clearing by the landowner) and shifts in the Project design.

As demonstrated in the Conceptual Landscape Planting Plan, the Applicant has focused on ensuring the Project is adequately screened along Norwood Road, Route 60, Tye River Road, and Twin Oaks Lane. Additional existing vegetation will be maintained on the west side of the Project to eliminate visual impacts to the cluster of residential structures that are located off Route 60 and Twin Oaks Lane. A buffer will also be maintained around the module array that is south of Route 60.

The Applicant developed photo renderings (**Appendix G**) to demonstrate how the visual impact of the Project has been minimized through intentional siting and the utilization of existing vegetation. Photographs were taken at five (5) locations along roads adjacent to the Project, which were then rendered to produce visualizations of how the views would look in five (5) and 10 years. The photo renderings include the proposed buffers and show that from the five (5) locations, there will either be no view of the proposed Project under the current conditions or there are filtered views of the proposed Project under current conditions, which will quickly be screened by regenerative growth.

The Applicant has contracted Stantec Consulting Services, Inc. (an independent consulting firm) to perform desktop studies of the land with respect to historical and cultural resources, wildlife and endangered species, topography, wetlands, and soils. These studies are included as appendices in this SUP application and have been used to guide



site development plans. As depicted in the Minor Site Plan, the Project has been sited to minimize impacts to natural resources identified within the Project Limits. The Applicant also took a proactive approach to incorporating stormwater management ("SWM") and erosion and sediment control ("ESC") into the Project design, which is explained in more detail in **Section 10** of this application.

As a renewable energy project of 150 MW or less, the Project is subject to Virginia Department of Environmental Quality's ("DEQ") Permit by Rule ("PBR") process. Through the PBR, DEQ coordinates reviews from the Department of Historic Resources ("DHR"), the Department of Wildlife Resources ("DWR"), and the Department of Conservation and Recreation ("DCR") to ensure potential impacts to cultural or threatened and endangered species are avoided or mitigated. In preparation for submitting a PBR application, the Applicant will complete field surveys for cultural and biological resources and develop mitigation plans, if necessary. Field surveys for the Project have been initiated and are anticipated to be completed in Q1 2024. State and federal wildlife agencies, including the United States Fish and Wildlife Service ("USFWS"), the DCR, and DWR, will be consulted to identify concerns about the Project's potential impacts to wildlife resources. The Applicant will also complete a wetland delineation of the Project Limits and pursue a jurisdictional determination from the United States Army Corps of Engineers ("USACE"). Although it is not anticipated, if impacts to wetland or waterbody features are necessary based on the Project's final design, the appropriate permits and approvals will be obtained from the USACE, the DEQ Virginia Water Protection ("VWP") Program, and Virginia Marine Resources Commission ("VMRC"), as applicable.

The Applicant is committed to developing the Project with minimal impacts to both natural resources and the surrounding community. This process started with the responsible siting of the Project and will continue with thorough due diligence to identify potential impacts to be avoided or minimized as design is finalized. Best management practices during construction and operation will further minimize the Project's impact. Once operational, the Project will quietly generate clean, local energy and tax revenue for Nelson County, and preserve the land for future generations.

1.5 Development Sequence

Construction of the Project is scheduled to begin in Q2 2026, with a projected Commercial Operation Date in early 2027. Construction will take place in several phases over the nine (9) to 12-month period.

Construction will begin after the necessary stormwater and building permits are received and the interconnection process is finalized with PJM. Project construction will begin with workforce mobilization and the initial site preparation work including grading, placement of erosion control measures, and any necessary vegetation and tree removal. The current property owners (a timber and paper company) are expected to remove harvestable timber within the Project Footprint prior to the commencement of ground disturbance. ESC measures implemented will be defined in the Erosion and Sediment Control Plan. The plan will include design elements that filter sedimentation and manage surface runoff created by ground disturbance during construction. Several measures may also be implemented after ground disturbance begins – including temporary seeding immediately following grading to stabilize topsoil. SWM measures will also be defined as part of the stormwater management plan as necessary for the DEQ stormwater permit. Stormwater design considerations reduce the volume of runoff and related sedimentation following heavy rainfall during and after construction.

Next, general site improvements will be made such as access improvements and preparation of the construction laydown area. The Project components (racking system, modules, inverters, meteorological ("MET") towers, and collection system) will be installed next, along with access roads. The Project substation and associated gen-tie will be installed concurrently with the module arrays. More detail on each major Project component is provided below:

- PV modules: The modules are an assembly of connected solar cells that absorb sunlight as an energy source to generate electricity. The Project will utilize modules with anti-glare technology and anti-reflective coatings. The current Project design includes approximately 234,012 modules.
- Racking system: The modules will be installed on a tracking system with a tilting movement from a
 horizontal position. This tilting movement (+/-60 degrees from horizontal) enables a greater exposure of the
 module to the sun throughout the day. The trackers are installed on steel piles that are typically 10 to 15 feet
 long and would be driven approximately 8 to 10 feet below grade, depending on soil conditions. Piles are



primarily installed by pile drivers. Modules are supported on the posts with the help of a racking mechanism. Forklifts are used to deliver the steel frame required for the racking structures. Once the piles are driven into the ground, racking mechanisms are installed primarily by hand and modules are then bolted to the frame.

- MET towers: The Project is proposing to include three (3) to seven (7) permanent MET towers in the design. At a minimum, the quantity of the measurements at the Project will meet or exceed the Class A system requirements in IEC 61724-1.² The MET towers will be approximately 14 feet tall and installed on a concrete base adjacent to inverters. MET stations consist of a pyranometer to measure the solar irradiance, an anemometer to measure the wind speed and direction, and a thermometer. The location of the MET towers will be determined during development of the Project's final design.
- Collection system: There are two types of collection systems (also called collection lines) for a solar project:
 AC collection and DC collection. The current Project design includes approximately 69,500 feet of collection cable.
 - OC collection lines connect the modules to the inverter electrically. Modules are connected at the end of each row. Collection lines are trenched underground or hung over the racking systems by using a cable system which feeds to the combiner box. The DC collection from the combiner boxes to the inverters is typically run underground. DC collection cables are often congregated into common trenches and run adjacent to one another within and adjacent to the array areas to connect to the inverters.
 - AC collection lines will connect the inverters to the Project substation. The number and loading of circuits are determined by electrical, geotechnical, and equipment parameters. The AC collection system will be installed underground via open cut trench or plowed methods. Horizontal directional drilling may be utilized to minimize impacts to environmental features.
- Inverters: As DC electrical output is generated, it is transmitted via the DC collection lines to central inverters
 to undergo the DC-to-AC conversion process. The current Project design includes 28 inverters. The number
 of inverters is subject to change as Project design evolves and is finalized. Operational sound at the Project
 will result from the inverters (only during hours of sunlight) so they have intentionally been sited internally
 within the arrays. The Applicant will maintain a minimum of 300 feet between inverters and the neighboring
 property lines.
- Project substation/gen-tie: The Project will require a Project substation to step up incoming MV electricity to match the 138kV high-voltage AEP network. The substation will have a footprint of approximately two (2) acres. A common control enclosure will be installed at the Project substation that will house the protection, communication, and supervisory control and data acquisition (SCADA) equipment necessary to safely operate the substation. The Project substation will be fenced and protected according to the National Electrical Safety Code. One over-head 138kV gen-tie line will be constructed by the Applicant to deliver electricity from the Project substation to the existing AEP Gladstone substation. The gen-tie is located entirely on the Subject Parcels included in this SUP application. The gen-tie line will be hung on steel monopole structures that will be approximately 90- to 110-feet above the ground.
- Access Roads: The Project will be accessed via entrances located along Tye River Road, Twin Oaks Lane, Route 60, and Buck Mountain Lane. The array areas will be connected throughout the Project Limits by approximately 41,875 feet of access roads, which have been sited on existing logging roads to the extent possible. Gravel roads will be constructed or enhanced with all-weather gravel and will range between 12 and 16 feet in width, except for the road to the Project substation, which is expected to be 20 to 24 feet. Access roads will be designed to have the appropriate turning radii and will be constructed to support the weight of vehicle traffic on site. The access roads will also be designed to be sufficient for use by emergency vehicles.

² International Electrotechnical Commission. "IEC 61724-1 – International Standard," IEC 2021.



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Commissioning of electrical equipment will be conducted prior to the placement of the Project in service. As portions of the Project near completion, disturbed areas will be reseeded and re-vegetated consistent with the Erosion and Sediment Control Plan and Stormwater Pollution Prevention Plan. A ground cover consisting of native, herbaceous vegetation – including pollinator friendly species – will be established. This cover, in combination with ESC measures implemented during and post-construction, will prevent additional runoff and protect the wetland and stream resources which currently run through the Project, as well as improve wildlife habitat and encourage an increased population of pollinator species at the site. Once construction is complete, the access roads will be dressed as necessary to ensure their long-term function. Erosion control methods during and after construction will depend on the contours of the land, as well as requirements of relevant permits.

1.6 Beneficial Community Impact

The Project will benefit the community directly and indirectly. On a macro level, solar energy systems provide clean, reliable, emission-free energy to Virginians. Once the Project is built and operating, there are no 'fuel costs' associated with electricity generation as seen in other types of power generation. Because of no fuel costs and low operational expenses, solar energy systems stabilize energy rates in the region as they are not prone to fluctuation with changing market conditions.

Additionally, construction of the Project will create approximately 250 temporary jobs. The Applicant will prioritize local labor and contractors for the construction of the Project to maximize local benefits. This labor force will be a combination of skilled and unskilled labor, allowing all people the potential to gain experience in a rapidly growing industry. The Project intends to partner with a local technical college and/or high school to initiate a job training and solar education program to support the labor needs during the construction of the Project. Additionally, the Applicant will host at least two local job fairs to recruit the local labor force. The limited amount of labor force that comes in from outside of the immediate area will still stay in local hotels, eat at local restaurants, and patronize local businesses. During the operational phase, it is anticipated that the Project will provide the equivalent of two (2) to five (5) full-time jobs for members of Nelson County and adjoining communities.

Most directly, the Project will contribute significant tax revenue to Nelson County, without demands for public services or infrastructure associated with other types of development. The Project will pay Machinery and Tool Taxes on the Project's equipment, assessed pursuant to local ordinance and state code. The estimated lifetime Machinery and Tool Tax Payments applicable to the Project are \$5 Millon. The real estate within Project Footprint will be reassessed by Nelson County to account for the new use, and based on other reassessments of similarly situated projects, the reassessment should be between \$10,000 and \$15,000 per acre. At Nelson County's current real estate tax rate, that will generate an additional approximately \$40,000 per year. The real estate tax revenue will increase approximately 13x compared to the current land use. Additionally, the Applicant has proposed a Siting Agreement which will provide for additional funds above and beyond the Project's statutory tax obligation. These funds can be used for a wide variety of County and community needs.

1.7 Proposed Permit Conditions

The Applicant acknowledges that although utility-scale solar development has become increasing popular in the Commonwealth of Virginia over the past 7 to 8 years, this is the first SUP application submitted to Nelson County for a large solar energy system. Taking this into consideration, the Applicant is proactively offering a number of commitments above and beyond what is required by the Nelson County Zoning Ordinance to ensure the impacts to the surrounding area are minimized, the Project implements "best practices" learned from other projects in Virginia, and the community can reap the benefits of the Project's successful development. The Applicant has memorialized these voluntary initiatives in the Proposed Permit Conditions included in this SUP application (**Appendix B**). The commitments in the proposed conditions include, but are not limited to:

- Providing the following studies and plans prior to or concurrent with the Final Site Plan:
 - Construction Management Plan
 - Construction Traffic Management Plan/Road Repair Plan
 - Final Landscaping Plan



- o Emergency Management Plan
- Updated Ocular Impact Study
- Providing a Payment for Third Party Expert and Consultant Review of Final Site Plan and supplemental studies and plans
- Designating a Project Liaison for the County during construction

The Applicant also commits to responsible procurement of equipment for the Project. The modules utilized for the Project will be procured from a Tier 1 module supplier. Tier I modules are from well-respected manufacturers and are understood to be of high quality, predictable performance, durability, and content. The Tier 1 designation comes from BloombergNEF and indicates a supplier that a bank is likely to offer debt financing for. Modules will also have passed the U.S. Environmental Protection Agency's toxicity characteristic leaching procedure ("TCLP") test. Modules that pass the TCLP test are considered not hazardous to air, soil, or water. U.S. law (and Uighur Forced Labor Prevention Act) prohibits the importation of goods made using forced labor. The Applicant will continue to comply with the law. Equipment for the Project has not yet been procured, but preliminary equipment specification sheets for modules, trackers, and inverters representative of what will be utilized for the Project have been provided as **Appendix N**.

1.8 Public Outreach

The Applicant has worked to engage landowners, local officials, the community, and other stakeholders to socialize the Project and collect feedback. Two in-person meetings were held at the Nelson Heritage Center on September 6, 2023 and November 9, 2023. The neighborhood meeting held on September 6th was intended for landowners directly adjacent to the Project. Landowners within 1 mile of the Project were mailed directly for the community meeting held on November 9th and it was advertised on the Project's Facebook page in an effort to engage a larger audience. The Applicant also helped support a Community Open House that was hosted by Nelson County on February 27, 2024. The meeting was held at the Gladstone Fire Department and landowners within 1 mile of the Project were invited to attend via a direct mailer.

1.9 Applicant Requests

The Applicant respectfully requests that the Nelson County Planning Commission and Board of Supervisors:

- Approve the Special Use Permit for the Project as proposed herein, sited on the Subject Parcels as identified in Figure D-1; subject to the specific conditions with this Application, including those set forth in Appendix B – Proposed Conditions.
- (2) Find the Project to be "Substantially in Accord" with the Nelson County Comprehensive Plan pursuant to Va. Code 15.2-2232.
- (3) Once negotiations are complete, the Board of Supervisors approve the Siting Agreement proposed by the Applicant.

2 Special Use Permit Application

Pursuant to the Nelson County Code of Ordinances Article 22A-6, large solar energy systems are permitted in districts zoned A-1 Agricultural, C-1 Conservation District, M-1 Limited Industrial, B-1 Business District, and B-2 Business District with a SUP. A SUP application form has been completed for the Wild Rose Solar Project and is included in **Appendix B**.

⁴ BloombergNEF, "BLoombergNEF PV Module Tier 1 List Methodology," Bloomberg, 2020, Accessed December 2023, Available at: https://data.bloomberglp.com/professional/sites/24/BNEF-PV-Module-Tier-1-List-Methodology.pdf. ⁵ U.S. Environmental Protection Agency (U.S. EPA), "Solar Panel Frequent Questions" U.S. EPA, 2023, Accessed December 2023, Available at: https://www.epa.gov/hw/solar-panel-frequent-questions.



Per Section 12-3 of the Nelson County Zoning Ordinance, the following SUP application requirements have been addressed⁵ for the Project:

- 12-3-2 General Standards and Criteria for Special Use Permit Review. All applications for Special Use Permits shall be reviewed using the following criteria:
 - a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;

All adjacent parcels are zoned A-1 Agricultural ("A-1"). Surrounding land uses immediately around the Project include silviculture and pastureland with very low development intensity. The Project will not disrupt the rural character or established pattern of development in the surrounding area. The Applicant will be limited to developing the Project within the Project Limits as depicted in this SUP application and the portions of the Subject Parcels that fall outside of the Project Footprint will likely remain in silviculture. The Project has been sited intentionally to minimize impacts to the surrounding community. Existing vegetation will be utilized to screen the Project from the start of construction, and enhancement screening will be installed where necessary to ensure visual impacts are mitigated. Installation of large solar energy systems encourages open space retention by placing a hold on additional development within the Project Limits, which prevents permanent changes to the land and promotes the rural character of the County.

b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;

The A-1 district is designed to accommodate farming, forestry, and limited residential use. The Project will have little to no impact on farming, forestry, or residential uses at nearby properties. Similarly, the uses permitted by right on the neighboring properties will not have a negative impact on the Project. The Applicant will be limited to developing the Project within the Project Limits as depicted in this SUP application and the portions of the Subject Parcels that fall outside of the Project Footprint will likely remain in silviculture. The Project is a low-impact and passive use of land that will not cause permanent soil degradation, as is typical with most other development that often converts agricultural land to residential or industrial. The Project will meet all applicable noise requirements for the zoning district, is designed to minimize the potential for glare, meets and often exceeds setback requirements, and provides for buffering and screening to increase compatibility with adjacent land uses and minimize the potential for incompatibility with offsite uses. The Project is designed to avoid impacts to natural resources and mitigate the community impacts to the surrounding area. The low visual profile and quiet operations preserve the rural character of the area, while at the end of the Project's life, the land may be returned to agricultural and silvicultural use.

 The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities;

The Project requires very few public or private services and has been sited so that there is adequate access from public roads. As an unmanned Project that generates electricity, it will not place new pressure on other public services during operations, such as water, sewer, or gas infrastructure. The Applicant has committed to coordinating with the County on an Emergency Management Plan, as memorialized in the Proposed Permit Conditions (**Appendix B**).

d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic, or historic importance.

⁵ Each requirement is listed in **bold**, and the Applicant's response is listed below each requirement.



The Project will be required to obtain a PBR from the DEQ. Through the PBR, the DEQ coordinates reviews from the DHR, the DWR, and the DCR to ensure potential significant impacts to cultural or threatened and endangered species are avoided or mitigated. The Project is not expected to have any impact on scenic features, as detailed in **Section 6.1** of this application.

12-3-3 Special Conditions. The Board of Supervisors may grant or deny the application either in part or in full and may impose such modifications, regulations, or restrictions, including a limitation of the time for which the permit shall be valid, which such Board in its discretion may determine necessary or requisite in order that the general objectives and purpose of this ordinance shall be complied with.

The Applicant has provided Proposed Permit Conditions as part of **Appendix B** of this SUP application. These conditions correspond to the Nelson County Zoning Ordinance and are supplemental to it. They reflect industry best practices and provide for responsible development and operation of the Project.

- 12-3-4 Application Requirements for Special Use Permits.
 - a. An Application for a Special Use Permit shall be made by all property owners, a contract purchaser with the owners' written consent, or the owners' agent. The application shall be submitted to the Planning and Zoning Director, and shall be accompanied by the required filing fee.

The SUP application form has been completed for the Project and is included in **Appendix B**. The Applicant has obtained Real Property Option Agreements for the parcels of land which will be leased or purchased for the development of the Project. These documents have been provided in **Appendix B**. The Applicant has also provided agent authorization forms, which authorize the Applicant to submit the SUP application on behalf of the property owners (**Appendix B**). The filing fee for the SUP application has been paid to Nelson County via credit card.

b. If the request for a Special Use Permit has been denied by the Board of Supervisors, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.

The Applicant acknowledges this restriction for reapplication.

- c. The Application shall include the following information:
- 1. A Minor Site Plan in accordance with Article 13 of the Nelson County Zoning Ordinance;

A Minor Site Plan is included in **Appendix C**. The Minor site plan has been provided at a scale of one (1) inch equals 200 feet, which is an appropriate scale to depict the Project. It should be noted that this site plan is preliminary in nature, and a Final Site Plan will be produced and approved by the County prior to construction. The Final Site Plan will adhere to the requirements found in Article 13 of the Nelson County Zoning Ordinance.

2. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees or patrons;

A full description of the Project is included in Section 1.

- 3. A written statement of proposed project compatibility with the following:
- i. The Comprehensive Plan.

Evidence that the proposed Project is compatible with the goals and principles of Nelson County's Comprehensive Plan is included in **Appendix E**.



ii. The applicable zoning district;

Large solar energy systems can be approved as a SUP on land zoned A-1. A "large solar energy system" is defined in the zoning ordinance as an "energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one (1) acre or more of total land area." The Project meets the large solar energy system definition because the Project will be a solar energy conversation system that will operate as the principal land use and consist of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware that occupies more than one acre of land. Additionally, the Project's primary use is electrical generation to be sold to the wholesale electricity markets. The Applicant's SUP form is provided in **Appendix B** and all necessary documentation is provided within this application.

iii. The surrounding properties.

All adjacent parcels are zoned A-1. Surrounding land uses immediately around the Project include silviculture and pastureland with very low development intensity. The Applicant will be limited to developing the Project within the Project Limits as depicted in this SUP application and the portions of the Subject Parcels that fall outside of the Project Footprint will likely remain in silviculture. This allows the Project to be intentionally sited to utilize existing vegetation to screen the Project from surrounding properties. According to the Nelson County GIS, there are very few building footprints surrounding the Project. Although there are no residentially zoned properties adjacent to the Project, the Applicant will implement a 200-foot setback where structures are present. The operation of the Project will meet all applicable noise requirements for the zoning district, is designed to minimize the potential for glare, meets and often exceeds setback requirements, and provides for buffering and screening above and beyond what is required in the Nelson County Zoning Ordinance in an effort to increase compatibility with adjacent land uses and minimize the potential for incompatibility with offsite uses.

iv. Current and future neighborhood conditions.

According to the Nelson County Comprehensive Plan and Nelson County GIS, the Four Forks, Five Forks, and Gladstone neighborhoods have low-to-moderate density development. As of 2002, the Comprehensive Plan did not show Gladstone, Five Forks, or Four Forks as falling within an existing water sewer service area. The absence of existing water and sewer service areas limits high density development. The proposed Project is compatible with existing low-density land use in the vicinity.

The Gladstone, Four Forks, and Five Forks neighborhoods were not designated as future land use areas in the Comprehensive Plan and are intended to stay rural. Future neighborhood conditions can be expected to follow the same pattern of development experienced in the past. A large solar energy system should be considered a temporary land use that does not degrade the future resources of the site. After decommissioning, long-term goals to develop the property for other uses, such as agriculture, can still be achieved. As noted above, landscape screening will be used where existing vegetation is not adequate to provide a buffer between the Project and the surrounding area. With intentional placement of enhancement screening, the rural character and heritage unique to Nelson County can be preserved during the lifetime of the Project.

v. Traffic patterns, on-site and off-site;

A traffic study is included in **Appendix O** and summarized in **Section 7**. Once operational, traffic resulting from the Project will be less than that of one single family home.

⁷ Nelson County Zoning Ordinance § 22A-6(1).



⁶ Nelson County Zoning Ordinance § 22A-3.

- 4. When requested by the Planning and Zoning Director, the Commission, or the Board of Supervisors, the following information shall be provided by the applicant:
- i. The architectural elevations and floor plans of proposed buildings.

The Applicant is not proposing to construct any buildings as part of the Project. An accessory operations and maintenance trailer may be utilized. The Applicant will obtain the necessary permits for the operations and maintenance trailer from Nelson County prior to installation.

ii. Traffic impact analysis.

A traffic study is included in **Appendix O**. Once construction is complete, operation of the Project will not negatively impact or burden the transportation network in Nelson County. Traffic resulting from the operation of the Project will be less than that of one single family home. Access to the Project will be coordinated with the VDOT and Nelson County. The Applicant has proposed to develop a Construction Traffic Management Plan/Traffic Mitigation Plan, as memorialized in the Proposed Permit Conditions (**Appendix B**).

iii. Fiscal impact analysis.

The Project will have a positive economic benefit on the local community during both construction and operation. During construction the economic benefit will be in the form of approximately 250 temporary jobs that will be sourced locally to the extent practical and increased business to hotels, restaurants, gas stations, grocery stores, print shops, supply stores, and other local businesses. During operations, it is anticipated that the Project will provide the equivalent of two (2) to five (5) full-time jobs and increase the local tax base, which will provide additional funds that could be used to support local schools and infrastructure. If the land is used as a large solar energy system, it will generate tax revenue 13 times greater than the current land use. This revenue can be used to support core county services and local infrastructure improvements. Additional information pertaining to the economic benefits of the Project is included in **Section 1.6**.

iv. Parking and site circulation analysis.

Internal circulation will be limited to on-site personnel, but the roads will be adequate to facilitate any emergency access, if necessary. The only parking requirements would be associated with the accessory operations and maintenance trailer. Sufficient parking will be provided. During construction, the Project will require temporary construction parking that will be internal to the Project site.

v. Photographs of property and surrounding area.

Photographs of the property and the surrounding area are included in the visual impact analysis completed for the Project (**Appendix G**). Photographs were taken of the current condition from locations surrounding the Project. Those photographs were then rendered by graphic designers to produce visualizations of how the views would look in five (5) and 10 years. The renderings demonstrate that, as a result of maintaining existing vegetation and the implementation of enhancement screening, the Project will be properly screened. The setbacks are represented on the Minor Site Plan (**Appendix C**) and a Conceptual Landscape Planting Plan (**Appendix F**) has been provided to denote where buffer requirements are being met and voluntarily exceeded.

vi. Environmental Impact Statement.

Stantec Consulting Services, Inc. (an independent consulting firm) has performed studies of the land with respect to historical and cultural resources, wildlife and endangered species, topography, wetlands, and soils. A summary of the findings is included in **Section 6**.



12-3-7 Major Site Plan.

Upon approval of the application by the Board of Supervisors, a Preliminary and Final Site Plan, if required shall be filed with the Planning and Zoning Director and reviewed by the Planning Commission pursuant to Section 13-5 of this Chapter.

Prior to construction, the Applicant will submit a Major Site Plan for approval. The design depicted in the Minor Site Plan included in this SUP application is preliminary in nature and is expected to evolve as project due diligence continues. Any updates to project design will meet or exceed the commitments made throughout this SUP application and will be subject to review as part of the Site Development Plan approval.

12-3-8 Renewal of SUP with Time Limits, Expiration, Revocation.

- b. Expiration.
- Whenever a Special Use Permit is approved by the Board of Supervisors, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the Board of Supervisors may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit.

In the Proposed Permit Conditions (**Appendix B**), the Applicant has requested that the duration of the SUP be extended to five (5) years from approval, unless extended by written agreement between the County and the Applicant. This will allow the Applicant to work through the utility interconnection process and required state permitting.

12-3-11 A Special Use Permit becomes void if the permit is not utilized within twelve (12) months after approval or in the event the use has been discontinued for a consecutive twelve-month period.

As noted above, the Applicant has requested that the duration of the SUP be extended to five (5) years from approval, unless extended by written agreement between the County and the Applicant (**Appendix B**).

3 Compliance with the Nelson County Solar Ordinance

Per Section 22A of the Nelson County Zoning Ordinance, the following provisions applicable to Solar Energy have been addressed:⁸

- 22A-4 General Provisions shall be addressed for all large solar energy systems, and for small solar energy systems as applicable.
 - 1. Safety and Construction.
 - a. Design. The applicant shall submit documentation that the design of any buildings and structures associated with or part of the solar energy project complies with applicable sections of the Virginia Uniform Statewide Building Code (USBC) (13VAC5-63). This requirement includes all electrical components of the solar energy project.

The Project will be designed to comply with applicable sections of the Virginia Uniform Statewide Building Code (USBC)(13VAC5-63) as well as all federal and state statutes, codes, regulations, and ordinances.

⁸ Each requirement is listed in bold, and the Applicant's response is listed below each requirement.



b. Construction and installation. In the construction and installation of a large solar energy system, the owner or operator shall install all electrical wires associated with the large solar energy system underground unless the applicant can demonstrate the necessity for aboveground installations as determined by the Board of Supervisors.

Aboveground electrical wires are necessary for the gen-tie and connection to the power grid, as depicted on the Minor Site Plan (**Appendix C**).

 Noise. Solar energy systems shall comply with Chapter 8, Article II, Noise Control, of the Nelson County Code.

The Project will comply with Chapter 8, Article II, Noise Control, of the Nelson County Code. Noise generated by the Project will not exceed 70 dBA (measured at the Project property line). Once operational, sound producing components only do so during the day when the sun is shining and the Project is generating electricity, and do not generate sound at night. Per Section 8-37 of the Nelson County Zoning Ordinance, sound generated by construction between the hours of 7:00 a.m. and 9:00 p.m. are exempt from coverage of this article.

d. Ocular impact study. When required by the FAA, an ocular impact study shall be performed for airports within five (5) miles of the project site, for public roads within sight of the system, and from scenic highways and overlooks. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.

Based on the Federal Aviation Administration ("FAA") Notice of Criteria Tool results, the Project does not exceed Notice Criteria. No conflicts with airport operations are anticipated. The Project will utilize solar panels that have anti-glare properties (anti-reflective coatings) to reduce potential glare that may come from the Project. Based on a glare hazard analysis performed by Stantec Consulting Services Inc., glare is not predicted for roadways, structures, or pilots approaching nearby airstrips. The full analysis is included in **Appendix M**. The Applicant has evaluated the potential impact to the scenic vistas included in the County's Comprehensive Plan. Based on the distance and topography between the proposed Project and the scenic vistas, no impact is expected.

- Bonding. Prior to the issuance of a Building Permit for a solar energy system, the applicant shall:
- a. Submit to the Planning and Zoning Director an itemized cost estimate of the work to be done to completely remove the entire solar energy system plus twenty-five (25) percent of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.
- b. Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate plus twenty-five (25) percent as approved by the Planning and Zoning Director which shall:
- 1. Secure the cost of removing the system and restoring the site to its original condition to the extent reasonably possible; and
- 2. Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.
- c. The applicant will ensure the bond, irrevocable Letter of Credit, or other surety shall remain in full force and effect until the Planning and Zoning Department has inspected the site and verified that the solar energy system has been removed. At which time, the Planning and Zoning Department shall promptly release the bond, irrevocable Letter of Credit, or other surety.

The Applicant will comply with Nelson County's bonding requirements. In the Proposed Permit Conditions (**Appendix B**), the Applicant is proposing to update the decommissioning plan and bond every five years from the original Commercial Operation Date as the cost adjustment mechanism.

- 3. Decommissioning.
- a. Decommissioning plan. As part of the project application, the applicant shall submit a decommissioning plan, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars; (3) how said estimate was determined; (4) the method of ensuring that funds will be available for decommissioning and restoration; (5) the method that the decommissioning cost will be kept current; and (6) the manner in which the project will be decommissioned and the site restored.

The Applicant has included a Decommissioning Plan as part of this SUP Application (see **Section 8** and **Appendix H**).

- b. Discontinuation, Abandonment, or Expiration of the Project.
- Thirty (30) days prior to such time that a solar energy system is scheduled to be abandoned
 or discontinued, the owner or operator shall notify the Director of Planning and Zoning by
 certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
 Any solar project that has been inoperable or unutilized for a period of twelve (12)
 consecutive months shall be deemed abandoned and subject to the requirements of this
 section.
- 2. Within three hundred sixty-five (365) days of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended once (up to twelve (12) months) at the request of the owner or operator, upon approval of the Board of Supervisors.
- 3. Decommissioning of discontinued or abandoned solar energy systems shall include the following:
- A. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the Board of Supervisors that such roads remain.
- B. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.
- C. Compacted soils shall be decompacted as agreed to by the landowner.
- D. Restoration of the topography of the project site to its pre-existing condition using non-invasive plant species and pollinator-friendly and wild-life friendly native plants, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the Board of Supervisors.
- E. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.

The Applicant will comply with the County's decommissioning requirements. Supplemental conditions pertaining to decommissioning and the decommissioning plan are included in the Proposed Permit Conditions (**Appendix B**).

4. A zoning permit issued pursuant to this article shall expire if the solar energy system is not installed and functioning within twenty-four months from the date this permit is issued.

The Applicant acknowledges the timing restriction associated with the zoning permit. The Applicant has coordinated with County Staff and has confirmed that a zoning permit would not be obtained until building permits are issued.

5. The Planning and Zoning Director may issue a Notice of Abandonment to the owner of a small solar energy system that is deemed to have been abandoned. The owner shall have

the right to respond to the Notice of Abandonment within thirty (30) days from notice receipt date. The Planning and Zoning Director shall withdraw the Notice of Abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.

The Applicant acknowledges this process for curing a Notice of Abandonment.

22A-6 Large Solar Energy Systems.

 Use. A large solar energy system shall be permitted by a Special Use Permit in A-1, C-1, M-1, B-1, and B-2, and by-right in M-2, provided that:

The primary use of the system is electrical generation to be sold to the wholesale electricity markets and not used primarily for the onsite consumption of energy by a dwelling or commercial building.

In addition to the requirements of a Major Site Plan in Article 13, "Site Development Plan," and Article 12, "General Provisions," applications for a large solar energy system shall include the following information:

a. Project description. A narrative identifying the applicant and describing the proposed solar energy system, including an overview of the project and its location; approximate rated capacity of the solar energy system; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable.

A full description of the Project is included in Section 1.

- b. Site plan. The site plan shall conform to the preparation and submittal requirements of Article 13, "Site Development Plan," including supplemental plans and submissions, and shall include the following information:
- 1. Property lines and setbacks.
- 2. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
- 3. Existing and proposed access roads, drives, turnout locations, and parking.
- Locations of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
- 5. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

The Applicant has provided a site plan that meets the Minor Site Plan requirements established in Article 12 and Article 13 of the Nelson County Zoning Ordinance (see **Appendix C**).

 Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.

The Applicant has obtained Real Property Option Agreements for the parcels of land which will be leased or purchased for the development of the Project. These documents have been provided as **Appendix B**. The Applicant has also provided agent authorization forms, which authorize the Applicant to submit the SUP application on behalf of the property owners (**Appendix B**).



7. The application shall include a decommissioning plan and other documents required by Section 22A-4 of this article.

The Applicant has included a Decommissioning Plan as part of this SUP Application (see **Section 8** and **Appendix H**). See above for demonstrated compliance with Section 22A-4 of the ordinance.

- 2. Location, Appearance and Operation of a Project Site.
- a. Visual impacts. The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor.

The Applicant has implemented the appropriate setbacks and vegetative buffers to mitigate visual impacts on the local community from the Project. A visual impact analysis was completed for the Project using photo renderings from locations along roads adjacent to the Project. The renderings demonstrate that as a result of maintaining existing vegetation and, where necessary, implementing enhancement buffer, the Project will be properly screened. The setbacks are represented on the Minor Site Plan (**Appendix C**) and a Conceptual Landscape Planting Plan (**Appendix F**) has been provided to denote where buffer requirements are being met and voluntarily exceeded. The Applicant has evaluated the potential impact to the scenic vistas included in the County's Comprehensive Plan. Based on the distance and topography between the proposed Project and the scenic vistas, no impact is expected.

 Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

The height of structures and arrays (except for poles and aboveground electrical lines associated with the gen-tie and connection to the power grid) will be ground mounted and not exceed 15 feet in height as measured from grade at the base of the structure to the apex of the structure.

c. Signage. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a state or federal agency; and (d) signs that provide a twenty-four-hour emergency contact phone number.

The Applicant will comply with the requirements for signage at the Project.

- d. Setbacks. All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least one hundred (100) feet from all property lines and at least two hundred (200) feet from any residentially zoned properties; unless the Board of Supervisors is satisfied that different setbacks are adequate to protect neighboring properties.
- 1. Setbacks shall be kept free of all structures and parking lots.
- 2. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.

The Applicant has incorporated a setback of 125 feet from all property lines and at least two hundred feet from any residentially zoned properties into the Project design (**Appendix C**). Although no properties are zoned residential, the Project will implement a 200-foot setback where residential structures are present. All setbacks will be kept free of all structures and parking lots.



- e. Buffering. A twenty-foot-wide vegetative buffer yard for the purpose of screening shall be provided and maintained adjacent to any residential property line or roadway. If able to demonstrate that existing vegetation can meet this requirement, existing vegetation can be used to satisfy buffer requirements. The buffer location must be indicated on the site plan.
- Visual impacts. This buffer should be made up of plant materials at least three (3) feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight (8) feet within three (3) years.
- 2. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plans, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer.
- 3. The buffer must be maintained for the life of the facility.

The Applicant is proposing to exceed the buffering requirements for the Project. The Applicant will be limited to developing the Project within the Project Limits as depicted in this SUP application and the portions of the Subject Parcels that fall outside of the Project Footprint will likely remain in silviculture. This allows the Project to be intentionally sited to utilize existing vegetation to screen the Project from surrounding properties. The Project is unique in that it will be screened almost entirely by existing vegetation from the outset of construction, meaning with very limited exceptions, it will be obscured from view of adjacent property owners and the motoring public for its full operational lifetime. The Applicant has committed to maintaining a 125-foot buffer of existing vegetation in areas adjacent to any residential property line or roadway, which exceeds the 20-footwide requirement included in this section of the zoning ordinance. There are no residentially zoned properties adjacent to the Project, but the Applicant took a conservative approach and will maintain a buffer in areas adjacent to any parcel zoned A-1 that is believed to include a residential structure. In areas that are adjacent to properties with a residential structure or public roadways where the existing vegetation is insufficient, enhancement screening will be installed to ensure visual impacts are mitigated. The enhancement screening will be made up of plant materials at least three to four feet tall at the time of planting and maximum mature height of 25-feet. The vegetative buffer will be maintained for the life of the Project. Additional information regarding the Project's approach to screening is provided in Section 5.1.

4 Comprehensive Plan Review

The Comprehensive Plan for Nelson County is intended to serve as a blueprint for how the County will deal with change and future growth. The Applicant has provided an Analysis of the Project's conformity with the Nelson County Comprehensive Plan as part of this SUP Application (**Appendix E**).

5 Visual Impact Analysis

5.1 Project Screening Plan

The Applicant has implemented a comprehensive approach to minimizing the visual impact of the Project on the surrounding community. The Project has been located within Project Limits that lie within a larger subject parcel area that is largely utilized for silviculture. This allows the Project to be intentionally sited to utilize existing vegetation and favorable topography to screen the Project from surrounding properties. The Applicant has committed to maintaining a 125-foot buffer of existing vegetation in areas adjacent to any residential property line or roadway, which exceeds the 20-foot-wide requirement included in the zoning ordinance (Section 22A-6(2)(e)). In areas that are adjacent to properties with a residential structure or public roadways where the existing vegetation is insufficient, enhancement screening will be installed to ensure visual impacts are mitigated.



The Applicant has focused on ensuring the Project is adequately screened along Norwood Road, Route 60, Tye River Road, and Twin Oaks Lane. Additional existing vegetation will be maintained on the west side of the Project to eliminate visual impacts to the cluster of residential structures that are located off Route 60 and Twin Oaks Lane. A buffer will also be maintained around the module array that is south of Route 60.

The gen-tie associated with the Project is sited entirely on Subject Parcels included in this SUP application, and the Applicant will be purchasing the Parcel where the gen-tie crosses over Bluck Mountain Lane. The Applicant is proposing that the gen-tie is comparable to other electrical infrastructure in the surrounding area and does not require screening similar to the rest of the Project. A representative photo of the proposed gen-tie is included in **Appendix G**.

The Conceptual Landscape Planting Plan (**Appendix F**) depicts where existing vegetation will be utilized to screen the Project and where enhancement screening will be installed.

Where existing vegetation will be maintained, these natural areas will be left intact with the exception of the possible removal of any dead, dying, or diseased specimens that are deemed to pose a hazard to people or property. The Applicant also reserves the right to selectively remove any trees that are determined to be negatively affecting the production of the Project based upon shading, so long as such management does not compromise the effective visual screen for the Project. Standing dead trees that do not present a threat to the Project or adjoining roads and properties will be left in place to provide roosting opportunities for avian species.

In areas where enhancement screening is proposed, at a minimum, a double row of evergreen trees/shrubs capable of achieving a height of at least eight feet within five to eight years will be planted. Occasional native dogwood trees will be incorporated into the planting to help blend the new plantings into the existing natural areas. It is anticipated that these plants will be installed on approximately 15-foot centers, but the final layout will be determined by the selected plants' growth capabilities. Similarly, the installed size of the plant material will be determined based on the growth rate of the selected plant material. It is anticipated that the minimum height for initial installation will be three to four feet. These planted buffers will be allowed to naturally flourish, so minimal maintenance is anticipated. Should, at any point during the life of the Project, mortality of the planted woody material cause gaps in the buffer that negatively affects the views from adjacent properties or roadways, the Applicant will replace those trees with plantings that comply with the Nelson County Zoning Ordinance. A plant list containing potential plant material choices for the enhancement screening is provided in **Appendix F**. The plant list contains plant materials native to Nelson County, although landscape cultivars may be substituted for some of the true native species to obtain the desired screening effect.

The Conceptual Landscape Planting Plan is located in **Appendix F**. The Applicant is proposing to provide a Final Landscaping Plan prior to or concurrent with the submission of the Final Site Plan, as memorialized in the Proposed Permit Conditions (**Appendix B**). The Landscaping Plan will show where the Project will be screened with existing or proposed vegetation. This iterative approach to developing the screening plan for the Project ensures that the vegetative buffer has been updated to accommodate any changes in the status of existing vegetation (i.e., tree clearing by the landowner) and shifts in the Project design.

5.2 Photo Renderings

The Applicant has prepared a visual impact analysis for the Project (**Appendix G**). The visual impact analysis was completed using photo renderings for five (5) locations along roads adjacent to the Project Limits. Photographs were taken of the current condition at each of the chosen locations. Those photographs were then rendered by graphic designers to produce visualizations of how the views would look in 5 and 10 years. Location 1 and 3 showed no views of the proposed Project under current conditions and as the current vegetation matures, the screening will become denser. Locations 2 and 4 would provide filtered views of the Project under current conditions, however regenerative growth will quickly screen Project components. One of the selected views (Location 5) would not change. The photographs are included in **Appendix G**.



5.3 Glare Hazard Analysis

The Applicant performed a glare hazard analysis for the Project (see **Appendix M**). Based on the current design, glare is not predicted for pilots approaching nearby airstrips or residents. Additionally, glare is not predicted for drivers on Tye River Road, Twin Oaks Lane, Route 60, Norwood Road, or Buck Mountain Lane.

Based on the FAA Notice of Criteria Tool results, the Project does not exceed Notice Criteria. FAA identified the closest airport as Falwell Airport. It is located approximately 18 miles southwest of the Project. No conflicts with airport operations are anticipated. Although the FAA Circle Search for Airports Tool did not identify any airports within 5-miles of the Project, AirNav suggests there are two private use turf airstrips within 5-miles of the Project. Both private use turf airstrips were included in the glare hazard analysis.

6 Environmental and Cultural Impacts

The Applicant has evaluated the Project's potential impacts on environmental and cultural resources, and sensitive resources in close proximity to the Project.

6.1 Sensitive Resources

The Project is not located within five miles of a designated national scenic byway, Virginia Byway, or any of the five scenic vistas addressed in the Nelson County Comprehensive Plan. Additionally, the Project is not near the section of Route 29 from Woods Mill, Virginia to the Albemarle County line or Route 664. These roads were addressed as prospective scenic designations in the Comprehensive Plan. Based on the distance and topography between any of these scenic resources and the Project, it has been determined that the Project will not be visible. The nearest state designated scenic river. Tve River, is approximately two miles north of the Project Limits. The James River is approximately one mile east of the Project Limits, and this section of the James River is considered to have potential to become a state scenic river. The Project will not be visible from the Tye River or the James River. There are no national parks or forests located within 5-miles of the Project Limits. There are five conservation areas associated with James River State Park and six Virginia Outdoor Foundation conservation easements within a five-mile radius of the Project Limits, but they are all located outside of the Subject Parcels. There is one Virginia Department of Forestry conservation easement located approximately four miles northwest of the Project Limits and a Land Trust of Virginia conservation easement located approximately five miles away to the north. Route 60 bisects the southern portion of the Project. According to the Nelson County GIS, there are very few building footprints surrounding the Project that would have views of the Project Limits boundary. The nearest sensitive receptor, Second Mineral Baptist Church, is approximately 300-feet away from the eastern edge of the Project Limits and approximately 800-feet away from the nearest solar array. The nearest densely populated residential area is Amherst.

A desktop database review was conducted to determine if any national or state forests, national or state parks, wildlife management areas or conservation easements were identified within five (5) miles of the Project Limits. Searches of the DCR inventory of managed conservation lands (Federal Wildlife Management Areas, Reservoirs, State Parks, and Conservation Easements), National Park Service inventory of National Parks, Virginia Geographic Information Network (VGIN) inventory of Virginia Town/City Limits, Ventyx, ESRI USA institutions, Virginia Cultural Resources Information System (VCRIS) historic resources, National Hydrologic Dataset and National Wetlands Inventory of wetlands and waterways were conducted. The location and identification of the resources in the vicinity of the proposed Project are shown on the context map included in **Appendix I**.

6.2 Cultural Resources

An analysis of cultural resources in the vicinity of the Project is provided in **Appendix J**. The analysis identified one previously recorded archaeological site and one previously identified architectural resource within the Project Limits. Neither resource has been formally evaluated for potential National Register of Historic Places eligibility. As part of the PBR process, the Applicant is required to complete Phase I Cultural Resource surveys in coordination with the DHR. Any impacts to cultural resources will be avoided, minimized, or mitigated.



6.3 Wetlands and Water of the U.S.

An analysis of Wetlands and Waters of the U.S. is included in **Appendix K**. As part of the PBR process, a wetland delineation will be required of the Project Limits to determine the extent of jurisdictional waters present on site.

The Project intends to avoid impacts to wetland and waterbody features to the maximum extent practicable during the design and construction of the Project. Any potential impacts to jurisdictional waters that cannot be avoided will be permitted through the appropriate regulatory agencies, including the USACE, the DEQ VMP, and the VMRC, as necessary.

6.4 Wildlife

A desktop analysis of potential threatened & endangered species habitat is included in **Appendix L**. Based on the database searches, the federally endangered and state threatened northern long-eared bat (*Myotis septentrionalis*), federally proposed and state endangered tricolored bat (*Perimyotis subflavus*), and monarch butterfly (*Danaus plexippus*), which is a candidate species, have the potential to occur within the Project Limits. The nearest bald eagle nest is greater than 10-miles away. Additionally, the federally and state endangered James spinymussel (*Paravaspina collina*), state threatened green floater (*Lasmigona subviridis*) and state endangered little brown bat (*Myotis lucifugus*) as having potential to occur in the vicinity of the Project.

The Project will be designed and operated in ways that help protect wildlife and promote biodiversity. Here are some ways in which the Project can contribute to wildlife protection:

- 1. Wildlife Corridors: Wildlife corridors are pathways that allow animals to move freely between habitats, aiding in their migration, breeding, and overall survival. Several wildlife corridors have been implemented in the Project design and are shown on the Minor Site Plan (**Appendix C**).
- 2. Project Vegetation and Screening: Native grasses, pollinators, and wildflowers will be incorporated in the seed mixes to be installed in and around the solar arrays (see Section 9). Native vegetation supports local wildlife by providing food sources, shelter, and habitat for various species. Utilizing native plants also helps maintain ecosystem balance and supports pollinator populations, such as bees and butterflies, crucial for plant reproduction. Additionally, existing and planted vegetative screening can provide habitat for wildlife and nesting sites for birds.
- 3. Wetland Buffers: A 50-foot setback will be established between the Project Footprint and all wetlands and jurisdictional waters to protect the sensitive ecosystems in these areas and provide space for wildlife to thrive. These setbacks will also help to reduce runoff pollution, prevent erosion, and safeguard water quality. Additionally, these areas will provide an opportunity to establish wildlife corridors for larger mammals (deer, fox, etc.) to travel through the site.

Field surveys for the Project have been initiated and are anticipated to be completed in Q1 2024. The Applicant will complete a threatened & endangered species habitat assessment to evaluate the likelihood that the above listed species are present within the Project Limits. State and federal wildlife agencies, including the USFWS, the DCR, and DWR, will be consulted, and impacts will be avoided, minimized, or mitigated.

7 Traffic Study

A traffic study is included as **Appendix O**. The traffic study estimated that heavy truck traffic generated by the site development and construction will average 25 trucks a day during site preparation, 17 trucks a day during panel and electrical installation, and would decrease to 15 trucks a day during site clean-up and commissioning. Total truck traffic is expected to be less than 100 trucks per day. The key roadways identified in the study can accommodate the increased traffic due to construction and no geometric improvements are anticipated. Once operational, traffic resulting from the Project will be less than that of one single family home.



8 Decommissioning Plan and Surety

The Applicant has prepared a preliminary decommissioning plan for the Project (see **Appendix H**). This decommissioning plan provides a description of the decommissioning and restoration phase of the Project. The Applicant will remove the Project after the end of its useful life and restore the Project for agricultural and silvicultural uses or other permitted uses as desired by the landowner. The decommissioning phase is assumed to include the removal of Project facilities as depicted in the Minor Site Plan (**Appendix C**).

This Plan includes an overview of the primary decommissioning activities, including the dismantling and removal of facilities, and subsequent restoration of land. A summary of estimated costs and revenues associated with decommissioning the Project are included in **Appendix H**. The summary statistics and estimates provided are based on a 90-MW_{ac} Project design.

The Applicant will provide an updated decommissioning plan and detailed surety information at Final Site Plan approval, as described in this SUP Application and the Proposed Permit Conditions (**Appendix B**). The surety will remain in place for the life of the Project to ensure the County is protected from any default by the Applicant.

9 Vegetation Maintenance Plan

The vegetative cover at the Project currently consists of uneven aged stands of managed pine forest. The forest land is in active silvicultural management and predominantly consists of Loblolly Pine with some volunteer forest species typically found in and around the Project such as Sweetgum, Red Maple, and Tulip Poplar.

In order to construct the proposed Project, some clearing of existing forest will be necessary; however, wherever possible, portions of the existing forest will be preserved on the perimeter of the site as well as in sensitive areas such as wetlands. These untouched natural areas will provide valuable wildlife habitat. The mature hardwood trees located in the site's riparian corridors will provide mast (hard seeds such as acorns) for food, while the pines and other evergreens will provide winter cover. They will also provide travel corridors to allow animals to safely move from area to area.

All cleared areas on the interior of the Project will be seeded with a native grass, wildflower, and non-invasive turf grass mix. The seed mix will stabilize the site and prevent erosion and sediment transport as well as create habitat for small mammals and ground nesting birds. The inclusion of wildflowers will also establish pollinator habitat which has been determined to be rapidly disappearing. The use of native plant material will reduce the watering and fertilizer requirements because the plants are well adapted to the environment they will be in. Repairs to the modules may dictate the timing of some mowing to provide access; however, the intention is to mow the site no more than two to three times a year to promote the establishment, self-seeding and spread of the native grasses and pollinators. This should be sufficient to maintain the grasses and discourage woody species from becoming established within the array areas. To avoid rutting, erosion, and soil compaction, weather forecasts will be consulted, and on-site field inspections will be conducted prior to mowing to ensure that the site is able to withstand the activity.

The Project's final seed mix will be determined closer to the start of construction, prior to the submission of the Final Site Plan. However, the list below contains some possible species native to Nelson County that will likely be used in the Project's seed mix.

- Common Yarrow (Achillea millefolium)
- Autumn Bentgrass (Agrostis perennans)
- Butterfly Milkweed (Asclepias tuberosa)
- Partridge Pea (Chamaecrista fasciculate)
- Virginia Wild Rye (Elymus virginicus)
- Smooth Panic Grass (Panicum dichotomiflorum)
- Blackeyed Susan (Rudbeckia hirta)



- Little Bluestem (Schizachyrium scoparium)
- Wild Senna (Senna hebecarpa)
- Early Goldenrod (Solidago juncea)

Prior to construction, the Applicant will develop a Vegetation Management Plan that details vegetative management protocols during construction and operation of the Project.

10 Stormwater Management and Erosion and Sediment Control

The Project is implementing an integrated environmental site design ("ESD") and SWM approach. The Project is being developed with a focus on early identification and avoidance of key environmental features, which will lead to a more streamlined design development process and benefit local water quality, while reducing the upfront impact of the development.

The ESD planning approach is core to the integrated stormwater strategy, which includes the following key components:

- 1. Maintaining forested wetland/stream buffers to the greatest extent practicable.
- Limiting the disturbance footprint where at all practicable. Disturbance shall be limited where practicable to
 maintenance access paths and solar array foundation footprints, as well as temporary and permanent
 stormwater management conveyances intended to protect downstream resources.
- 3. Use of noninvasive turfgrasses incorporated with native grasses and wildflowers, as applicable for limited maintenance and the overall improvement of site hydrology to the extent practicable.

As the Project's final design is developed, a comprehensive stormwater management plan will be prepared, with detailed routings and calculations demonstrating consistency with the Virginia Stormwater Management Program ("VSMP") Regulations Part IIB Technical Criteria and associated requirements for water quality and water quantity. To date, the Applicant has performed a preliminary SWM concept assessment of the proposed Project Footprint, which includes cursory location and foot-printing of likely dry detention basins to address VSMP water quantity control requirements.

The Applicant has also taken a proactive approach of incorporating ESC planning and design into early-stage Project development.

The ESC strategy for the site will be integrated into the general ESD and SWM approach. Principally, this will focus on the following:

- 1. The initial identification of key resources (wetlands/waters, soils, slopes, etc) that may be vulnerable, and that may require additional protection / management strategies, during construction. This strategy includes the buffering of certain key resources during and post-construction.
- 2. The paramount phasing of the initial installation of and conversion of temporary sediment basins to dry detention basin structures to be utilized as permanent stormwater features during post-construction., This phasing includes ensuring that the basins themselves and the conveyances to these basins are constructed as a first step in land-disturbing activity and are made functional prior to upslope land disturbance.
- 3. Phasing of the installation of key perimeter controls prior to upslope land disturbance.
- 4. Early site stabilization measures, particularly on downstream grading / slopes. Establishing stabilization on earthen structures such as dams, dikes and diversions immediately after installation.
- 5. Utilizing clean water diversions, where feasible, to limit construction site "run on" from offsite areas, seeking to discharge these clean water diversions as sheet flow, as applicable.
- 6. Providing micro phasing (facility level) steps for these temporary ESC measures, as needed, for successful transition to permanent controls post-construction, limiting contamination and erosion/sedimentation risk with

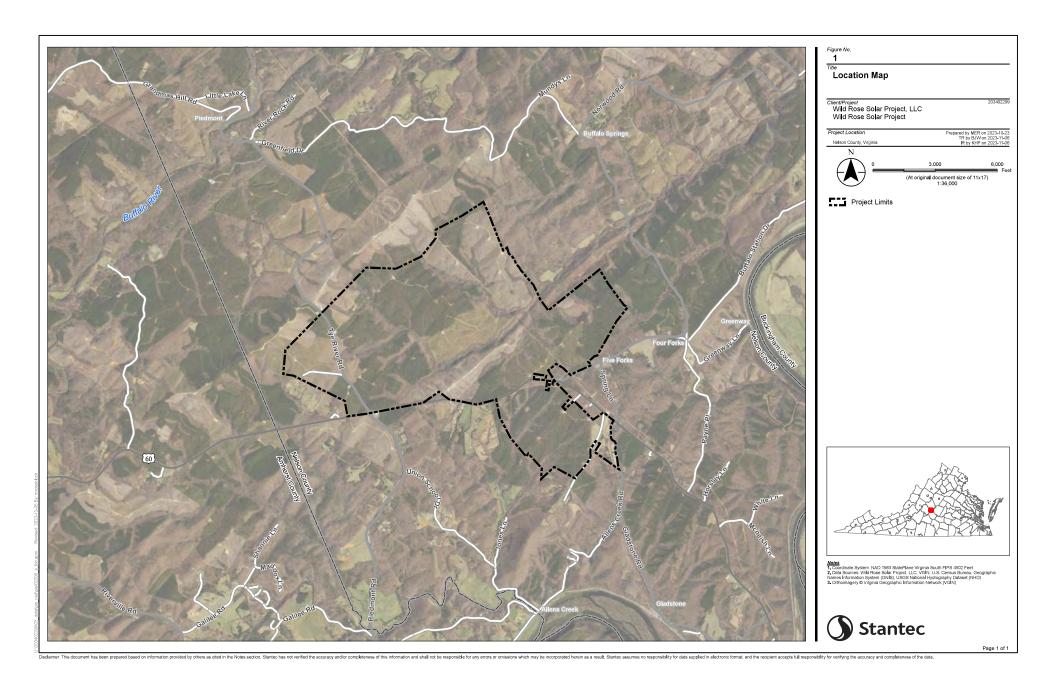


- successive reworking / regrading of features. Where applicable this phasing of permanent features will be tied to the postconstruction SWM record drawings to provide additional field contractor / quality control.
- 7. Daily management techniques to ensure continued functionality of ESC measures. As part of the management approach, specific maintenance of individual ESC components will be required. This strategy includes the documentation and completion of corrective actions.
- 8. Optimizing soil balance on site by minimizing and targeting site grading.
- 9. The stockpiling and reapplication of topsoil following necessary grading.
- 10. Utilizing construction techniques and practices that avoid compaction of soils except as required to meet engineering specifications (i.e. berms and sub-compaction of fill material).

The Applicant's implementation of an integrated ESD and SWM approach throughout early-stage development will ensure that the Project adequately addresses stormwater runoff and erosion control and will be prepared to obtain the associated state-level permits that will be necessary to construct the Project.



Appendix A: Project Location Map



Appendix B: Special Use Permit Application and Proposed Conditions

TO THE ZONING ADMINISTRATOR	:	#
	application type	application number
1. The undersigned hereby petitions the Plant of the following (check appropriate box):	ning Commission and/or Board	of Supervisors for approval
Special Use Permit	☐ Subdivision	
Rezoning fromto	☐ Site Plan – Mino	or
☐ Conditional Rezoning from to	Site Plan − Majo	r
☐ Other:		
Reason(s) for request: Wild Rose Solar Project, LLC ("the Applicant"), seeks a large solar energy system and associated facilities ("Wild approximately 2 miles northwest of the community of Gla Piedmont Road (Route 601) and Buck Mountain Lane (Flane (Route 820), and Richmond Highway (Route 60). It total 4,647 acres. The Project is sited on a portion of the Within the Project Limits, the footprint of the proposed in Construction of the Project is scheduled to begin in the searly 2027. A full description of the Project including local Permit application. (Please use reverse or attach additional sheet if not property owner, please show relationship, i.e. less applicant. Property Owner Name:	d Rose Solar Project" or "the Project") adstone. The Project is located west of Route 791), and is bisected by Tye River The two (2) subject parcels included in a subject parcels that totals approximate infrastructure or "Project Footprint" will obsected quarter of 2026, with a projected ation maps and a detailed site plan is part of space is needed.)	in Nelson County, Virginia, for Norwood Road (Route 626), north of the Road (Route 657), Twin Oaks this Special Use Permit application ely 2,470 acres ("Project Limits"). Cover approximately 550 acres. Ed Commercial Operation Date in provided as part of this Special Use the title; if applicant is not the
Mailing Address: 422 Admiral Blvd, Kan	nsas City, MO 64106	
Telephone #: (816) 421-9599 Email Addre	$_{ m css}$: jjohnson@savionenergy.	.com
Relationship (if applicable): Authorized Age	ent	
☐ Applicant Property Owner Name:	Weyerhaeuser Company	
Mailing Address: 205 Perry Lane Road, Br	diswick, GA 31323	
Telephone #: (206) 539-4406 Email Addre	ess: N/A	
Relationship (if applicable): Property Owne	er	

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:
a. Address of Property (specific location, route numbers, street names, voting district, etc.): Please see attached Table 1
b. Official tax map number: Please see attached Table 1
c. Acreage of property: Please see attached Table 1
d. Present use: Please see attached Table 1
e. Present zoning classification: Please see attached Table 1
f. Zoning classification of surrounding properties: A-1
4. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.
Signature: Printed Name: Drew Gibbons Printed Name:
Signature: Scan Flannery Printed Name: Sean Flannery
(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)
5. Additional information: (Please attach separate sheet for additional details, explanations, etc.)
6. Please note : In the event of cancellation or postponement <u>at your request</u> after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.
Pursuant to Article, Section of the Nelson County Zoning Ordinance.
Pursuant to Section, Section of the Nelson County Subdivision Ordinance.
 Completed application and fee (\$) received on
Hearing Notice published on
Planning Commission action: Date of Meeting / Hearing: Recommendation:
Board of Supervisors action: Date of Hearing: Date of Decision: Action:

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingston, Virginia 22949 | (Physical Address) 80 Front Street, Lovingston, Virginia 22949 (Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | (Fax Number) 434 263-7086 http://www.nelsoncounty-va.gov/departments/planning-zoning/

2.	An	plicant((\mathbf{s})	and I	Prope	erty (D wner	S):	Cont'	d.
		PIICHIIC	\ ~ .	,			, ,, <u>,, ,,</u>		,.	COLL	•

Applicant	V	Property Owner	Name: Georgiana and Bobby Hickey
Mailing Address: 2111 C	Cortland	l Street, Waynesbor	o, VA 22980
Telephone #: (540) 233-2	2152	Eı	mail Address: gmillerhickey@yahoo.com
Relationship (if applicab	le): Pro	perty Owner	

3. Location and Characteristics of Subject Property:

			Table 1 Property Deta	ils		
Mailing Address	Parcel ID	Acres	Owner	Present Use	Zone	Zoning of Surrounding Properties
205 PERRY LAND ROAD, BRUNSWICK, GA 31525	97 1 9	4599.4	WEYERHAEUSER COMPANY	Silviculture	Agricultural District A-1	Agricultural District A-1
171 BUCK MOUNTAIN LN, GLADSTONE, VA 24553	97 A 29	47.4	HICKEY BOBBY JOE &	Silviculture	Agricultural District A-1	Agricultural District A-1

WILD ROSE SOLAR PROJECT, LLC PROPOSED CONDITIONS SUP

$\frac{SOI}{\pi}$	
Proposed	 2024

Wild Rose Solar Project, LLC (the "<u>Applicant</u>") has applied (the "<u>Application</u>") for a Special Use Permit ("<u>SUP</u>") from Nelson County, Virginia (the "<u>County</u>") to construct a large solar energy system as defined and permitted by Article 22A of the Zoning Ordinance for Nelson County, Virginia (the "<u>Ordinance</u>").

Pursuant to the Application, the Applicant proposes the following Special Use Permit conditions (the "Conditions") which are in concert with and supplementary to the Ordinance. Upon approval of the Special Use Permit, the Conditions shall be in full force and effect and binding on any successor or assign of (i) the Applicant and (ii) owners of the Project Parcels (defined below). All terms and phrases used and not otherwise defined herein shall have the meanings ascribed to them in the Ordinance.

- 1. <u>Limitation of Use of the Site for the Project</u>. The use of the Project Site, as defined herein, shall be limited to a 90-megawatt alternating current (MWac) ground-mounted solar photovoltaic electric generating facility (the "<u>Project</u>"). The project site (the "<u>Project Site</u>") shall consist of portions of six (6) parcels of land identified as Nelson County Tax Map Parcels 96-A-1, 97-1, 97-1-9, 97-A-2, 97-A-28, and 97-A-29 (the "<u>Project Parcels</u>") consisting of approximately 2,470 acres zoned A-1 Agricultural will be utilized for the Project. Areas of the Project Parcels outside the Project Site may continue to be used for agricultural and silvicultural purposes if designated in the final site plan (the "<u>Final Site Plan</u>"). The Project will be developed in substantial conformity with the Preliminary Site Plan as revised and dated _______, 2023 (the "<u>Preliminary Site Plan</u>"). The Project Site shall include the areas shown on Preliminary Site Plan and as may be shown on the Final Site Plan containing racking, panels, inverters, transformers, cabling, substation, switchyard, and supporting infrastructure (collectively, the "<u>Solar Facilities</u>" or the "<u>Solar Facilities</u>" or the "<u>Solar Facility</u>"), including all stormwater management areas.
- 2. <u>Duration of Use and Permit</u>. The Solar Facilities shall constitute the use approved pursuant to the SUP. The SUP shall run with the land and bind all owners of the Project Parcels and their successors, heirs, and assigns. References to the Applicant in this SUP shall also include the owners of the Project Parcels, and their successors, heirs, and assigns. The SUP shall expire if the Project fails to obtain building permits within five (5) years from the approval of this SUP unless extended by written agreement between the County and the Applicant.
- 3. <u>Studies and Plans</u>. Prior to or concurrent with the submission of the Final Site Plan, the Applicant will submit to the County the studies and plans as set forth in this Section 3, which shall be submitted in accordance with the requirements of the appropriate authority.

- a. <u>Construction Management Plan (the "Construction Management Plan")</u>. Applicant will submit the Construction Management Plan, including the following items:
 - i. Proposed construction schedule and hours of operation;
 - ii. Project access planning for each entry to the Project and any required road improvements;
 - iii. Project security measures to be implemented prior to the commencement of construction of the Solar Facilities;
 - iv. Dust mitigation and any burning operations; and
 - v. Handling of construction complaints via a project liaison (the "Liaison").
- b. <u>Construction Traffic Management Plan/Traffic Mitigation Plan (the "CTMP") and Road Repair Plan (the "Road Repair Plan")</u>. The Applicant shall:
 - i. Develop the CTMP in consultation with the County Planning Staff, the Virginia Department of Transportation ("VDOT"), the Nelson County Sheriff's Office, and the Virginia State Police to identify and expeditiously resolve or mitigate traffic issues that arise during the construction or decommissioning of the Solar Facilities, including but not limited to (A) lane closures, (B) signage, and (C) flagging procedures. Employee and delivery traffic shall be scheduled and managed so as to minimize conflicts with local traffic. Permanent access roads and parking areas will be stabilized with gravel, asphalt or concrete to minimize dust and impacts to adjacent properties. Traffic control methods shall be coordinated with VDOT prior to initiation of construction. The CTMP will identify on-site areas suitable for parking for construction workers and for trucks to be unloaded and to turn around without having to back onto public roadways during construction and decommissioning.
 - ii. Develop the Road Repair Plan in consultation with VDOT to provide for repair of damage to public roads occurring within five hundred (500) feet of any entrance to the Project. The Road Repair Plan shall provide that such repair to the roads be at least comparable to their conditions before the commencement of construction or decommissioning.
- c. <u>Landscaping Plan (the "Landscaping Plan")</u>. The Applicant shall submit the Landscaping Plan showing the Solar Facilities and the Project, including the security fence, screened from public rights-of-way and adjacent residential properties with existing or proposed vegetation, including the vegetative buffer. The vegetative buffer provided in the Landscaping Plan shall conform to the following requirements:
 - i. Existing vegetation will be maintained where possible and supplemented, as necessary; The vegetative buffer will be regularly inspected and supplemented with additional plantings as necessary to replace dead trees and shrubs.
 - ii. The Applicant shall submit renderings along with the Final Site Plan describing the buffer areas, specifically delineating the areas where existing vegetation is

to be maintained or supplemented and areas where the vegetative buffer will be established;

- d. <u>Erosion and Sediment Control Plan</u>. The Applicant shall construct, maintain and operate the Project in compliance with the approved plan, posting an Erosion and Sediment Control bond (or other security) for the construction portion of the Project as required by the County or DEQ, as applicable.
- e. <u>Stormwater Management Plan</u>. The Applicant shall construct, maintain and operate the Project in compliance with the approved stormwater management plan as approved by DEQ.
- f. <u>Emergency Management Plan</u>. Prior to final approval of the Final Site Plan, an Emergency Management Plan (the "EMP") shall be prepared to address situations that may require response from Nelson County or local volunteer public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
 - i. Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan;
 - ii. Provide a mutually agreed upon schedule of communication and training sessions for Nelson County and local volunteer public safety personnel relative to possible emergency response situations at the Project Site.
 - iii. Provide emergency contact information of the operators of the Project Site to County safety personnel; and
 - iv. Provide that all emergency contact information pursuant to (iii) will be posted on all Project Site access gates.
- g. Ocular Impact Study. The Applicant shall submit an ocular impact study addressing the impact to public roads and structures within sight of the Project. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.
- h. Payment for Third Party Experts and Consultants. Upon submission of an application for Final Site Plan Approval, Applicant agrees to pay the County Twenty-Five Thousand Dollars (\$25,000) to defray costs associated with the provision and/or employment of outside experts and consultants necessary to review specific technical issues related to the Project outside the County's expertise or for which the County has inadequate full-time staff.
- i. <u>Third Party Inspections</u>. Applicant agrees to procure necessary third party building, electrical, erosion and sediment control, and stormwater management inspection services during the construction, operation and decommissioning of the Project, at Applicant's expense. The County Building Official will approve the selected inspectors. All third party inspections will reviewed and approved by the County Building Official.

- 4. <u>Limited Access to the Project</u>. The Project will be accessed from public roads and rights of ways at those points shown may have the access as shown on the Final Site Plan. All access points from public roads will be reviewed and approved by VDOT pursuant to the CTMP.
- 5. <u>Lighting</u>. During construction of the Solar Facilities, any temporary construction lighting shall be positioned downward, inward, and shielded to minimize glare from all adjacent properties. Emergency and safety lighting shall be exempt from this construction lighting condition. Any onsite lighting provided for the operational phase of the Project shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
- 6. Access and Inspections. The Applicant will allow designated County representatives or employees access to the facility at any time for inspection purposes, with at least forty-eight (48) hours advance notice to the Owner or Operator of the Project and subject to reasonable site safety and security requirements to ensure safe inspection by the County. The Project may be inspected by the County Building Official on an annual basis to ensure compliance with applicable State Building and Electrical Codes. Additional inspections shall be conducted if desired by County officials or as necessary in the event of complaints and shall not replace the inspections specified in this section.
- 7. <u>Compliance</u>. The Project shall be designed, constructed, and tested to meet all relevant local, state, and federal standards as applicable.
- 8. <u>Solar Hands-on Instructional Network of Excellence ("SHINE")</u>. Through the Applicant's partnership with the SHINE organization, SHINE will provide its solar installation training program on-site.
- 9. Project Components and Design. The Solar Facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and associated technologies for solar photovoltaic projects. The solar panels shall be made of or coated with anti-reflective materials to prevent glare. The Project shall be constructed in compliance with the requirements of the most current Virginia Building and Electrical Codes in effect upon issuance of the building permit. The total height of the Solar Facilities shall not exceed 15 feet above the ground when orientated at maximum tilt. This height limitation shall not apply to the power poles, transformers, substation equipment and the connections to the existing transmission lines on the Property. In the construction and installation of a large solar energy system, the owner or operator shall install all electrical wires associated with the large solar energy system underground unless otherwise depicted in the Preliminary Site Plan attached as Exhibit X, the approximate location of which is approved by issuance of this SUP.
- 10. <u>Decommissioning and Decommissioning Plan</u>. The Applicant has submitted a preliminary decommissioning plan (the "<u>Preliminary Decommissioning Plan</u>") to the County along with this SUP application, including a the form of a written agreement that details the

method, and estimated cost for the performance of decommissioning. The final decommissioning plan ("Final Decommissioning Plan"), prepared by a Virginia Licensed Professional Engineer shall be submitted with the Final Site Plan Application and must in the form of a written agreement acceptable to the County Attorney and in compliance with Virginia Code Section 15.2-2241.2, as amended, and the Zoning Ordinance, and shall set forth the joint and several responsibilities of the Applicant and all the successors and assigns of the Applicant. The purpose of the Decommissioning Plan is to specify the procedure by which the Applicant would remove the Solar Facility after the end of its useful life and restore the property for agricultural and silvicultural uses or other permitted uses as desired by the landowner, except in no case shall any electrical components, support structures, poles, racking, panels, inverters, transformers, or collector stations of the Project remain on the Property. The Applicant shall update the Decommissioning Plan and associated estimate of cost of decommissioning every five (5) years from the original Commercial Operation Date.

- a. Deactivation of Facility Due to Technical Failure. In the event any technical or physical failure of the Project or any component thereof causes the Project to cease commercial operation, Applicant shall notify the Zoning Administrator of such failure and provide a written report of available details on the Project's anticipated return to commercial operation. In the event that more than twelve (12) months are required to return the Project to commercial operation as required by the Zoning Ordinance, upon request of the Applicant, the Zoning Administrator shall approve an extension of the Applicant's obligation to decommission the Project. In no case shall such extension be granted for a period where the Project would be inoperable for greater than twenty-four (24) consecutive months.
- b. <u>Disposal of Project Components</u>. All components of the Project which are removed from service due to damage during construction and operation will be collected and stored onsite in dry waste containers and either recycled or disposed of offsite in accordance with applicable manufacturer and the local, state and federal solid waste regulations.
- c. Partial Decommissioning. If decommissioning is triggered for a portion of the Solar Facilities, then the Applicant or its successor or assigns shall commence and complete decommissioning, in accordance with the Decommissioning Plan, for the applicable portion of the Solar Facilities; the remaining portion of the Solar Facilities would continue to be subject to the Decommissioning Plan. In the event of a partial decommissioning, the Decommissioning Security shall be reduced in direct proportion to the proportion of the Project being decommissioned. Any reference to decommissioning the Solar Facilities shall include the obligation to decommission all or a portion of the Solar Facilities whichever is applicable with respect to a particular situation.
- 11. <u>Project Liaison</u>. The Applicant will designate at least one public liaison (the "Liaison"), will publicize a toll-free phone number and email address for communication with the Liaison during construction, and will post such information on a temporary sign at each

major access point to the Solar Facilities and provide such contact information to the Zoning Administrator. The Liaison shall act as a point of contact between citizens and construction crews. The Liaison shall be available by phone and email during active construction hours and shall respond to any questions related to the Solar Facilities or the Project within 72 hours. The Liaison role shall commence at the start of construction.

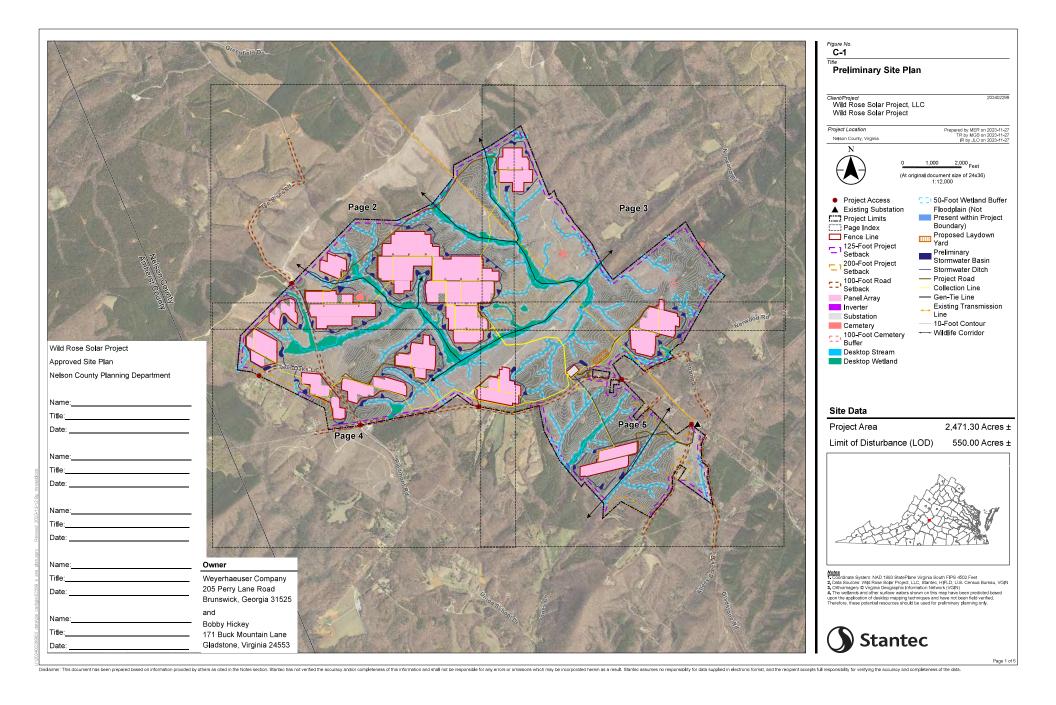
- 12. <u>Insurance.</u> Prior to commencement of construction of the Project, Applicant shall provide the County with proof of adequate liability insurance.
- 13. <u>Agricultural use within Project Site.</u> The Applicant will deploy agricultural uses within the Project Site (i.e. Agrivoltaics). The Applicant will develop and submit as part of the Final Site Plan review process a Farming Plan for such agricultural uses.
- 14. <u>Compliance with Laws</u>. All operations pursuant to this special use permit shall be conducted in compliance with the SUP and all applicable federal, state and local laws, regulations and ordinances. In the event of a conflict between the Nelson County Zoning Ordinance and the SUP Conditions, the SUP Conditions shall control.

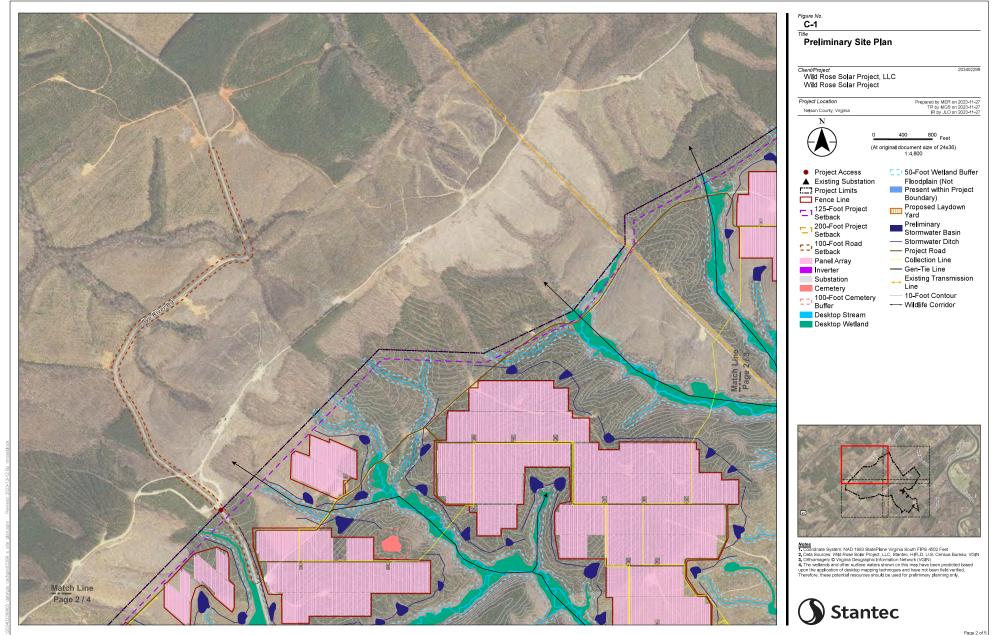
15. Violations and Revocation.

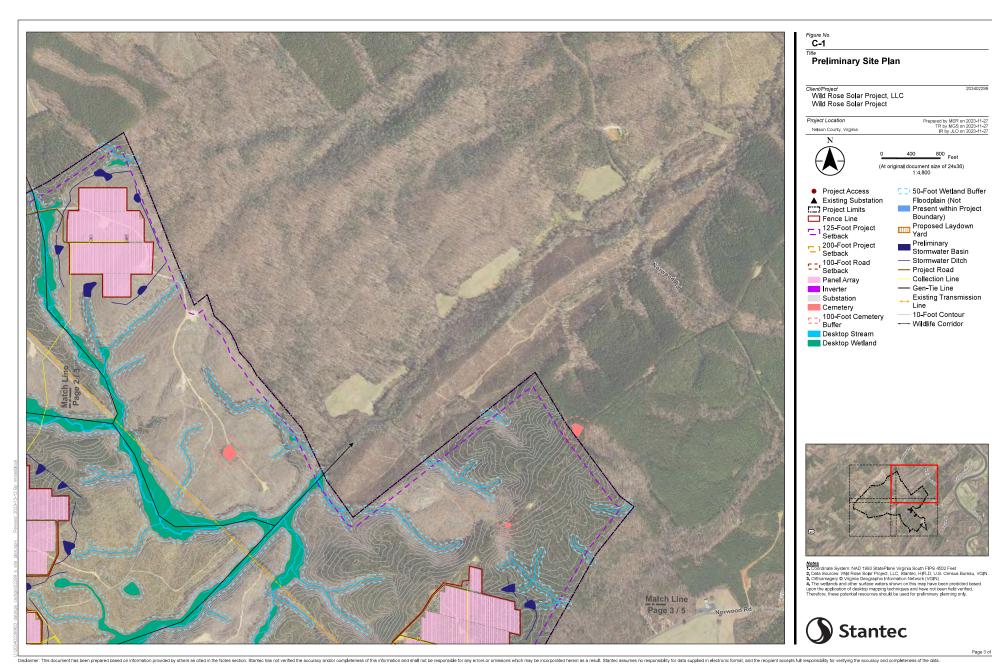
- a. Stop Work Orders. A violation of any type of the Nelson County Zoning Ordinance, this SUP, any Studies or Plans required by this SUP or any Solar Facility Siting Agreement may result in a Stop Work Order. Stop Work Orders may be issued 72 hours after delivery of a written notice of violation ("Pending Stop Work Order Notice") by the Zoning Administrator to Applicant via email or written notice to the Liaison. Upon issuance of a Stop Work Order or Pending Stop Work Order Notice, Applicant shall meet and/or communicate with the County and determine a process for remedying the violation. Implementation of the remedial process to the County's satisfaction shall result in revocation of the Pending Stop Work Order Notice or the Stop Work Order, as applicable.
- b. Extended Violations, SUP Revocation. Any violation of any type of the Nelson County Zoning Ordinance, this SUP, any Studies or Plans required by this SUP or any Solar Facility Siting Agreement continuing for 60 days from the date a written notice of violation ("NOV") is mailed to the Applicant's point of contact, as set forth in the notice provision of the Siting Agreement, may result in revocation of this SUP if the Operator has (i) failed to correct the violation cited in the NOV; (ii) failed to meet with the Zoning Administrator and submit a plan to address the violations cited in the NOV; or (iii) has failed to comply with such a plan. With respect to any road repairs necessitated by the Operator's use of the roads during construction, any such repairs shall be made within a reasonable period of time after obtaining approval from VDOT. Failure to comply with any and all conditions as approved by the Board of Supervisors may result in this SUP being revoked after a public hearing by the Board.

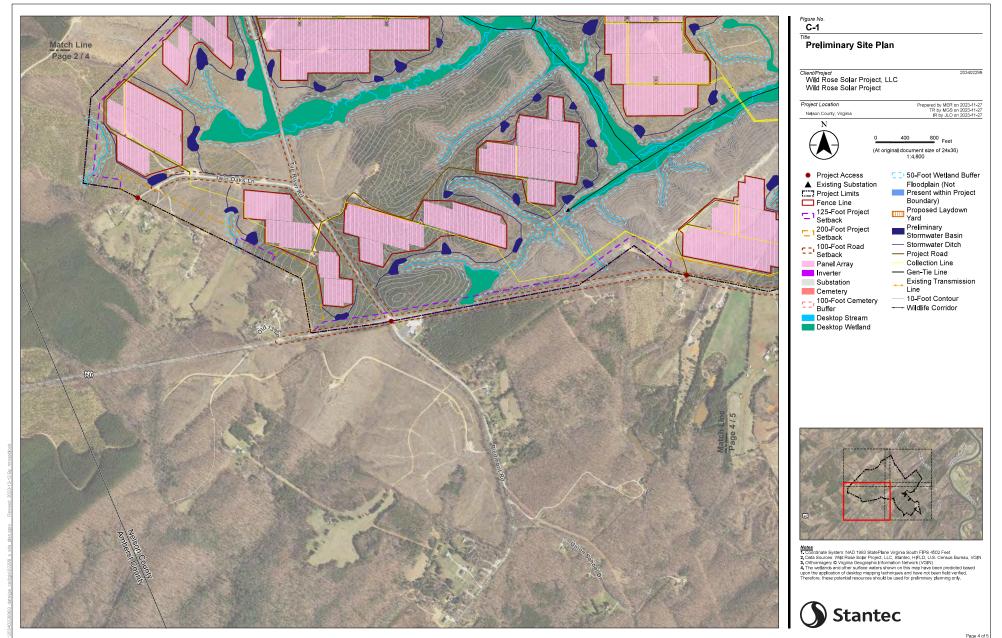
16. <u>Successors and Assigns</u> . The SUP and the Conditions shall apply to the Applicant and any successors or assigns of the Applicant. The County shall be noticed if Wild Rose Solar Project, LLC assigns its responsibilities under this SUP to any other entity.

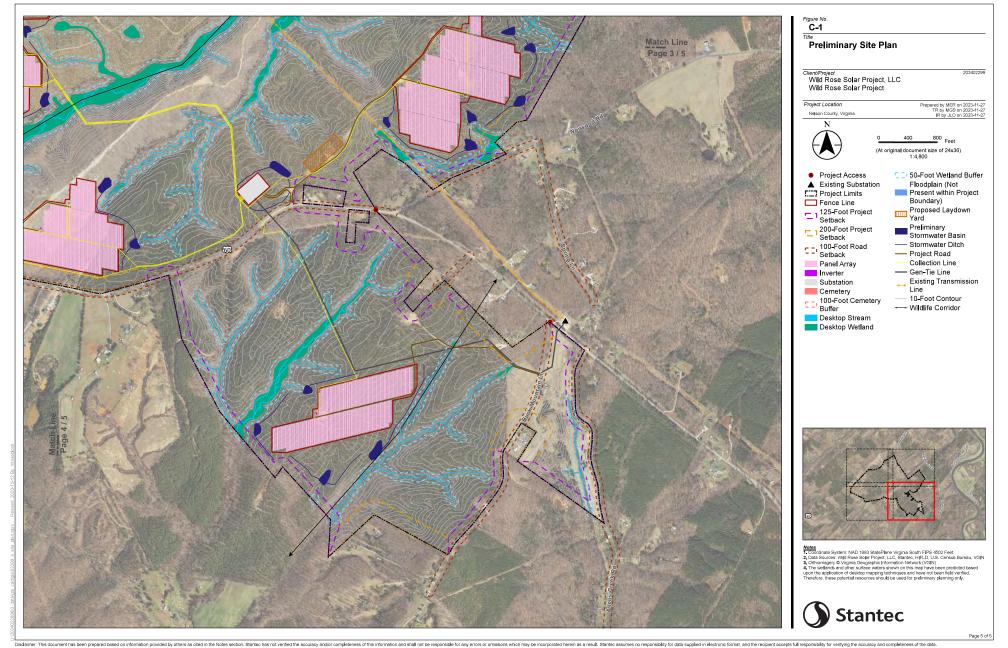
Appendix C: Minor Site Plan











Appendix E: Comprehensive Plan Review

MEMORANDUM

To: Nelson County Planning Commission

FROM: Scott Foster, Jr., Esq., Gentry Locke Attorneys

Lindsey Rhoten, Esq., Gentry Locke Attorneys

DATE: December 15, 2023

SUBJECT: Analysis of Wild Rose Solar's Conformity with the Nelson County 2002

Comprehensive Plan

Members of the Planning Commission,

Attached is a memorandum in support of Wild Rose Solar's request for a determination that their proposed project is "substantially in accord" with the Nelson County 2002 Comprehensive Plan pursuant to Va. Code § 15.2-2232.

I. Summary

Wild Rose Solar Project, LLC ("Applicant") requests that the Nelson County (the "County") Planning Commission review Wild Rose Solar (the "Project") for conformity with the Nelson County 2002 Comprehensive Plan (the "Plan") pursuant to Va. Code § 15.2-2232. This request provides information needed for the County determination that the Project is "substantially in accord" with the Plan.

The Project is a solar electric generation facility with the capacity to deliver up to 90 megawatts ("MW") of electricity to the electric transmission system that serves the County and surrounding area. The Project parcel identification numbers are 97-1-9 and 97-A-29. The total parcel area is approximately 2,470 acres, while the limit of construction is approximately 550 acres. The total area under the solar panels would be approximately 470 acres.

1

construction is approximately 550 acres. The total area under the solar panels would be approximately 470 acres.

II. Va. Code §15.2-2232 "Substantially in Accord" Determination

Va. Code §15.2-2232 provides that the County's Comprehensive Plan controls "the general or approximate location, character, and extent of each feature shown on the plan." For any "public utility facility" that is proposed after the adoption of the Comprehensive Plan, the County's Planning Commission is tasked with determining whether the "general location or approximate location, character, and extent thereof [of the public utility facility] . . . is substantially in accord with the adopted comprehensive plan or part thereof." (emphasis added). Because the Project is considered a public utility facility pursuant to Va. Code § 56-232, the Planning Commission is called upon to determine if the proposed "general location or approximate location, character, and extent" of the Project is "substantially in accord" with the Plan. In this context, "substantially in accord" is interpreted to mean "largely, but not wholly." 1

III. The Project's Location is in Conformity with the Plan

The Project Complies with the Zoning Ordinance

The Nelson County Zoning Ordinance (the "Ordinance") is one of the primary tools used to implement the Plan.² As a result, when evaluating a solar facility for conformity with the Plan, a foundational question to consider is how and whether the facility is permitted within the zoning district where it is proposed. The Ordinance defines a "large solar energy system" as an "energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support

2

¹ The Albemarle County Land Use Law Handbook Kamptner/March 2022, p. E-2.

² Nelson County Comprehensive Plan, viii [hereinafter "Plan"].

structures, and associated control, conversion, and transmission hardware occupying one (1) acre or more of total land area." Importantly, the Ordinance permits large solar energy systems on land zoned in the Agricultural District ("A-1") with a Special Use Permit ("SUP").⁴

Here, the Project meets the large solar energy system definition because the Project will be a solar energy conversation system that will operate as the principal land use and consist of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware that occupies more than one acre of land. Additionally, the Project's primary use is electrical generation to be sold to the wholesale electricity markets. Moreover, all of the Project parcels are zoned A-1. Consequently, pursuant to the negotiated terms of a SUP, the construction and utilization of a large solar energy system is an acceptable use of the parcels within the A-1 zoning district and therefore, conforms to the Ordinance and, by extension, the Plan.

The Project is Not Located in a Development Area

The Plan states that future development should be concentrated in "development areas" to ensure the efficient investment in transportation, schools, and other public services, such as sewer and water, and should be based upon the five development models specified on the Future Land Use Plan Map.⁶ The concentration of new development to "development areas" is to safeguard the County's ability to provide public services and vital infrastructure.⁷

By locating the Project outside of the "development areas," the Project assists the County in concentrating future growth that may be dependent on the public services and infrastructure into these development areas and also prevents any strain on the public utilities or services because

³ Nelson County Zoning Ordinance § 22A-3.

⁴ Ord. § 22A-6(1).

⁵ *Id*

⁶ Plan at iv, 13, 40.

⁷ *Id.* at 13.

these services are not necessary for this type of development. The construction and utilization of a solar facility is an acceptable use of the parcels outside of the development areas, and thus conforms with the Plan.

The Project is a Compatible Agricultural Use

The Plan also provides a separate Land Use Plan for Rural Areas and includes two rural districts, the Rural Residential District and the Rural and Farming District. The Rural and Farming District is intended for agricultural and agricultural compatible uses and further discourages significant residential and commercial development that conflict with agricultural uses. This District allows small scale industrial and service uses that complement agriculture.

The Project is located within the Rural and Farming District and complements the goals of this District. Solar facilities are impermanent uses that preserve land use flexibility for the future. Unlike a residential subdivision or industrial facility, at the conclusion of the operational life of the solar project, the facility will be decommissioned, and the land may again be suitable for agricultural or other uses. This impermanence effectively holds the land in trust for the life of the project. This time allows the soil, and the microbes within it, to replenish, which ultimately improves the soil quality.

The Project Will Not Adversely Affect the County's Natural or Historic Resources

The Plan lists a number of natural and historic resource protection goals that this Project achieves, such as the preservation of ground and surface water and air quality; requirement of erosion and sediment control best management practices; protection of viewsheds and environmental features that contribute to the County's natural aesthetic; and identification and

⁸ *Id.* at 38-39.

⁹ *Id*. at 39.

¹⁰ Io

protection of cultural and historic sites. ¹¹ Similarly, the County outlines certain principles for development in rural areas that are geared towards protecting the County's natural resources, such as the limited development on critical slopes; the protection of scenic views by implementing height restrictions and buffering from the roadways with existing or planted vegetative buffering; and the protection of rural roadways with limited access points. ¹²

Renewable energy projects like Wild Rose Solar are a key part of protecting and preserving water and air resources. Distinct from most sources of energy, solar does not utilize water resources or release pollutants into the environment and creates zero emissions.

Importantly, the Project will not introduce any hazardous wastes into the atmosphere or water.

Except for secondhand vehicle air emissions created during the construction phase of the Project, the Project will not create any airborne emissions nor will it utilize any ground or surface water.

This Project will be located on land that is well suited for solar development, and in accordance with the Steep Slopes map in the Plan, will not be located in an area with steep slopes. ¹³ The Project will also utilize the planting of native grasses and pollinator habitat under the panels and within the Project area to help improve rainwater absorption rates and improve local water quality. The Project will have a stormwater management plan that includes low impact development techniques to equate pre- and post- development runoff and an erosion and sediment control plan that implements best management practices.

Solar energy systems can also contribute to the preservation of rural and agricultural areas. This Project will protect the rural character of the land because none of the solar panels or supporting infrastructure will be over fifteen (15) feet in height when positioned at maximum tilt.

¹¹ *Id.* at 10, 11, App. 6.

¹² *Id.* at 38.

¹³ Plan, at 21-22.

Additionally, the Project will have at least 100 feet setbacks around all exterior property boundaries and at least 200 feet from any property zoned residential. The Applicant will guarantee the preservation of existing vegetation around areas of the Project to ensure that it is properly screened from view throughout the life of the Project. 14 In areas with insufficient existing vegetation, non-invasive shrubs and trees will be planted to enhance visual screening. The Project maintains the County's rural character by ensuring that solar panels are screened from view with adequate buffering, maintenance of existing vegetation and topographical features, and setbacks. As shown on the Project's Site Plan, the Project will be accessible within the Projects internal boundaries and avoid rural road use.

Lastly, the Project will undergo a thorough resource inventory as part of its Virginia Department of Environmental Quality (DEQ) Permit-By-Rule process and undergo consultation with the Department Historic Resources (DHR) to ensure proper protection of any potential cultural or historic resources. The Project aligns with the Plan, which underscores the importance of the County's rich environmental and historical resources, particularly as it relates to the opportunities for the tourism sector. 15

IV. The Project's Character, and Extent are in Conformity with the Plan.

The Project will Provide Economic Opportunities to the County

The County strives to enhance quality of life for residents by encouraging a diverse and vibrant local economy with various types of businesses and industries. 16 The Plan states that a

¹⁵ *Id.* at 6.

¹⁴ *Id*. at 5.

¹⁶ *Id.* at 5.

strong local economy generates tax revenues that support the public services needed by county residents.¹⁷

This Project will support local workers through construction jobs and ongoing operations and maintenance jobs. Additionally, employers are increasingly looking to operate in localities that can provide access to carbon-free energy. The Project has the potential to attract future businesses and employers that are seeking to set up shop in areas that support green energy. The Project will provide a significant addition to the local tax base by generating reliable tax revenue that allows for increased investment in County services and infrastructure without the costs associated with increased demand for public utilities, solid waste disposal, human services, or public education that may be associated with other types of development. If the land is used as a solar generation facility, it will generate tax revenue 13 times greater than the current land use. This revenue can be used to support core county services and local infrastructure improvements identified in the Plan. ¹⁸

V. Compliance with Nelson County Comprehensive Plan Draft 2042

Nelson County is in the process of amending its Comprehensive Plan, and it is important to state that the Project is also "substantially in accord" with the Nelson County Comprehensive Plan 2042 ("Draft Plan"). The Draft Plan states that "[i]t is the duty of all localities across the Commonwealth to plan for alternative energy sources, such as solar . . . and Nelson County is no exception." The Draft Plan requires the County to "work with developers to help accommodate the generation of energy through alternative sources as much as feasible." ²⁰

 20 Id

¹⁷ *Id.* at App. 6.

¹⁸ Plan, at ii-iii, 9-10.

¹⁹ Nelson County Comprehensive Plan, Public Review Draft July 31, 2023, 33 [hereinafter "Draft Plan"].

This Project balances the County's goals of renewable energy generation and protection of the environment and natural landscape. The Project will be located in a "rural area" on the Future Land Use Map and one of the primary land use types is "solar installations." ²¹ The planning guidelines for solar development in rural areas is for the development to have minimal impact to scenic viewsheds and natural resources. ²² As stated in Section III of this analysis, this Project will be adequately screened from the surrounding landscape and implement best management practices to ensure that the natural landscape and environment is protected.

VI. Conclusion

Pursuant to the requirement of Va. State Code §15.2-2232, the Applicant asks that the Planning Commission confirm that the Project is substantially in accord with the Plan. As detailed above, this project is in significant agreement with the Plan.

²¹ *Id.* at 39.

²² *Id*.

Appendix G: Photo Renderings

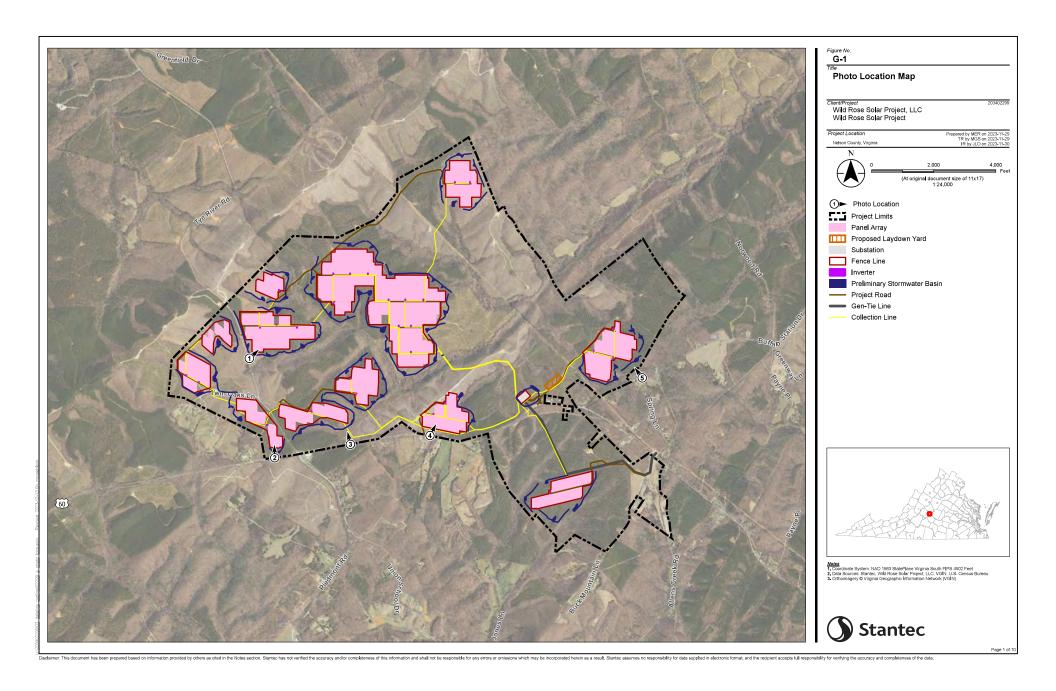


Photo Location 1

Proposed screen will consist of evergreen enhancement and maintenance of existing vegetation.





Wild Rose Solar Project Page 2 of 10



Wild Rose Solar Project Page 3 of 10

Photo Location 2

Proposed screen will consist of evergreen enhancement and maintenance of existing vegetation.





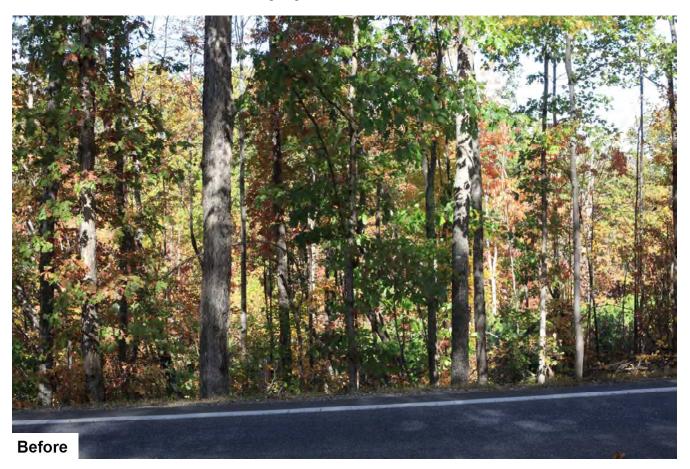
Wild Rose Solar Project Page 4 of 10

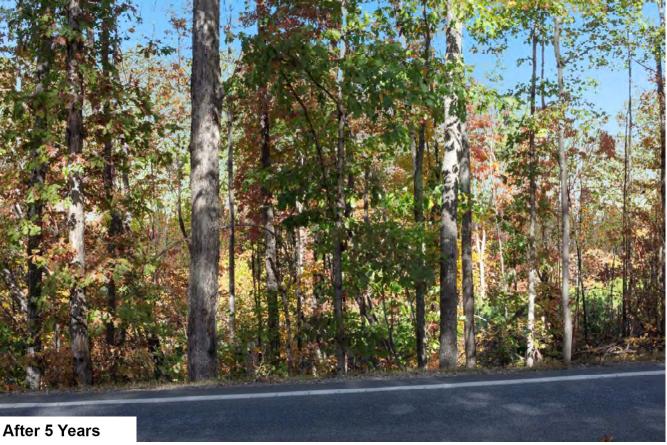


Wild Rose Solar Project Page 5 of 10

Photo Location 3

Existing vegetation will be maintained.





Wild Rose Solar Project Page 6 of 10



Wild Rose Solar Project Page 7 of 10

Photo Location 4

Existing vegetation will be maintained.





Wild Rose Solar Project Page 8 of 10



Wild Rose Solar Project Page 9 of 10

Photo Location 5

Existing vegetation will be maintained.





Wild Rose Solar Project Page 10 of 10

Representative Photo of Gen-Tie

This is a representative photo of the gen-tie and is not a photo taken at the project. The gen-tie will be hung on steel monopole structures that will be approximately 90- to 110-feet above the ground.



Wild Rose Solar Project Page 11 of 11

DEPARTMENT OF PLANNING AND ZONING



PLANNING COMMISSION BOARD OF ZONING APPEALS

November 20, 2024

Dear Property Owner:

The following petition has been made to the Planning Commission (PC) and the Board of Supervisors (BOS), regarding a tract of land adjacent to or near property you own in Nelson County:

Special Use Permit #24-0014 – Large Solar Energy System

Consideration of a Special Use Permit application requesting County approval to allow a Large Solar Energy System on two adjacent properties zoned A-1 Agricultural. The applicant is Wild Rose Solar Project, LLC, a subsidiary of Savion, LLC. The two (2) subject parcels included in this Special Use Permit application total 4646.8 acres. The Project is sited on a portion of the subject parcels that totals approximately 2470 acres ("Project Limits"). Within the Project Limits, the footprint of the proposed infrastructure or "Project Footprint" will cover approximately 550 acres. The subject properties are located at Tax Map Parcels #97-1-9 (4599.4 acres owned by Weyerhaeuser Company) and #97-A-29 (47.4 acres owned by Joe & Bobby Hickey) in the Gladstone area.

The application will be considered at a public hearing conducted by the BOS on **Tuesday, December 10 beginning** at **7:00 P.M.** in the General District Courtroom on the third floor of the County Courthouse, Lovingston. At their meeting on June 26, 2024, the PC recommended denial of this application to the BOS.

As required by law, this notice is being sent to inform adjoining property owners of this request. If you wish to learn more about this request and/or to comment on it, you may contact and/or visit the Department of Planning & Zoning, and/or attend the public meeting(s).

If you have any questions and/or requests for assistance, please contact County staff as we remain available to assist you.

Sincerely,

Dylan M. Bishop

Nelson County Planning & Zoning Director

ylan M Bishop

DMB

Nelson County Board of Supervisors

As a neighbor of the proposed Wild Rose Solar Project, it is important that I share about my experience with the Wild Rose Solar Project team. The project team has been proactive and open in their communication with me. They have stopped by my home and my neighbors' homes numerous times. They have answered any question I asked. They have introduced me to others on the team to provide me additional information and answers. All in all, the Wild Rose Team has gone above and beyond to communicate with those living around the project.

Sincerely

181 Norval Ql. Okadstone, VA. 24553

Wild Rose Project

Georgiana < g.millerhickey@yahoo.com>

Wed 6/26/2024 4:01 PM

To:Jessica Ligon <jligon@nelsoncounty.org>;Dylan Bishop <dbishop@nelsoncounty.org>

IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender g.millerhickey@yahoo.com

Hello,

We are writing to you today in support of the Wild Rose Project, that is projected to break ground in Gladstone, Virginia. We support this project for the reasons that we see as very beneficial for the tax payers in this community. There are many low income families that live throughout the Nelson County area, and as a family on a budget, we would feel the crunch of electricity bills at 500-600 per month. The production of solar energy allows for energy production costs to decrease and bringing about a trickle down process. Families will also benefit from the new jobs produced during the building phases and will also give more opportunities to an area where work is limited, unless a lengthy commute is involved. I saw the amount of needed families that were desperate for energy assistance through the local Social Service Departments. This project has the potential to relieve energy costs as well as lessening the county's residents necessary need to rely on government assistance for high energy costs. We hope you all will support this Wild Rose Project and find it as necessary as well as beneficial for our community.

Thank You, Bobby and Georgiana Hickey 171 Buck Mountain Lane Gladstone, Virginia 24553

Letter of Support

Attn: Dylan Bishop Re: Wild Rose Solar Project, LLC application for 04/012/2024 Date:	
04/012/2024	
04/012/2024	Special Use Permit
Date.	
To Whom it May Concern:	
The undersigned resides at 5510 Richmond Highwork letter is intended to confirm our support for constructions solar energy project proposed by Wild Rose Solar company, located adjacent to our residence.	uction and operation of the utility-scale
Thank you for your time and consideration.	
Kind regards,	
Just Subject Gilliam	

4816 East Seminary Avenue Richmond, VA 23227 August 11, 2024

Dylan M. Bishop Nelson County Planning & Zoning Director P.O. Box 558 Lovingston, VA 22949

Dear Ms. Bishop:

I am writing regarding Special Use Permit #24-0014 – Large Solar Energy System, which was submitted by Savion LLC for the Wild Rose Solar Project. I am the owner of parcel 93-A-3C, which is located adjacent to and downstream from the proposed 550-acre solar farm. I attended the Planning Commission Public Hearing on June 26 and have reviewed the project information packet. I have the following concerns about the project.

1) The installation of solar panels will increase stormwater runoff in the Owen's Creek watershed and decrease water quality downstream.

The installation of the solar panels will add an impervious surface to the watershed which will decrease rainwater infiltration and increase runoff. This will increase erosion and decrease water quality downstream. Converting the site from tree growth to meadow vegetation will increase stormwater runoff, as well. As the owner of an adjacent parcel downstream, I am concerned about how this will affect my use of Owen's Creek and my land bordering Owen's Creek.

2) The installation of solar panels will decrease the amount of carbon the site can sequester.

The land is currently in managed tree growth, an efficient method for sequestering carbon from the atmosphere. Converting the site to solar panels surrounded by meadow vegetation would decrease sequestration significantly.

3) The economic benefits to the Gladstone community and Nelson County will be negligible.

As was noted by Mary Kathryn Allen at the June 26 Planning Commission hearing, the tax revenues, number of jobs created, and project monies that will be spent locally will be negligible. In this case, solar farming will be an extractive enterprise with little or no benefit to the community.

4) The solar panel installations will be fenced. The fences will restrict access to the project area and will affect the natural movement of wildlife within our neighborhood.

Deer, bear, coyote, turkey, and other animals live in our area and have moved about the project site unimpeded for many years. The fencing that will be erected around

the solar panels will restrict their access and alter their movements. This could affect our wildlife populations negatively.

5) If the project fails or is abandoned, who will pay for cleanup and restoration?

We all know of promising businesses that have failed. What happens if the Wild Rose Solar Project is unsuccessful? Who will pay for decommissioning the site, cleaning it up, and restoring it to its former condition? A failed but improperly decommissioned solar farm would be an environmental liability affecting everyone downstream.

6) As the owner of an adjacent parcel, I am concerned about the noise the project will generate during its construction and in its operation and maintenance.

The quietness of our neighborhood is something we all value and enjoy.

7) I am also concerned about the large size of the project and the effect it will have on my land.

A 550-acre installation is sizeable. Is it necessary to install a solar farm of this magnitude in this location? Would a smaller installation be possible?

I support the County's efforts to reduce carbon emissions and develop solar and other green energies, but not in this manner. Converting productive forestland to a solar farm is not a sensible way to decrease our carbon footprint. This approach seems outdated. It is also unwise in this era of rapid development to convert open land to industrial use when other options are available. For example, there are rooftops, parking lots, and abandoned commercial sites throughout the state that could host solar arrays in a less impactful way.

In light of these negative impacts, I urge the Board of Supervisors to reject the Wild Rose Solar Project permit request and to explore other, less impactful ways to develop solar energy in Nelson County. Please help us preserve the environment, agricultural focus, and rural character of our neighborhood that we all cherish and enjoy.

Respectfully,

John Morse

John Morse Owner, Parcel 93-A-3C

Wild Rose Solar Project.

John Morse <jmorse25@yahoo.com>

Sun 8/11/2024 2:52 PM

To:Dylan Bishop <dbishop@nelsoncounty.org>

1 attachments (166 KB)

Nelson County Wild Rose Solar Letter 3.pdf;

IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender jmorse25@ yahoo.com

Dear Ms. Bishop:

Attached please find my letter concerning Special Use Permit #24-0014 – Large Solar Energy System, which was submitted by Savion LLC for the Wild Rose Solar Project. I am the owner of parcel 93-A-3C, which is located adjacent to and downstream from the proposed 550-acre solar farm. I attended the Planning Commission Public Hearing on June 26 and have several concerns regarding the project. Could you please forward my letter to the Planning Commission and the Board of Supervisors for consideration.

Thanks. I look forward to attending the Board of Supervisors meeting this Tuesday, August 13, at 7:00 PM in Lovingston.

Respectfully,

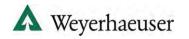
-- John Morse

The undersigned resides at 5510 Richmond Highway, in Gladstone, Virginia 24553. This letter is intended to confirm our support for construction and operation of the utility-scale solar energy project proposed by Wild Rose Solar Project, LLC, a Delaware limited liability company, located adjacent to our residence.

Thank you for your time and consideration.

Kind regards,

Christina Noah Julian





June 26, 2024

Dylan Bishop Nelson County Planning & Zoning P.O. Box 558 Lovingston, VA 22949

Subject: Wild Rose Solar Project Special Use Permit - Letter of Support

Dear Ms. Bishop,

We are writing this letter in support of the Special Use Permit application for the Wild Rose Solar Project.

As background, Weyerhaeuser owns and sustainably manages over 100,000 acres of timberlands in Virginia. We provide work for Virginia logging, hauling, and road building contractors and are a core supplier of timber to many of the state's forest products facilities. We are also able to generate additional revenue from our land by leasing it for a limited number of solar projects.

Weyerhaeuser enters into long-term lease agreements with reputable, renewable energy partners, such as Savion. These partners identify, evaluate, permit, build, and operate the renewable energy projects in strict accordance with our lease terms and under required permits. The majority of our land in the County will remain working forests and will continue to support the state's forest products economy. However, where there are opportunities to convert some of our land to solar or other renewable projects, we will carefully evaluate each project. We support solar projects that provide mutual benefit for both Weyerhaeuser and the communities in which we operate, creating new revenues and providing clean energy. Moreover, the optionality of solar lease agreements allows for us to retain ownership of the property, while exploring alternative uses for our timberland holdings.

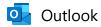
Weyerhaeuser and Savion have enjoyed a strong working relationship for several years. We have been impressed with their professionalism and expertise in the renewable energy sector and for those reasons we strongly endorse their pursuit of the Wild Rose Solar Project and ask you to support Savion's Special Use Permit application.

We look forward to working with the County and Savion on making this project a reality.

Respectfully,

Anthony Chavez

Director - Renewable Energy



Wilson rose solar project

From margaret dodd <maggiedodd56@gmail.com>

Date Thu 10/24/2024 3:03 PM

To Dylan Bishop <dbishop@nelsoncounty.org>

IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender maggiedodd56@gmail.com

Special permit #24-0014

So here we go again getting a new letter but the same mess we heard last time. I came to meeting as did many others. People got up and voiced their concerns about this project. Final was you all didn't approve the project. So ow same letter same land same solar company. Yet different meeting just new day and time. My property doesn't seem to be near the planned property. 2377 Allen's creek road, Gladstone. Va. My land backs up to people who we met once. They came down to introduce themselves. They had built a caql0q2222133p33p0bin there. I beleive they lived in Buckingham. Seems that weyerhaeuser Co owns more than myself and the hickeys. Yet if it wasn't wanted the first time. Why is this being presented again. If 4599.4 acres doesnt approve. That should be your answer. Wild rose tried to make it all sound great and smell like a . They will get all the benefits. But you all don't live near the buzzing, or destruction to any of this land right. Neither does wild rose

They are out of state. They will create all this mess. You want ever see them again. There was concerns and questions about the panels when they are no longer working. No payment to clutter nelson dump. Like electric vehicles. Guess they thought those batteries would last forever? Then where do they go. In the dumpster with useless solar panels? Unless they have built multiple, motels, restaurants for all the workers they spoke about needing to stay and eat . I don't see why this is even a thought. Money the root of all evil. Unless nelson country is going to roll in the dough from this project. I think wild rose should stay in NC. Surly they have reached out closer to home. They are looking out for their high paying jobs and big promotions. Its almost sickening to hear them present all their BS. When us residents in nelson know it's exactly what it is BS. Thanks

Margaret Edward's dodd

.

Wild Rose Solar Project

Richard < richard.wingfield2@gmail.com >

Mon 6/17/2024 9:24 AM

To:Dylan Bishop <dbishop@nelsoncounty.org>
Cc:Jessica Ligon <jligon@nelsoncounty.org>

IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender richard.wingfield2@gmail.com

Mr. Bishop,

My wife and I received notice of the scheduled public hearing on the pending solar project adjacent to our property. In lieu of scheduling conflicts that may prohibit our being able to attend, we would like to take this opportunity to offer our hopefully constructive input on the matter. We attended two of the open house meetings that Wild Rose Solar hosted. We enjoyed meeting the representatives and were impressed with both their presentation and their candid answers to all of our concerns. My wife and I are enthusiastically in full support of this project. We see it as both an environmentally friendly and low-impact way to significantly provide additional power to our nation's growing need for electricity. The proposed area for this project seems to be ideal in every respect given the fact that the land is primarily for timber production. Issues such as traffic inconveniences during construction, land disturbances creating erosion issues, or aesthetic concerns are all dramatically less than is typically seen with the routine timber harvesting on these lands. Given the fact that this project is term limited (40-year lease) as we understand it, provides for the option to reconsider such projects in the future with little to no risk to the county. We would think the revenues to the county and the added employment opportunities would be a welcome consequence of this proposed project.

We do hope to attend the hearing, but if not, again, we hope our thoughts expressed here will be considered.

Sincerely,

Richard and Patty Wingfield 4154 Richmond Hwy Gladstone, VA 24553 Nelson County

cc: Supervisor Dr. Jessica Ligon

To the Nelson County Board of Supervisors,

I write today to express concerns regarding Wild Rose Solar Project, the large scale solar production installation proposed by Savion, a portfolio group of Shell Corporation. It is with no reservations that I condemn this proposal as not only an affront to the well-being of our community, but to broader environmental stewardship efforts throughout our state and country. I see significant issues that would be presented to the individual, the community, and the environment.

Lack of Individual Benefit and Renewable Energy Credits

Loss of Individual Benefit

I would first like to raise concern about renewable energy credits (RECs) and disempowerment of the individual. Specifically, I would like to address RECs' value over the life span of this project and the lost value to Nelson County residents who receive solar panels from Savion.

Below, you will find prices sourced from the Pennsylvania Public Utilities Commission. Virginia currently markets RECs in both Virginia and on the Pennsylvania Tier I market.

2019	2020	2021	2022	2023
6.41	\$7.87 (+22.73%)	\$10.62 (+34.94%)	\$17.68 (+66.48%)	\$23.68 (+33.94%)

Table 1: Average Pennsylvania Tier I market pricing for alternative energy credits. PA Tier I and Virginia are the sole marketsthrough which Virginia can market RECs.

(https://www.puc.pa.gov/media/2555/alternative_energy_credit_pricing_092123.pdf)

Since 2019, the REC market has seen an average increase of 39.52% in annual Tier I market pricing. The Virginia Solar Alternative Compliance Payment (SACP), the penalty for not meeting SREC requirements, was set at \$75 per credit in 2021 with a 1% compounding annual increment. This functions as a soft cap to the market price of credits in Virginia. Given that the current pricing trend is unsustainable under the current SACP guidelines, modest inflation estimates have been used with the following formula to estimate the lost benefit to households receiving "free solar" that cede rights to the RECs they produce.

$$\sum_{n=1}^{40} {\alpha * 0.995^{n-1} \choose 1000} \beta * (1+\gamma)^{n-1}$$

For these estimates, the average annual production for a 10kW system, 12,000kWh (α), the May 2024 Virginia market rate of \$35 (β), and the listed inflation rates (γ) were used to generate these estimates for a 40-year life span. Albeit a rough estimate, I would urge the board to inquire further about the value of these credits and who retains the rights to their sale.

REC Inflation	2%	4%	6%	10%
40-Year Value	\$22,744	\$35,347	\$56,950	\$160,163

Table 2: Projected values of RECs produced in home system over a 40-year life span.

RECs and Climate Change

Besides the loss to Nelson County residents for whom this would be life-changing income, I must also highlight the impact that these RECs will have on broader efforts to address climate change.

The trade of these credits allows for energy providers like AEP and Dominion to continue producing non-renewable energy at existing and expanding rates. Instead of retiring existing infrastructure and committing to climate goals, AEP will instead maintain existing non-renewable power sources and focus on expansion to meet the growing energy demands of data centers and other power-hungry modern conveniences.

Lack of Community Benefit

Wealth Transfer

There are also concerns relating to the benefit of this installation to Nelson as a whole. First and foremost, the increased tax revenue from this installation would be a pittance compared to the value of production. Nelson County would be ceding thousands of acres of arable land for decades and not seeing a penny of the production value. Space is a commodity that Nelson County is rich in. This installation has been proposed in Nelson because of the affordable, spacious area we can provide. Immense wealth will be extracted from this space that Nelson County residents will fail to benefit from.

Time of Use Pricing and Lack of Equity

Rather, this installation could result in economic hardship for the residents of Nelson who receive power from AEP. While AEP currently offers time of use (TOU) pricing as an elective plan to consumers, increased penetration of alternative energies in Virginia, specifically solar, will lead to the phenomenon known as the duck curve becoming more relevant to power generation and distribution in Virginia.

As solar energy proliferated in California, for example, time of use pricing plans became the norm for consumers, allowing providers to shift load throughout the day. With large scale solar beginning to grow in Virginia, more aggressive strategies from AEP will be necessary to balance power supply and demand. Data centers operate 24/7 and more affluent consumers may be able to shift their consumption to benefit from TOU plans, but residents of lower socio-economic status will be forced into higher energy costs due to inflexible schedules.

Local Environmental Risks and Concerns

Risk of Degraded Water Quality

There are also environmental concerns relating to this project. Owen's Creek runs through a large section of the parcel before spilling into the James River. Compaction from development and rainwater erosion presents a concern of pollution from runoff, potentially degrading the quality of one of Nelson County's most significant ecological assets.

Given the landscape this project is proposed in, I must question the stewardship of Weyerhaeuser, given that they will be partnering with Savion in this development to clear and prepare land for construction. Weyerhaeuser has been embroiled in legal battles over adherence to water quality laws. Columbia Riverkeeper, for example, a conservation group in Washington, sued Weyerhaeuser, alleging that they had violated Washington water quality laws. The response of Weyerhaeuser was lacking.

"While we acknowledge the stormwater exceedances stemming from one or more of the facilities at the site, we did not break the law and continue to deny any wrongdoing related to this issue." -Weyerhaeuser Public Affairs Manager Mary Catherine McAleer

Ultimately, Weyerhaeuser settled for \$600,000 dollars. The applicant has maintained that they are following the letter of the law. I urge the board to consider that legal restitution will not be sufficient if Savion's promises fall flat.

Risk of Chemical Toxicity

I also urge the board to question the applicant further about the contents of these panels. While cadmium telluride is unlikely to be found in this installation, many other toxic compounds are housed in photovoltaic panels that would prove to be disastrous if their housing was breached. Hail, branches from wind storms, vandalism, and many other physical breaches could occur in an untended facility like this, resulting in contamination of soil and water that would make the entire area unfit for agricultural use in the future.

Risk of Fire and Theft

Finally, I would like the board to consider the weight of this installation as a fire hazard. Given that this facility will not have security on duty, a vast wealth of copper will be sitting untended in a rural area, surrounded by flammable timberland. In 2020, over 3,000 Lynchburg residents and customers of AEP lost power when copper thieves cut live lines from a substation. An untended facility like this would be extremely attractive to would-be thieves, and compromised lines would be a threat to the local community. While this installation would be operating within the letter of the law, it would present great risk to the local community.

Summary

I would like to thank the board for considering the concerns I have raised on behalf of the Nelson County community. I do not believe this proposal will generate sufficient benefit to the local population to merit approval for installation. At best, tax revenue will marginally increase from its presence. At worst, residents would be economically harmed through exploitation as well as being subjected to the threat of fire and contamination of water through erosion and chemical leaching. I implore the board to deny their application to construct this facility.

Sincerely,

Robin Hauschner 403 Perry Ln, Lovingston, VA, 22949 (434) 989-8899

NOV - 7 2024

Nelson County Board of Supervisors

COUNTY ADMINISTRATOR'S

As a neighbor of the proposed Wild Rose Solar Project, it is important that I share a posterne when the proposed wild Rose Solar Project, it is important that I share a posterne when the proposed wild Rose Solar Project, it is important that I share a posterne when the proposed wild Rose Solar Project, it is important that I share a posterne when the proposed wild Rose Solar Project, it is important that I share a posterne when the proposed wild Rose Solar Project, it is important that I share a posterne when the proposed wild Rose Solar Project, it is important that I share a posterne when the proposed wild Rose Solar Project, it is important that I share a posterne when the proposed wild Rose Solar Project, it is important that I share a posterne when the proposed wild Rose Solar Project, it is important that I share a posterne when the proposed will be a project with the project will be a project with the proposed will be a project with the project will be a project with the experience with the Wild Rose Solar Project team. The project team has been proactive and open in their communication with me. They have stopped by my home and my neighbors' homes numerous times. They have answered any question I asked. They have introduced me to others on the team to provide me additional information and answers. All in all, the Wild Rose Team has gone above and beyond to communicate with those living around the project.

Sincere

Stephen P. Alexen 825 Norwood Pd Wadstone, JA



Nelson County Planning Commission Meeting Minutes June 26th, 2024

<u>Present</u>: Chair Mary Kathryn Allen and Commissioners Chuck Amante, Mike Harman and Robin Hauschner. Board of Supervisors Representative Ernie Reed

Staff Present: Dylan Bishop, Director and Emily Hjulstrom, Planner/Secretary

Call to Order: Chair Allen called the meeting to order at 7:00 PM in the General District Courtroom,

County Courthouse, Lovingston.
Review of May 22nd Minutes:
Mr. Hauschner made a motion to approve the May 22^{nd} Planning Commission meeting minutes. Mr. Harman seconded the motion.
Yes:
Chuck Amante
Mike Harman
Robin Hauschner
Ernie Reed
Abstain:
Mary Kathryn Allen
SUP 24-0014 – Large Solar Energy System – Wild Rose:

Ms. Bishop presented the following:

Nelson County Planning Commission

To: Planning Commission

From: Dylan M. Bishop, Director of Planning & Zoning DMS

Date: June 26, 2024

Re: SUP #24-0014 - Wild Rose Solar Project, LLC - Gladstone

BACKGROUND: This is a request for a special use permit for a large solar energy system on property zoned A-1 Agriculture.

Public Hearings Scheduled: PC - June 26; BOS - August 13 (tentative)

Location / Election District: Gladstone / South District

Owners / Tax Map Numbers / Acreage

Weyerhaeuser Company	4646.8 acres	#97-1-9	
Joe & Bobby Hickey	47.4 acres	#97-A-29	
Total of Subject Parcels	4694.2 acres		
Area Under Site Control	2470 acres		
Construction Area	550 acres		
Area Under Panels	470 acres		

Applicant Contact Information: Wild Rose Solar Project, LLC, a subsidiary of Savion, LLC

Attn: Jeannine Johnson 422 Admiral Blvd, Kansas City, MO 64106

(816) 421-9599

jjohnson@savionenergy.com

Comments: This request is Nelson County's first application for a large solar energy system, governed by Article 22A of the Zoning Ordinance and defined as, "an energy conversion system, operating as a principal land use, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one (1) acre or more of total land area. Also known as solar energy arrays or solar energy farms."

The applicant is proposing to install a 90 megawatt (utility scale) solar energy farm on land in active timber use. The remaining land is planned to remain in silvicultural use during the life of the project, which is proposed at a length of 35-40 years. The electricity generated by the panels is sent to inverters, which converts it to a current where collection lines can then transfer it to the project substation. From there, it is transferred by overhead transmission line to the Gladstone substation, then fed into AEP's power grid for distribution. The application indicates that above ground lines are necessary for connection into the power grid.

The applicants facilitated public outreach, including two meetings at the Nelson Heritage Center (one for property owners adjacent to the project boundaries, and one for those within a one-mile radius). The County then hosted the applicant for a Community Open House at the Gladstone Fire Department where mailers were sent out to almost 300 residents. The applicant has also presented the proposed project to both the Planning Commission and Board of Supervisors.

To ensure adequate notification, County staff send adjoining owner notices for the special use permit public hearings to those within a one-mile radius of the project site.

Local zoning approval is one of the first steps in a lengthy review process for utility scale solar projects. Should the special use permit be ultimately approved, the applicants are then required to proceed with DEQ's Permit By Rule process (PBR) which requires that any impacts be avoided, minimized, or mitigated. This includes the submittal of studies, and review and approval by agencies such as Department of Historic Resources (DHR), Department of Wildlife Resources (DWR), and Department of Conservation and Recreation (DCR). If applicable, permits will be required from the Army Corps of Engineers (USACE), Virginia Water Protection (WWP), and Virginia Marine Resources Commission (VMRC). The applicants hired a third party consulting firm (Stantec Consulting Services, Inc.) to complete historical and cultural resources studies, wildlife and endangered species studies, topographical, wetlands, and soils surveys, glare hazard study, traffic study, and decommissioning plan, copies of which were submitted with the application. Should the special use permit be approved, a Major Site Plan will be required, and to accommodate for the additional review time the applicants are requesting a period of 5 years to secure building permits from the date of approval. The current expected commercial operation date is 2027. A table of contents of the application is provided below for clarity. Those items in **bold** should be closely reviewed.

Project Narrative

Appendix A: Project Location Map Appendix B: Special Use Permit Proposed Conditions

Appendix C: Minor Site Plan

Appendix D: Site Plan Associated Mapping

Appendix E: Comprehensive Plan Review

Appendix F: Conceptual Landscaping Planting Plan

Appendix G: Photo Renderings Appendix H: Decommissioning Plan

Appendix I: Context Map

Appendix J: Cultural Resources Desktop Analysis

Appendix K: Desktop Wetland Review

Appendix L: Desktop Threatened and Endangered Species Review

Appendix M: Glare Hazard Analysis

Appendix N: Preliminary Equipment Specifications Sheet

Appendix O: Traffic Study

The applicant has indicated a partnership with Shine, the Solar Hands-on Instructional Network of Excellence, which provides a mobile lab to facilitate local workforce job training. The construction is proposed to generate up to 250 temporary jobs and 2-5 permanent positions. The machinery and tools tax over the life of the project is expected to generate an estimated \$5 million, and the acreage being removed from Land Use taxation relief will require rollback taxes. The applicant has also submitted a siting agreement, which proposes additional funds above tax obligations to be utilized by the County. This item is reviewed by the Board of Supervisors only.

DISCUSSION:

Land Use / Floodplain: This area is primarily silvicultural and residential in nature. Zoning in the vicinity is A-1 Agriculture. This property is located close to the Amherst County border, northwest of the Gladstone community along Route 60 and bisected by Tye River Road. There are no floodplains located on the property.

Access / Traffic / Parking: The site is proposed to be served by a network of access roads, utilizing existing logging roads where feasible. Entrances will be located on Tye River Road, Twin Oaks Lane, Route 60, and Buck Mountain Lane. A traffic study has been submitted and requires approval from VDOT

Erosion & Sediment Control / Stormwater: Per DEQ, all areas under panels are considered impermeable, and factor into the calculation for land disturbance. As such, both an Erosion and Sediment Control Plan and Stormwater Management Plan will be required to be approved by the Building Inspections Department and DEQ, respectively.

Visual / Environmental Impacts: The project is proposed to be screened utilizing existing vegetation as much as possible. Where plantings are required, native, pollinator-friendly species will be utilized. The applicant has proposed at least a 125' buffer zone, and 200' in areas adjacent to residential structures. Wetlands buffers are proposed as well as wildlife crossing corridors. Approximately 7,500 acres of surrounding land will continue to remain active timber. Photo renderings from various locations along adjacent roadways were submitted with the application as well (Appendix G). The height of the panels shall not exceed 15' when at maximum tilt. Additionally, the panels will be anti-glare with anti-reflective coating, and are considered not hazardous to air, soil, or water per the Environmental Protection Agency's standards

Decommissioning: Appendix H contains the proposed Decommissioning Plan and associated bond for the project.

Comprehensive Plan: This property is located in a Rural Area on the County's Future Land Use Map, which should ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses. One of the Rural Area's primary land use types is solar installations (contingent on site conditions), and a planning guideline is that solar development should be sited to have minimal impacts to scenic viewsheds and natural resources. It is the duty of all localities in Virginia to plan for alternative energy sources, and Nelson must work with developers to help accommodate alternative energy sources as much as is feasible. According to Comprehensive Plan maps, the subject properties are not located within areas of steep slopes (over 20%) or areas of high conservation value.



Substantially In Accordance Provision: VA Code 15.2-2232 requires that the Planning Commission review solar facilities for substantial accord with the Comprehensive Plan.

All applications for Special Use Permits shall be reviewed using the following criteria:

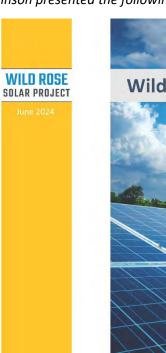
- The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Motions:

- I make a motion that proposed SUP #24-0014, Wild Rose Solar Project, LLC large solar energy system is / is not deemed to be in substantial accord with the Nelson 2042 Comprehensive Plan per Section 15.2-2232 of the Code of Virginia.
- I make a motion that the Planning Commission recommend approval / denial of proposed SUP #24-0014, Wild Rose Solar Project, LLC large solar energy system to the Board of Supervisors, with the conditions submitted by the applicant in Appendix B: Special Use Permit, dated December 20, 2023.

Attachments: Application Package Public Comment Jeannine Johnson (Senior Development Manager - Savion) of 23 Pershing Rd in Asheville, NC and Lauren Devine (Director, Permitting and Environmental - Savion) of 303 Spruce St in Chapel Hill, NC introduced themselves.

Ms. Johnson presented the following:





Agenda





Savion Company Overview



Solar Overview



Wild Rose Solar Project



Comprehensive Plan and Special Use Permit



Questions

About Us





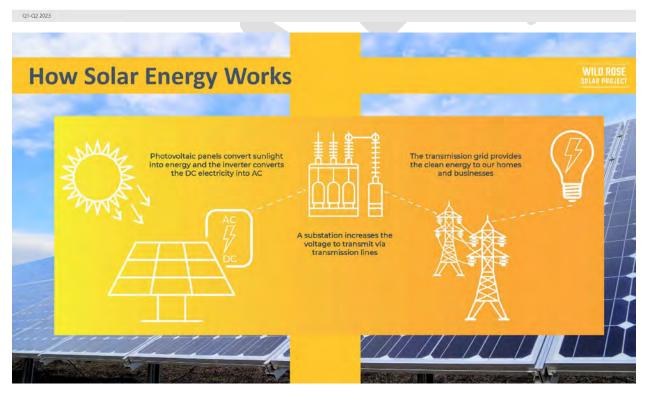
Founded in 2019, the Savion team is comprised of utility-scale solar and energy storage development experts.



U.S. based company headquartered in Kansas City, MO, with projects in various phases across 33 states.



Over 190 employees providing comprehensive services at each phase of renewable energy project development.



Ms. Johnson noted that solar energy is cost-effective, reliable, provides grid diversification, and causes positive economic impacts. She added that Virginia passed the Clean Economy Act in 2020, a commitment to transition the grid to 100% renewable energy by 2045.



Wild Rose Solar Project





Quick Facts:

- 90 MW Solar Project
- · Power for ~14,000 VA Homes
- Development commenced in 2020
- Construction Start in 2026
- · Commercial Operation in 2027



Project Site:

- · 2 miles NW of Gladstone
- Located off Richmond Hwy
- · Currently utilized for commercial timber operation

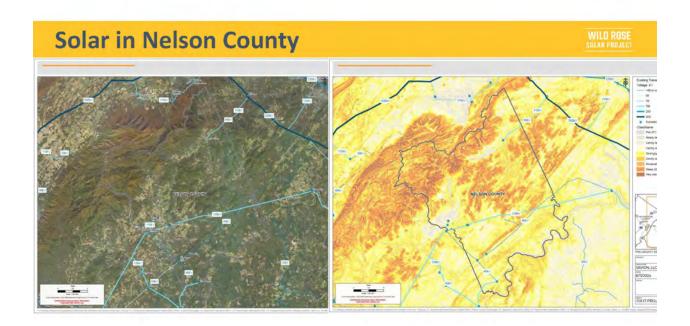




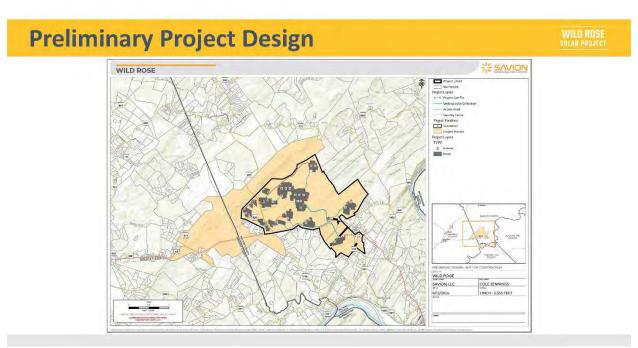
- Neighborhood Meeting: 9/6/2023
- Community Meeting: 11/9/2023
- Joint Community Meeting with Nelson County: 2/27/2024
- · Good Neighbor Agreements



Ms. Johnson added that additional supplemental mailers were sent out and that they had done several rounds of door-knocking to make sure that the community was aware of the project.



Ms. Johnson noted that Nelson County was not likely to be overrun with solar projects. She explained that they look at a few criteria when evaluating a site. These criteria include access to a transmission line and topography. She explained that the map on the left showed the transmission lines in Nelson County while the map on the right showed the topography. She noted that the third criteria was interested landowners. She explained that there were not many options in the county that met those criteria.



Ms. Johnson noted that the 'subject area' was approximately 4700 acres with the 'project area' being about 2500 acres. She explained that this slide showed the furthest extent (outlined in black) of their site control. She added that within the 'project area,' they would also be limited by topography and

environmental/cultural features. She explained that this limited the project to about 500 acres of panels. She added that they would not be able to exceed the 90 MW project applied for.

Ms. Johnson showed the proposed planting plan and explained that the project would mostly be screened by existing vegetative buffers. She explained that they will include additional vegetation in the locations where the existing vegetation is not adequate. She added that the bright green area would still be used by the landowner for timber for the life of the project.

Local Economic Impact

SOLAR PROJECT

High Local Economic Impact - Property Tax for a 90 MW project

- · Increased revenue to Nelson County
- Estimated \$11.1 MM in tax revenue to Nelson County over the expected 40-year project life
 - Obligation under Machinery & Tools Tax is \$5.9MM

No cost impact to local school districts, public infrastructure, or emergency services.

- No Stress on local infrastructure or sewer (no heavy haul or general traffic increase caused by ongoing Project operation)
- Minimal water use
- · Project will be a "silent revenue generator" for Nelson County (no noise or emissions)

Construction benefits

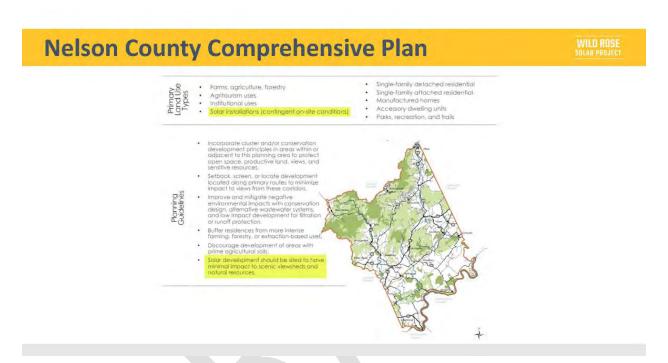
- ~250 direct and indirect construction jobs through construction; local labor used as available
 - SHINE Solar Ready 101
- Local companies such as landscapers, printers used directly for project needs
- Approximately 1 year of increased revenues to local business such as equipment rentals, hotels, restaurants, gas stations etc.
- 2-5 permanent O&M jobs plus indirect services



Ms. Johnson explained that they would be required to pay machinery and tools tax that would equate to

approximately \$5.9 million. She explained that their proposal was to pay Nelson County \$11.1 million in total by supplementing in excess of 5 million. She added that the county would be able to use the additional payments at its discretion. She added that they anticipated 250 jobs would be created during construction by partnering with SHINE for job training on the site.

Ms. Devine presented the following:



Ms. Devine noted that the Comprehensive Plan had recently been updated in April. She explained that one of the motions being made that night was to determine if the project was substantially in accord with the Comprehensive Plan. She stated that the Comprehensive Plan includes solar as a primary use type for rural areas and calls for Nelson County to work with developers to accommodate solar development, requiring the development to be well-sited to minimize impacts.

She stated that the Wild Rose Solar project was well-sited in a rural area of the community. She noted that it had also been sited to minimize impacts to natural resources. She explained that in addition to the setbacks and buffers, they had evaluated the distance and topography between the project and the scenic vistas included in the Comprehensive Plan and determined that there would be no impact. She added that they would also be required to go through the Permit By Rule process with DEQ, ensuring any impacts to natural or historic resources would be addressed prior to construction.

Nelson County - Special Use Permit



- The Project complies with all applicable requirements in the Nelson County Zoning Ordinance, including:
 - Special Use Permit Application Requirements (Article Section 12-3)
 - Nelson County Solar Ordinance (Article Section 22A)
- The Project has committed to implement "best practices" above and beyond what is required in the Nelson County Zoning Ordinance to ensure impacts to the surrounding area are minimized (Proposed Permit Conditions)

Ms. Devine acknowledged that the Comprehensive Plan called for enhanced performance standards to be included in the Zoning Ordinance. She noted that the Wild Rose Solar Project had voluntarily met and exceeded the buffering and setback requirements in the Zoning Ordinance. She added that they voluntarily included a number of proposed permit conditions based on best practices and lessons learned from other developers' experiences across Virginia.

Ms. Devine noted that a Large Solar Energy System was permitted with a Special Use Permit (SUP) on land zoned Agricultural (A-1). She added that they had submitted their SUP application in December 2023 detailing their compliance with Articles 12-3 and 22A. She added that they included a proposed list of conditions going above and beyond what was included in the Zoning Ordinance.

Article 12-3 Compliance



- The Project would not change the character and established pattern of development of the area or community in which it proposes to locate [12-3-2(a)].
- The Project would be in harmony with the uses permitted by right in the zoning district and would not
 affect adversely the use of neighboring property [12-3-2(b)].
- The Project would be adequately served by essential public or private services such as streets, drainage facilities, fire protection, and public or private water and sewer facilities [12-3-2(c)].
- The Project would not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic, or historic importance [12-3-2(d)].

Ms. Devine noted that this project would not disrupt the rural character of the area due to it being sited to minimize impacts to both visual and natural resources. She added that existing vegetation would be used to screen the project from the start of construction and, where necessary, they would implement enhancement screening. She noted that the installation of solar projects encouraged open land retention by preventing more permanent development from occurring. She noted that the project would have little to no impact on the farming, residential, and forestry uses on neighboring parcels and that those uses would have little impact on the project. She explained that the project had been designed to comply with all requirements in the Zoning Ordinance, including requirements to minimize glare and noise impact. She noted that the project would be an unmanned facility and would not create new pressure on existing utility infrastructure. She added that the project was adequately sited for public road access. She noted that the project would not result in the destruction, loss or damage of any significant ecological, scenic, or historic resources. She explained that they would not be able to begin construction without going through the Permit By Rule process through DEQ.

Article 22A Compliance



The Project complies with all requirements of Section 22A (Solar Energy) of the Nelson County Zoning Ordinance, and has voluntarily committed to exceeding the following requirements:

Nelson County Zoning Ordinance Requirement	Project Commitment		
Setbacks: 22A-6(2)(d)	 Project will exceed setback requirements included in the Nelson County Zoning Ordinance: 125 ft. Setback from all property lines 200 ft. Setback from all properties where a residential structure is present 		
Buffering: 22A-6(2)(e)	Project will exceed buffering requirements included in the Nelson County Zoning Ordinance: 125 ft. Buffer of existing vegetation in areas adjacent roadways and properties with a residential structure Enhancement screening will be utilized in areas where existing vegetation is not sufficient to mitigate visual impacts		

Ms. Devine noted that the existing ordinance is very comprehensive and contemplates a lot of requirements such as, safety and construction, decommissioning and bonding, and requirements pertaining to visual impact mitigation. She noted that they were voluntarily exceeding the setback and buffering requirements in the zoning ordinance. She noted that the main noise producer for a solar project would be the inverter, creating about 60 dB (equivalent to an air conditioner) of noise. She explained that they had committed to site the inverters at least 300 ft from adjacent property lines as well as the additional setback and buffer commitments (listed on the slide).

Proposed Permit Conditions



The Project has proposed Permit Conditions above and beyond what is required by the Nelson County Zoning Ordinance, including:

- Commitment to provide the following studies and plans prior to or concurrent with the Final Site Plan:
 - · Construction Management Plan
 - Construction Traffic Management Plan/Road Repair Plan
 - · Final Landscaping Plan
 - · Emergency Management Plan
 - Updated Ocular Impact Study
- Provide payment for Third Party Expert Review of Site Plan and supplemental studies and plans
- · Designating a Project Liaison for the County during construction
- Commitment to utilize solar modules that have passed the U.S. Environmental Protection Agency's toxicity characteristic leaching protocol (TCLP) - (considered to be not hazardous to air, soil, or water)

Ms. Devine acknowledged that this was the first solar project to come in front of Nelson County as a SUP. She reviewed the proposed permit conditions that would go above and beyond the Zoning Ordinance requirements. She added that they believe that the project is substantially in accord with the Comprehensive Plan and that they are in compliance with the Zoning Ordinance. She noted that they believe the project had potential to bring positive benefits to Nelson County.

Ms. Bishop noted that staff had received five public comments that week.

Chair Allen opened the public hearing at 7:29 PM

Luke Longanecker - 1555 Perry Ln. Mr. Longanecker explained that he worked for the Thomas Jefferson Soil and Water Conservation District (TJSWCD) but that he was there to express his personal views and not those of the TJSWCD. He warned the Planning Commission about the state of industrial solar in Virginia. He urged the Planning Commission to reach out to neighboring localities to ask them about the environmental damage and effects to local water quality they were experiencing. He explained that an Erosion and Sediment Control Plan is required for anyone that disturbed over 10,000 sq ft and a Stormwater Management Plan was required for disturbance over one acre. He noted that the ground disturbance for the solar project would be over 500 acres. He handed out some pictures of common erosion that was being seen statewide. He included a quote from Mike Roblin, the Director of the Virginia Department of Environmental Quality, "Even when regulations are in place, compliance on solar sites under construction can be a problem. Of the 77 solar installations that DEQ has overseen as of April 2023, 70% of them had significant issues complying with stormwater regulations. The solar companies pay the small fines and continue with construction, it's part of their business model." He added that every picture in the presentation given by the applicants showed flat land with adequate vegetation and no erosion. He noted this proposal shows the best case scenario for solar installation and advertises huge benefits with very few negatives in order to get project approval. He explained that the proposed

site had historically been loblolly pine with some areas that had already been timbered and some that were yet to be cut. He noted that the 500-acre site would experience significant ground disturbance from grubbing stumps and moving dirt. He added that the site would be covered with impervious solar panels that increase runoff volume and water velocity. He added that this, combined with the soil disturbance, compaction, and poor acidic soils, would make reestablishment of vegetation on the sites very hard. He noted that this would exponentially increase runoff and erosion that would impact streams and rivers that we all know and love. He noted that he supports the responsible installation of solar on previously disturbed areas but he did not support the land conversion activities that were happening across Virginia for solar installation. He added that the proposal did very little for the residents of Nelson County and he urged the Planning Commission and Board of Supervisors (BOS) to deny the proposal.

Frank Justus - 2688 Norwood Rd. Mr. Justus noted that he was retired law enforcement from Virginia Beach. He noted that he received some of the letters sent out by both the county and the applicants but he did not receive them all. He added that the information on the letter from the county was misleading at best and wrong at worst. He explained that he went on the Nelson County Geographic Information System website and found the Hickey property quickly but could not find the Weyerhaeuser property. He noted that the Hickey property was on Buck Mountain Ln and is far from where the project is being proposed. He added that the map received from Wild Rose showed him where the property was. He noted that he did not get the third map that was sent out but he got the second map. He stated that he was recently able to see the third map that was sent out but that the boundaries were wrong and properties were listed under wrong names. He added that there was not a piece of the property near his family's land on Tye River Rd that he had not put his feet on. He explained that the project would back against his family land and that none of his family members wanted this project to occur. He added that he and his family would be able to see the project.

Susan Gardner - 2588 Buffalo Station Dr. Ms. Gardner noted that she did not receive anything from the county or Wild Rose. She noted that Nelson County was a beautiful place to live with views in the southern area of the county that are lovely with abundant wildlife, and creeks and streams that flow into the James River. She noted that solar panels were unsightly, no matter how much landscaping was used to mitigate them. She added that the surrounding timber was going to be harvested at some point. She explained that the panels have a limited life span and were difficult or almost impossible to recycle. She asked what would happen to the panels after the 40-year lease period. She noted that environmental recovery of the land would take time and was not assured. She added that the property extended to the industrial power facility that was already in existence and adjoining residential properties. She noted that Wild Rose indicated, at their February 27th open house, that Gladstone and Nelson County businesses would benefit from the installation of the solar farm. She added that there were no hotels in Gladstone, with the closest one in Amherst. She questioned where the workers would stay. She added that there were no equipment rental businesses in Gladstone, with the closest one being in Lynchburg. She noted that the majority of solar panels used in solar farms in the US were from Chinese owned companies that were manufactured using slave labor. She explained that solar power was dependent on the weather and that current technology was not yet available for battery storage. She noted that the proposed solar arrays near the intersection of Tye River Rd and Route 60, extending to Norwood Rd, would impact the watershed of both Owen's Creek and Carter's Creek. This would cause flooding downstream to the James River. She added that there could be damage to private property, corporate timberland and state roads. This would be costly to homeowners, the county, and state resources. She explained that there was previous evidence of the flooding during heavy rainstorms along Norwood Rd and Buffalo Station Dr. She added that VDOT could provide more information. She

added that the placement of the arrays would also affect the environment and migration of wildlife. She noted that the majority of their neighbors in Gladstone oppose the project. She added that if the project were approved it would set a precedent to allow more solar farms in the county.

Chad Bryant - 1627 Old Stage Rd. Mr. Bryant noted that he also owns property on 1414 Piedmont Rd in Nelson County. He questioned whether the revenue given to the county was worth the impacts associated with a 40-year lease agreement. He asked how many inverters would be installed and noted that they sound like an air conditioner. He added that he agreed with the other public commenters. He noted 40 years was a long time to commit to a project in an industry that did not have enough history to know the impacts to the environment.

Chair Allen closed the public hearing at 7:41 PM

Mr. Hauschner noted that Associated Press had an article about a history of Weyerhaeuser not meeting environmental standards. He added that there was a \$600,000 settlement with the Columbia River Restoration Fund following degradation of the local environment. He noted that Weyerhaeuser's comment was "While we acknowledge the stormwater exceedances stemming from one or more of the facilities at the site, we did not break the law and continue to deny any wrongdoing related to this issue..." He explained that he understands that to say "Yeah we screwed up the river, but we didn't break the law." He asked where in the proposal it stated that they would pay any fines.

Ms. Johnson noted that she could not comment on the settlement with Weyerhaeuser. She explained that Virginia has very strict stormwater and erosion control measures for solar development. She added that any area under the panels is considered impervious, similar to concrete. She explained that everything under the panels would be reseeded and regrown. Ms. Devine noted that Savion was a portfolio group company of Shell. She explained that they did not have the attitude of not complying with environmental laws. She added that they had a lot of biodiversity goals and environmental initiatives. She noted that they were trying to design the project responsibly. She explained that anything cleared would be planted with native pollinators or grasses. She noted that they would have to get stormwater and erosion permits from DEQ that were very stringent and ever evolving. Ms. Bishop asked how much land at a time would be disturbed. Ms. Devine explained that phasing of projects was becoming very popular and could be discussed. Ms. Johnson added that they were looking at onboarding a company that would not require any grading. She noted that this was not yet a commitment but it is a technology that would allow them to install the panels without grading.

Mr. Hauschner asked how often the inverters and panels would be serviced throughout the year. He asked how this would impact the native plantings and if they would need to reseed the native plants every year if they were impacted. Eric Miarka of 422 Admiral Blvd in Kansas City is a Development Director for Savion. He explained that any maintenance would have minimal impact. He noted that over the 40-year life of the project there would be no major repowering events that would lead to major ground disturbance. He noted that they would cut the grass only as needed to prevent it from covering the panels. He explained that it would typically be a crew of people with zero turn mowers and trimmers cutting the grass. Mr. Hauschner noted that trimming would prevent reseeding and the continued growth of native landscapes. Mr. Miarka explained that there would be larger woody herbaceous shrubs and trees on the periphery. Mr. Hauschner noted that it was a moot point to say that they would be planting native pollinators around the panels because they would not be growing there over the lifespan of the project. Ms. Devine noted that there will be a plan to make sure the vegetation is reseeded.

Mr. Harman asked if the solar panels could be recycled. Ms. Devine noted that they committed to use panels that passed the EPA's Leaching Protocol, this process mimics the conditions of landfills by crushing the panels. She explained this means it would be safe to recycle or dispose of the panels at the end of their useful life. Mr. Harman asked if the county would need to make any upgrades to the existing power grid. Ms. Devine noted that there would be no upgrades required for the project. She noted that there were current upgrades happening in Gladstone that were not related to the project. She added that the substation had capacity for the project.

Chair Allen stated that she lived in Gladstone and represents that district on the Planning Commission. She noted \$11.1 million over 40 years equated to around \$300,000 a year, which would fund about three full-time teachers in the county. She questioned where they would find workers for the installation. She acknowledged the onsite job training but stated people would come from Charlottesville and Lynchburg. She added that there are no hotels or restaurants in Gladstone. She noted that she was not sure if the revenue from the project would outweigh any problems the county would have with the environment. She explained that Tye River Rd had already been clear cut by Weyerhaeuser and did not look good. She did not think the applicants could plant enough vegetation to hide the panels. She noted that they could not say if the citizens living in Gladstone would benefit from the electricity coming from the panels.

Ms. Johnson noted that they had been advocating to work with anyone in the Gladstone community to install residential solar on their homes. She explained that this would directly lower their electricity bill at no cost to the homeowner. Mr. Hauschner asked about excess production that flowed back to the grid. Ms. Johnson explained that the solar panels would be fully owned by the homeowner. Chair Allen stated that she had never received anything for free that had ever benefited her in any way, shape, or form. Mr. Hauschner noted that backflow was typically repurchased by the service provider. He added that to his understanding, Savion would be profiting off of the excess solar being sold back to the provider. Ms. Johnson noted that the goal would be to lower electric bills. Mr. Hauschner noted that AEP would be profiting off the back flow. Mr. Miarka noted that net metering was an option but if they were opposed to sending electricity back into the grid, it would then be used to provide power at night when the solar panels were not generating. He explained that the credits were one for one kWh. He added that he was not exactly sure what AEP's buy back rates were. He explained that they were proposing a free solar system for those directly adjacent to the project. He added that he had the same setup on his own home and there were some months where he only paid the meter fee. He explained that they thought it was a fair deal to benefit those adjacent to the project. Ms. Johnson added that she had been in contact with Joanne Absher of Friends of Gladstone to potentially either assist in moving the depot or creating a new community center.

Chair Allen noted that Gladstone was the red-headed step child of the county which made it easy to put that kind of project there. She noted that a SUP approval would stay with the land. She added that she could not imagine what could be invented in the next 40 years that could then be put on the land. She added that the \$11.1 million was only a drop in the bucket to Nelson County. Ms. Bishop noted that the applicants proposed a siting agreement that the BOS would consider. Chair Allen noted that the \$11.1 million was not a benefit to her if Tye River Rd were to flood, leaving her to drive down to Amherst to get to Lovingston.

Mr. Hauschner asked how many of the permanent staff would be working security and what security measures would be in place for the facility. Mr. Miarka explained that they had to meet the National Electrical Code, which would require them to install a 7' tall fence. He noted that sites were typically monitored remotely. He added that there would be a security assessment before the project went to

construction to determine if they need on-site 24/7 security. He added that their assumption going into every project was that they would not need on-site 24/7 security. He explained that the remote monitoring would be through cameras located at access points and would be 24/7. He noted that if there were an issue they would make the adjustment to have on-site security. He noted that the 2-5 full-time jobs would be for operations and maintenance personnel who are typically managing a few other sites in the area. He explained that they have some security capacity but were not security guards.

Mr. Amante asked if the applicants would still be interested in Nelson County if they were required to recycle 100% of the panels. Ms. Johnson stated that solar is thrown curveballs like any other industry. She noted that if that were a requirement they would consider it and figure out how to make it work. Mr. Miarka noted that he used to work in a steel recycling business. He noted that recycling did not have to cost money and could be used as a revenue stream. He noted that there is not yet a robust recycling industry for solar due to existing projects not being old enough to be decommissioned. He noted that a very robust recycling industry will grow as those projects are decommissioned. He added that First Solar, a domestic manufacturer, is already developing a method for recycling their panels. He noted that at the end of the 40-year life span of the project the solar panels would still work fine, just not as efficient as they would be when they were new. He added that they could sell the panels or give them away. If that was not an option, they would be ground up, deconstructed, and separated into recyclable components. He noted that where they might not be able to make money off the recycling, they could offset costs to make it viable to commit to recycling. Mr. Amante noted that there is a company called Solar Cycle in Germany that was recycling solar panels. He added that less than 10% of solar panels are recycled. Mr. Miarka noted that if there were money to be made, there would be an industry to accommodate it. Mr. Amante stated that a lot could happen in 40 years and he thought it was very optimistic to think that a product could still be worth something in 40 years. Mr. Miarka stated that it was safe to say that metals like copper and aluminum would always have value. Mr. Amante added that the cost of extracting the material could be more expensive than the materials themselves.

Mr. Hauschner noted that the production and value of the panels would go down over the lifespan of the project. He asked if the projected appreciation of tinder value would cause the timber land surrounding the project to have more value. Mr. Miarka noted that he was not sure of the future value of timber but that Weyerhaeuser surely knew and wanted to lease that area for the solar project. He added that this was not the only site where Weyerhaeuser is leasing solar projects. He noted that he had heard from family farmers that farming was a gamble, where solar was not. He added that landowners like Weyerhaeuser see them as a stable company to provide a guaranteed revenue stream. He noted that the price of electricity would only be going up.

Mr. Amante asked if they had renewed their lease agreement since the term had run out. Ms. Johnson noted that the lease agreement would have been renewed and she could provide that information.

Mr. Reed noted that he appreciated the application and that it was a solid proposal in many ways. He noted that they are facing a lot of uncertainty looking 40-50 years in the future. He added that there was no micro grid technology available in Virginia. He noted that 14,000 homes being powered by the panels would be enough to power the entire county. He explained that it would be a benefit to the county to be able to generate its own electricity. He noted that they did not have that environment right now but it could be possible in 40 years. He noted that there were not many opportunities for large scale solar in the county. He explained that this would use a lot of the prime property in the county for solar. He added that while this project could offset the county's carbon footprint, the power would be fueling data centers elsewhere. He added that data centers were soaking up as much energy as they could and

existing data centers were already a huge problem in Virginia. He added that they shot down any chance of conserving energy.

Mr. Reed noted that at the end of the 40-50 year lease they would still have an asset with some value. He added the applicants might not even own the solar farm at that point and could have sold it. He argued that this was fairly likely with how the future of the energy industry was looking and it was not likely to get any better. He asked if there was an option for the county to have right of first refusal on the equipment and the lease at the end of the project. He noted that they had a Broadband Authority that was very successful. He added that at the end of the 40-year lease they might be able to make enough energy to power the entire county with the project. He added that decommissioning may still be the best route but it would give the county the option to decide at that point.

Mr. Miarka noted that Nelson County would not be the first county to be interested in setting up their own micro grid. He added that the project would be generating power for the county. He explained that they could not control exactly where the energy goes but the electricity would go onto the AEP grid where it would then go to the nearest point that has demand. He added that if there were someone in Gladstone using electricity they would likely be running off of the solar power. He added that this would not affect electricity bills. Mr. Miarka explained that when companies make contracts with solar farms it is for Renewable Energy Credits (RECs) that are essentially "feel good" attributes generated by renewable energy projects that corporations could purchase and take credit for. He explained that the corporations are purchasing the solar energy credits but not directly receiving the power produced by the solar farms. He noted that AEP and other Virginia utilities (except for cooperatives) had an exclusive right to service in their territories. He noted that those state regulations would not allow them to sell the power directly to consumers in Nelson County. He added that if the solar farm were still viable at the end of the 40-year lease, they could look into facilitating the county taking it over. He noted that he did not see why Savion would not want to do that because it would save them significant costs. He noted that this could be added as a condition to the SUP and there would then be some hurdles to work through at the end of the lease.

Mr. Hauschner asked if Savion applied for RECs, if the project would qualify for RECs, and who those RECs would be marketed to. Mr. Miarka explained that they did not generate carbon credits such as the timber industry or conservation easements would. He explained that the RECs were the environmental attributes attributable to a renewable energy project. He added that they could be sold to a utility or a Commercial & Industrial (C&I) customer to offset fossil fuel generation or achieve sustainability goals. Mr. Hauschner noted that in another county, Savion had partnered with Dominion Energy, he asked if Dominion received any of the RECs. He asked if AEP would receive RECs from the proposed project. Mr. Miarka explained that Savion had sold that project before it was constructed. He believed that both energy sales and RECs revenue streams went to Dominion Energy.

Mr. Amante noted that he felt like the county was being corralled into a legal perspective with the applicants complying with every requirement. He added that his opposition to the project was not with compliance but that he did not trust the EPA. He stated the first round of solar panels leeched so badly that it was like a super fund site everywhere there was a solar farm. He added that there was a 350 MW solar farm in Texas that was damaged by hail, exposing the impervious panels to the soil. He noted that the EPA had stated that there was no significant danger to the groundwater. He stated that it was "government speak."

Mr. Amante noted that the interested landowner lived in Washington state and did not care about what happened to Nelson County. Mr. Amante added that he would like to set the precedent for approving

solar farms with a smaller project. He explained that he was cynical about the offering of free solar panels for adjacent homeowners, he felt that it was all public relations and soft marketing. He noted that the thin film PV cells contain various chemicals/materials. He questioned where the materials would be sourced and if it would require child/slave labor. Mr. Amante noted that Virginia was set to be 100% renewable energy by 2045. He questioned if they would "turn off" the state if this goal was not achieved, he doubted it. He explained that his opposition is broadly based on the industry and that the technology is not as clean as it claims to be. He noted that if they were to put an oil refining plant on that property people would be concerned about the toxic chemicals. He noted that the oil refining industry was so heavily regulated that you could eat supper off of the inside of a pipe. He added that there was no federal law or regulation to determine how to dispose of solar panels.

Mr. Harman noted that 4600 acres would be included under this SUP for only 500 acres of proposed solar panels. Chair Allen noted that the SUP would stay with the land. Mr. Harman added that the SUP could have been for a much smaller piece of land.

Mr. Hauschner noted that A, C, and D of the SUP criteria are not met. He explained that this project was a far cry from the timberland that existed there. He noted that he did not see the project as being a great benefit to Gladstone. He added that drainage and fire were major concerns as far as fire protection and water maintenance. He stated that ecologically, the water bodies are a big concern as well as soil quality from compaction and degradation over 40 years. Mr. Hauschner stated that he believed anything coming into the county that was associated with Shell was "fucking vile." He added that credits going to Dominion Energy could allow for future projects that could harm another community. He noted that the county fought for years to keep Dominion Energy from building a natural gas pipeline through eminent domain. He stated that he was not in favor of the project.

Mr. Reed noted that he was not sure how he felt in terms of the costs and benefits of the project. Mr. Reed noted that he would have more time to consider the project due to being able to see it again at the BOS level. He noted that he was unsure how he felt about the project at that point.

Mr. Amante noted that this project would completely change the character and established development of the area due to the scale.

Mr. Amante made a motion that proposed SUP #24-0014, Wild Rose Solar Project, LLC large solar energy system is not deemed to be in substantial accord with the Nelson 2042 Comprehensive Plan per Section 15.2-2232 of the Code of Virginia. Mr. Hauschner seconded the motion.

per Section 15.2-2232 of the Code of Virginia. Mr. Hauschner seconded the motion.
Yes:
Chuck Amante
Mike Harman
Robin Hauschner
Mary Kathryn Allen

Ernie Reed

No:

Mr. Amante made a motion that the Planning Commission recommend denial of proposed SUP #24-0014, Wild Rose Solar Project, LLC large solar energy system to the Board of Supervisors. Mr. Hauschner seconded the motion.
Yes:
Chuck Amante
Mike Harman
Robin Hauschner
Mary Kathryn Allen
Ernie Reed
Ms. Bishop noted that this application was planned to go to the August 13 th Board of Supervisors meeting.
Ms. Bishop noted that the BOS approved a work order amendment in June for the Zoning Ordinance update. She added that they would have their staff kick off meeting with the Berkley Group in July.
Board of Supervisors Report:
Mr. Reed noted that the Board of Supervisors had adopted the fiscal year 2025 budget. He added that the BOS had reappointed Chair Allen and Mr. Harman to the Planning Commission for four more years.
Mr. Harman made a motion to adjourn the meeting at 8:37 PM. Mr. Amante seconded the motion.
Yes: Chuck Amante Mike Harman Robin Hauschner Ernie Reed Mary Kathryn Allen

Respectfully submitted,

Emily Hjulst

Emily Hjulstrom

Planner/Secretary, Planning & Zoning



SOLAR FACILITY SITING AGREEMENT

This Solar Facility Siting Agreement (the "<u>Agreement</u>"), dated as of _____ (the "<u>Effective Date</u>"), is by and between Nelson County, Virginia, a political subdivision of the Commonwealth of Virginia (the "<u>County</u>") and Wild Rose Solar Project, LLC, a Delaware limited liability company (the "<u>Applicant</u>"). The County and Applicant are herein each a "<u>Party</u>" and collectively, the "<u>Parties</u>".

RECITALS

WHEREAS, Applicant intends to develop, install, build, and operate the solar project approved by the Nelson County Board of Supervisors (the "Board") pursuant to Special Use Permit # _____ (the "Project") on certain parcels of land identified as the County Tax Map Parcels listed on Exhibit A-1 attached hereto (collectively, the "Property");

WHEREAS, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia ("Code") titled "Siting of Solar Projects and Energy Storage Projects," Applicant and the County may enter into a siting agreement for such facilities;

WHEREAS, pursuant to Code § 15.2-2316.7(B), said siting agreement may contain terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the Applicant in the deployment of broadband, as defined in § 56-585.1:9, in such locality;

WHEREAS, after negotiation between the County and the Applicant, the Parties desire to enter into this Agreement to provide said financial compensation to the County and to address impacts of the Project;

WHEREAS, pursuant to Code § 58.1-2636, the County may adopt an ordinance assessing a revenue share of (i) up to \$1,400.00 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the Project ("Revenue Share Ordinance").

WHEREAS, the County has not adopted a Revenue Share Ordinance, but may choose to do so at a later date;

WHEREAS, pursuant to Code § 58.1-3660, "certified pollution control equipment" is exempt from state and local taxation pursuant to Article X, Section 6(d) of the Constitution of Virginia;

WHEREAS, solar photovoltaic (electric energy) systems and energy storage systems are certified pollution control equipment, and therefore, subject to certain qualified tax exemptions as provided in Code § 58.1-3660;

WHEREAS, if the County adopts a Revenue Share Ordinance, such certified pollution control equipment exemption is 100% of the assessed value, pursuant to Code § 58.1-3660(D) (for solar photovoltaic (electric energy) projects);

WHEREAS, if the County does not adopt a Revenue Share Ordinance, such certified pollution control equipment exemption would be 80% of the assessed value, or in certain circumstances, the exemption would "step down" after five years of service to 70%, and then 60% for the remaining years of service, as provided by state law and local ordinances, including Code § 58.1-3660 (C), (D), and (F), commonly known as the Machinery and Tools Tax Stepdown ("M&T Taxes");

WHEREAS, Applicant has agreed to the payments and financial terms contained herein, including payment of the M&T Taxes together with voluntary annual payments supplementing the M&T Taxes in amounts that would result in a total annual payment equal to the greater of the M&T Taxes or what would otherwise be due under a Revenue Share Ordinance, regardless of whether the County actually adopts a Revenue Share Ordinance; and

WHEREAS, pursuant to the requirement of Code § 15.2-2316.8(B), the County held a public hearing in accordance with subdivision A of Code § 15.2-2204 for the purpose of considering this Agreement, after which a majority of a quorum of the members of the Board approved this Agreement.

NOW, THEREFORE, intending to be legally bound hereby and in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the County and Applicant do hereby agree as follows:

Article I

Project Features, Conditions and Mitigation

1.	Special	Use Permit Conditions.	Applicant acknowledge	es and agrees that it is subject to
all the	terms and	d conditions contained in	the Special Use Permit	("SUP") approved by the Board
for the	Project.	The SUP approved by the	e Board on	is attached as Exhibit A and is
hereby	incorpor	ated herein.		

2. Violations/Enforcement. Violation by the Applicant or by any of Applicant's agents, assigns, or successors in interest of any terms and conditions of the SUP shall constitute a violation of this Agreement. An uncured violation of this Agreement enables the County to suspend or revoke the SUP in accordance with Section __ of the SUP.

Article II

Payments

1. **Payment Structure.** Except as provided in Section 2 below, the Applicant shall make payments to the County, in the amounts and at such times as set forth in **Exhibit B** (each a "Payment" and collectively, the "Payments"). Applicant's obligation to make the Payments shall

be conditioned upon the Project commencing Commercial Operation. As used herein, "<u>Commercial Operation</u>" or "<u>Commercial Operation Date</u>" means the date on which the Project becomes fully operational and begins selling power under the terms of a power purchase or offtake agreement. Generation of test energy shall not be deemed Commercial Operation.

- 2. Voluntary Payments for Ministerial Permit Application Timing. The Applicant shall make the following voluntary payments to the County should the Applicant not submit applications for Final Site Plan approval and necessary County building permits within the time periods stated below. For avoidance of doubt, this voluntary payment shall be in addition to the voluntary payments in Exhibit B that are due at Final Site Plan approval and County building permit issuance:
- a. If Applicant does not submit an application for Final Site Plan approval and the required County building permits within twenty-four (24) months of SUP approval, but submits such applications within thirty-six (36) months of SUP approval, Applicant shall make an additional voluntary payment of Fifty Thousand Dollars (\$50,000) upon the later of Final Site Plan approval or issuance of County building permits.
- b. If Applicant does not submit an application for Final Site Plan approval and the required County building permits within thirty-six (36) months of SUP approval, but submits such applications within forty-eight (48) months of SUP approval, Applicant shall make an additional voluntary payment of One Hundred Thousand Dollars (\$100,000) upon the later of Final Site Plan approval or issuance of County building permits.
- c. If Applicant does not submit an application for Final Site Plan approval and the required County building permits within forty-eight (48) months of SUP approval, Applicant shall make an additional voluntary payment of One Hundred Fifty Thousand Dollars (\$150,000) upon the later of Final Site Plan approval or issuance of County building permits.
- 3. County Building Permit Fees. The Applicant's total payment for County building permit fees shall not exceed Fifty Thousand Dollars (\$50,000.00) for the Project.
- 4. Statutory Structure of Payments; Statement of Benefit. Applicant agrees that, by entering into this Agreement, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code, the Payments are authorized by statute, and Applicant acknowledges that it is bound by law to make the Payments in accordance with this Agreement. The Parties acknowledge that this Agreement is fair and mutually beneficial to both Parties. Applicant acknowledges that this Agreement provides for a reasonably predictable stream of future payments to the County in amounts fair to both Parties.
- 5. Use of Payments by the County. The Payments may be used for any lawful purpose.

Article III

Miscellaneous Terms

- 1. Term; Termination. This Agreement shall commence on the Effective Date and shall continue until completion of decommissioning of the Project in accordance with the decommissioning plan ("the <u>Termination Date</u>"). Applicant shall have no obligation to make Payments after the Termination Date. The Payment due for the year in which the Project or material part thereof is decommissioned shall be prorated as of the Termination Date.
- 2. Mutual Covenants. The Applicant covenants to the County that it will pay the County the amounts due hereunder when due in accordance with the terms of this Agreement, and will not seek to invalidate this Agreement, or otherwise take a position adverse to the purpose or validity of this Agreement. The County covenants to the Applicant that it will not seek to invalidate this Agreement or otherwise take a position adverse to the purpose or validity of this Agreement.
- 3. No Obligation to Develop. Applicant has no obligation to develop or construct the Project. It is understood that development of the Project by Applicant is contingent upon a number of factors including regulatory approvals, availability and cost of equipment and financing, and market demand for the Project's energy. No election by Applicant to terminate, defer, suspend, or modify plans to develop the Project shall be deemed a default of Applicant under this Agreement.
- 4. Successors and Assigns. This Agreement shall be binding upon the successors or assigns of Applicant, and the obligations created hereunder shall be covenants running with the Property. If Applicant sells, transfers, leases, or assigns all or substantially all of its interests in the Project or the ownership of the Applicant (a "Transfer"), the Transfer agreement shall require this Agreement to be assumed by and be binding on the purchaser, transferee or assignee. Such Transfer, upon full execution of the Transfer agreement, shall relieve Applicant of all obligations and liabilities under this Agreement accruing from and after the date of such Transfer, and the purchaser or transferee shall become responsible under this Agreement. Applicant shall execute such documentation as reasonably requested by the County to memorialize the assignment and assumption by the purchaser or transferee.
- 5. Execution of Agreement Deems Project "Substantially In Accord" with County's Comprehensive Plan. Pursuant to Code § 15.2- 2316.9(C), execution of this Agreement deems the Project to be substantially in accord with the County's Comprehensive Plan in satisfaction of the requirements of Code § 15.2-2232.
- 6. Right of First Refusal and Decommissioning Notice. The County shall have a Right of First Refusal ("ROFR") on the purchase of Project equipment owned by the Applicant at the time the Project is decommissioned. Pursuant to this ROFR, Applicant shall provide written notice to the County twelve (12) months prior to the anticipated date of commencement of decommissioning of the Project ("Decommissioning Notice"). The County shall respond in writing within twelve (12) months of the Decommissioning Notice with its intent to exercise its right of first refusal for the Project equipment owned by the Applicant.

- 7. **Memorandum of Agreement**. A memorandum of this Agreement, in a form substantially similar to that attached as **Exhibit C** hereto, shall be recorded in the land records of the Clerk's Office of the Circuit Court of Nelson County, Virginia. Such recordation shall be at Applicant's sole cost and expense and shall occur as soon as reasonably practicable after the Effective Date. If in Applicant's sole discretion, it chooses to not develop the Project, the County shall execute a release of the memorandum filed in the aforementioned Clerk's Office.
- **8. Notices**. Except as otherwise provided herein, all notices required to be given or authorized to be given pursuant to this Agreement shall be in writing and shall be delivered or sent by registered or certified mail, postage prepaid, by recognized overnight courier, or by commercial messenger to:

If to the County:

Candice W. McGarry County Administrator 84 Courthouse Square P.O. Box 336 Lovingston, Virginia 22949

With a copy to:

Phillip Payne, Esq. County Attorney 402 Court Street, 2nd Floor Post Office Box 299 Lovingston, Virginia 22949

If to the Applicant:

Wild Rose Solar Project, LLC c/o Savion, LLC 422 Admiral Blvd Kansas City, Missouri 64106

With a copy to:

Scott Foster, Esq. Gentry Locke Attorneys PO Box 780 Richmond, Virginia 23218

The County and Applicant, by notice given hereunder, may designate any further or different persons or addresses to which subsequent notices shall be sent.

- Governing Law; Jurisdiction; Venue. THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE COMMONWEALTH OF VIRGINIA, WITHOUT REGARD TO ANY OF ITS PRINCIPLES OF CONFLICTS OF LAWS OR OTHER LAWS WHICH WOULD RESULT IN THE APPLICATION OF THE LAWS OF ANOTHER JURISDICTION. THE PARTIES HERETO (A) AGREE THAT ANY SUIT, ACTION OR OTHER LEGAL PROCEEDING, AS BETWEEN THE PARTIES HERETO, ARISING OUT OF OR RELATING TO THIS AGREEMENT SHALL BE BROUGHT AND TRIED ONLY IN THE CIRCUIT COURT OF NELSON COUNTY. VIRGINIA, (B) CONSENT TO THE JURISDICTION OF SUCH COURT IN ANY SUCH SUIT, ACTION OR PROCEEDING, AND (C) WAIVE ANY OBJECTION WHICH ANY OF THEM MAY HAVE TO THE LAYING OF VENUE FOR ANY SUCH SUIT, ACTION, OR PROCEEDING IN SUCH COURT AND ANY CLAIM THAT ANY SUCH SUIT, ACTION, OR PROCEEDING HAS BEEN BROUGHT IN AN INCONVENIENT FORUM. THE PARTIES HERETO AGREE THAT A FINAL JUDGMENT IN ANY SUCH SUIT, ACTION, OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW.
- 9. **Confidentiality.** This Agreement, once placed on the docket for consideration by the County Board of Supervisors, is a public document, subject to production under the Virginia Freedom of Information Act ("FOIA"). The County understands and acknowledges the Applicant, and as applicable, its associates, contractors, partners and affiliates, utilize confidential and proprietary "state-of-the-art" information and data in their operations ("Confidential Information"), and that disclosure of any such information, including, but not limited to, disclosures of technical, financial or other information concerning the Applicant or any affiliated entity could result in substantial harm to them and could thereby have a significant detrimental impact on their employees and also upon the County. The County acknowledges that during the development and negotiation of this Agreement, certain Confidential Information may be, or may have been, shared with the County by the Applicant. Applicant agrees to clearly identify any information it deems to be Confidential Information and not subject to mandatory disclosure under FOIA or other applicable law as Confidential Information at the time it provides such information to the County. The County agrees that, except as required by law and pursuant to the County's police powers, neither the County nor any employee, agent, or contractor of the County will knowingly or intentionally disclose or otherwise divulge any such Confidential Information to any person, firm, governmental body or agency, or any other entity unless a request for such Confidential Information is made and granted under an applicable provision of local, state or federal law. Upon receipt of such a request but before transmitting any documents or information which may contain Confidential Information to the requestor, the County shall contact Applicant to review the request for information and associated documents to determine if any Confidential Information is at risk of disclosure. If Confidential Information exists, Applicant may intervene on behalf of the County and defend against disclosure of the Confidential Information. The County agrees to cooperate in this defense and to the extent allowed by law, work to protect the Confidential Information of the Applicant.
- 10. Severability; Invalidity Clause. Any provision of this Agreement that conflicts with applicable law or is held to be void or unenforceable shall be ineffective to the extent of such conflict, voidness, or unenforceability without invalidating the remaining provisions hereof, which

remaining provisions shall be enforceable to the fullest extent permitted under applicable law. If, for any reason, including a change in applicable law, it is ever determined by any court or governmental authority of competent jurisdiction that this Agreement is invalid, then the Parties shall, subject to any necessary County meeting vote or procedures, undertake reasonable efforts to amend and or reauthorize this Agreement so as to render the invalid provisions herein lawful, valid, and enforceable. If the Parties are unable to do so, this Agreement shall terminate as of the date of such determination of invalidity, and the Property and Project will thereafter be assessed and taxed as though this Agreement did not exist. The Parties will cooperate with each other and use reasonable efforts to defend against and contest any challenge to this Agreement by a third party.

- 11. Entire Agreement. This Agreement and any exhibits or other attachments constitute the entire agreement and supersedes all other prior agreements and understandings, both written and oral, between the Parties hereto with respect to the subject matter hereof. No provision of this Agreement can be modified, altered or amended except in a writing executed by all Parties hereto.
- 12. Construction. This Agreement was drafted with input by the County and the Applicant, and no presumption shall exist against any Party. The headings contained in this Agreement are for the convenience of the Parties and for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
- 13. Force Majeure. Neither Party will be liable for any failure or delay in performing an obligation under this Agreement that is due to any of the following causes, to the extent beyond its reasonable control: acts of God, accident, riots, war, terrorist act, epidemic, pandemic, quarantine, civil commotion, breakdown of communication facilities, breakdown of web host, breakdown of internet service provider, natural catastrophes, governmental acts or omissions, changes in laws or regulations, national strikes, fire, explosion, generalized lack of availability of raw materials or energy. For the avoidance of doubt, Force Majeure shall not include (a) financial distress nor the inability of either party to make a profit or avoid a financial loss, (b) changes in market prices or conditions, or (c) a party's financial inability to perform its obligations hereunder.
- 14. No Third Party Beneficiaries. This Agreement is solely for the benefit of the Parties hereto and their respective successors and permitted assigns, and no other person shall have any right, benefit, priority, or interest in, under, or because of the existence of, this Agreement.
- 15. Counterparts; Electronic Signatures. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which shall constitute one and the same instrument. A signed copy of this Agreement delivered by e-mail/PDF or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[signature page follows]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the Effective Date by the authorized representatives whose names and titles appear below.

WILD ROSE SOLAR PROJECT, LLC,

EXHIBIT A SPECIAL USE PERMIT

EXHIBIT A-1

TAX PARCELS

Nelson County Tax Map Parcels: UPDATE BASED ON NEW PARCEL DATA

EXHIBIT B

ILLUSTRATIVE SCHEDULE OF PAYMENTS

The following illustrative schedule of payments assumes an estimated Project nameplate capacity of 90 MWac, and all payments shall be adjusted proportionally if the nameplate capacity of the constructed Project differs from such estimate. **Exhibit B** lists payment amounts based on the following assumptions and calculations:

- (A) **Revenue Share Equivalent.** The "Revenue Share Equivalent" is an annual payment amount determined by multiplying \$1,400 per MWac (the "Solar Revenue Share") by an assumed nameplate capacity of 90 MWac.
- (B) **Estimated M&T.** An estimate of the annual M&T Taxes (which will fluctuate in any given year, depending on the Project's machinery and tools).
- (C) **Supplemental Voluntary Payments**. In the years when the M&T Taxes are higher than the Revenue Share Equivalent, Applicant will pay only its annual M&T Taxes. In the years when the Revenue Share Equivalent is higher than the M&T Taxes, Applicant will pay its annual M&T Taxes plus a supplemental voluntary payment in order to provide the County a total annual payment that equates to the Revenue Share Equivalent, which shall be based on the Solar Revenue Share authorized under Special Session I in Chapters 49, 50 and 429, for the life of the Project, regardless of whether the County adopts a Solar Revenue Share Ordinance or not. The M&T Taxes shall be assessed pursuant to Chapters 35 and 36 of Title 58.1 of the Code of Virginia as applicable, and the County Ordinances in effect as of the date of this Agreement, for the life of the Project.
- (D) **Additional Voluntary Payment(s)**. Additional voluntary payments shall be made to the County as follows:
 - 1. <u>Initial Payment:</u> One Hundred and Twelve Thousand Dollars (\$112,000) due within sixty (60) days of approval of this Agreement and approval of the SUP#
 - 2. **Final Site Plan Approval Payment:** One Million Dollars (\$1,000,000) due within sixty (60) days of the County's approval of the Final Site Plan for the Project.
 - 3. <u>Final Building Permit Payment:</u> One Million Dollars (\$1,000,000) due within sixty (60) days of the County's issuance of all necessary building permits for the construction of the Project.
 - 4. **Commercial Operation Payments:** Five Million Dollars (\$5,00,000.00) payable in installments as described below, commencing on the first anniversary of the Commercial Operation Date and continuing on each subsequent anniversary of the Commercial Operation Date thereafter for a period of seven (7) years:
 - a. **First Commercial Operation Payment:** Seven Hundred and Fifteen Thousand Dollars (\$715,000)
 - b. <u>Second Commercial Operation Payment:</u> Seven Hundred and Fifteen Thousand Dollars (\$715,000)

- c. <u>Third Commercial Operation Payment:</u> Seven Hundred and Fifteen Thousand Dollars (\$715,000)
- d. **Fourth Commercial Operation Payment:** Seven Hundred and Fifteen Thousand Dollars (\$715,000)
- e. <u>Fifth Commercial Operation Payment:</u> Seven Hundred and Fifteen Thousand Dollars (\$715,000)
- f. <u>Sixth Commercial Operation Payment:</u> Seven Hundred and Fifteen Thousand Dollars (\$715,000)
- g. <u>Seventh Commercial Operation Payment:</u> Seven Hundred and Ten Thousand Dollars (\$710,000).

YEAR	REVENUE SHARE EQUIVALENT (A)	ESTIMATED M&T (B)	ANNUAL PAYMENT (C)	Supplemental payment amount (If Revenue Share Equivalent is	ADDITIONAL VOLUNTARY PAYMENT (D)	TOTAL REVENUE (C + D)
			If $A \ge B$, then $C=A$ If $B \ge A$, then $C=B$	greater than Estimated M&T)		
S.A. Approval					\$112,000	\$112,000
Final Site Plan Approval					\$1,000,000	\$1,000,000
Building Permit Issuance					\$1,000,000	\$1,000,000
1	\$ 138,600	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
2	\$ 138,600	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
3	\$ 138,600	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
4	\$ 138,600	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
5	\$ 152,460	\$139,283	\$139,283	\$0	\$715,000	\$ 854,283
6	\$ 152,460	\$205,924	\$205,924	\$0	\$715,000	\$ 920,924
7	\$ 152,460	\$205,924	\$205,924	\$0	\$710,000	\$ 915,924
8	\$ 152,460	\$205,924	\$205,924	\$0		\$ 205,924
9	\$ 152,460	\$205,215	\$205,215	\$0		\$ 205,215
10	\$ 167,706	\$201,737	\$201,737	\$0		\$ 201,737
11	\$ 167,706	\$264,071	\$264,071	\$0		\$ 264,071
12	\$ 167,706	\$258,885	\$258,885	\$0		\$ 258,885
13	\$ 167,706	\$253,394	\$253,394	\$0		\$ 253,394
14	\$ 167,706	\$247,536	\$247,536	\$0		\$ 247,536
15	\$ 184,477	\$241,343	\$241,343	\$0		\$ 241,343
16	\$ 184,477	\$234,784	\$234,784	\$0		\$ 234,784
17	\$ 184,477	\$227,828	\$227,828	\$0		\$ 227,828
18	\$ 184,477	\$220,476	\$220,476	\$0		\$ 220,476
19	\$ 184,477	\$212,636	\$212,636	\$0		\$ 212,636
20	\$ 202,924	\$204,368	\$202,924	\$0		\$ 202,924
21	\$ 202,924	\$195,582	\$202,924	\$7,342		\$ 202,924
22	\$ 202,924	\$186,277	\$202,924	\$16,647		\$ 202,924
23	\$ 202,924	\$176,424	\$202,924	\$26,500		\$ 202,924
24	\$ 202,924	\$165,960	\$202,924	\$36,964		\$ 202,924
25	\$ 223,217	\$154,885	\$223,217	\$68,332		\$ 223,217
26	\$ 223,217	\$143,110	\$223,217	\$80,107		\$ 223,217
27	\$ 223,217	\$130,663	\$223,217	\$92,554		\$ 223,217
28	\$ 223,217	\$117,453	\$223,217	\$105,764		\$ 223,217
29	\$ 223,217	\$103,481	\$223,217	\$119,736		\$ 223,217
30	\$ 245,538	\$88,624	\$245,538	\$156,914		\$ 245,538
31	\$ 245,538	\$72,912	\$245,538	\$172,626		\$ 245,538
32	\$ 245,538	\$56,255	\$245,538	\$189,283		\$ 245,538

33	\$ 245,538	\$38,592	\$245,538	\$206,946		\$ 245,538
34	\$ 245,538	\$30,507	\$245,538	\$215,031		\$ 245,538
35	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
36	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
37	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
38	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
39	\$ 270,092	\$30,507	\$270,092	\$239,585		\$ 270,092
40	\$ 297,101	\$30,507	\$297,101	\$266,594		\$ 297,101
TOTAL			\$8,888,048		\$7,112,000	\$16,000,048

EXHIBIT C

FORM OF MEMORANDUM

Full exhibit follows

PREPARED BY AND RETURN TO:

Wild Rose Solar Project, LLC c/o Savion, LLC 422 Admiral Blvd Kansas City, Missouri 64106

County Tax Map ID Nos.: [UPDATE]

[NOTE TO CLERK: NELSON COUNTY, VIRGINIA, A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, IS A PARTY TO THIS INSTRUMENT WHICH, ACCORDINGLY, IS EXEMPT FROM RECORDATION TAX PURSUANT TO VA. CODE SEC. 58.1-811.A.3.]

MEMORANDUM OF SOLAR FACILITY SITING AGREEMENT

sul	This Memorandum of Solar Facility Siting Agreement (this "Memorandum"), dated and fective as of, is made by and between Nelson County , Virginia , a political edivision of the Commonwealth of Virginia (the "County") and Wild Rose Solar Project , LLC , Delaware limited liability company ("Company"), with regard to the following:
1.	Siting Agreement. The County and Company are parties to that Solar Facility Siting Agreement, dated (the "Siting Agreement"), which describes the intent of Company to develop, install, build, and operate a solar facility ("Project") on that certain parcel of land identified as County Tax Map Parcels [UPDATE] (the "Property").
2.	<u>Authorization</u> . The County's execution of the Siting Agreement was authorized during that certain regular meeting of the Board of Supervisors of the County on
3.	Substantially in Accord. The Siting Agreement states, <i>inter alia</i> , that, pursuant to Virginia Code § 15.2-2316.9(C), by entering into the Siting Agreement, the County acknowledged that the Project is deemed to be substantially in accord with the County Comprehensive Plan under Virginia Code § 15.2-2232.
4.	<u>Obligations</u> . The Siting Agreement sets forth, <i>inter alia</i> , certain obligations of Company to comply with the Special Use Permit approved by the County for the Project, and to make certain payments to the County.

- 5. <u>Siting Agreement Controls</u>. This Memorandum does not supersede, modify, amend or otherwise change the terms, conditions or covenants of the Siting Agreement, and the County and Company executed and are recording this Memorandum solely for the purpose of providing constructive notice of the Siting Agreement and the County's and Company's rights thereunder. The terms, conditions and covenants of the Siting Agreement are incorporated in this Memorandum by reference as though fully set forth herein.
- 6. <u>Counterparts</u>. This Memorandum may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

WITNESS the following signature and seal: **NELSON COUNTY, VIRGINIA:** Name: Candice W. McGarry Title: County Administrator COMMONWEALTH OF VIRGINIA, COUNTY OF , to-wit: The foregoing Memorandum was acknowledged before me this 2024, by Candice W. McGarry, County Administrator of Nelson County, Virginia. Notary Public My Commission expires: WITNESS the following signature and seal: **NELSON COUNTY, VIRGINIA:** Name: J. David Parr Title: Chairman, Board of Supervisors COMMONWEALTH OF VIRGINIA, COUNTY OF ______, to-wit: The foregoing Memorandum was acknowledged before me this 2024, by J. David Parr, Chairman of the Board of Supervisors of Nelson County, Virginia. Notary Public My Commission expires: WITNESS the following signature and seal:

WILD ROSE SOLAR PROJECT, LLC, a Delaware limited liability company

	By: Name: Title:
STATE OF CITY/COUNTY OF	<pre>} } }</pre>
, 2024, appeared executed the foregoing instrument in their of	nd for the jurisdiction aforesaid, this day of, who acknowledged that they capacity as of Wild d liability company, on behalf of said corporation.
	Notary Public My Commission expires:

Code of Virginia
Title 15.2. Counties, Cities and Towns
Subtitle II. Powers of Local Government
Chapter 22. Planning, Subdivision of Land and Zoning
Article 7.3. Siting of Solar Projects and Energy Storage Projects

§ 15.2-2316.7. Negotiations; siting agreement

A. Any applicant for a solar project or an energy storage project shall give to the host locality written notice of the applicant's intent to locate in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality.

B. The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the applicant in the deployment of broadband, as defined in § 56-585.1:9, in such locality.

2020, c. 802;2021, Sp. Sess. I, cc. 57, 58.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

1

10/10/2024 12:00:0

Code of Virginia
Title 15.2. Counties, Cities and Towns
Subtitle II. Powers of Local Government
Chapter 22. Planning, Subdivision of Land and Zoning
Article 7.3. Siting of Solar Projects and Energy Storage Projects

§ 15.2-2316.8. Powers of host localities

- A. The governing body of a host locality shall have the power to:
- 1. Hire and pay consultants and other experts on behalf of the host locality in matters pertaining to the siting of a solar project or energy storage project;
- 2. Meet, discuss, and negotiate a siting agreement with an applicant; and
- 3. Enter into a siting agreement with an applicant that is binding upon the governing body of the host locality and enforceable against it and future governing bodies of the host locality in any court of competent jurisdiction by signing a siting agreement pursuant to this article. Such contract may be assignable at the parties' option.
- B. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing, pursuant to subsection A of § 15.2-2204, for the purpose of consideration of such siting agreement. If a majority of a quorum of the members of the governing body present at such public hearing approve of such siting agreement, the siting agreement shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is amended, revoked, or suspended.

2020, c. 802;2021, Sp. Sess. I, cc. 57, 58.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

1

10/10/2024 12:00:0



Lindsey N. Rhoten

Lrhoten@gentrylocke.com

P: (804) 956-2070

F: (540) 983-9400

July 8, 2024

VIA EMAIL AND REGULAR MAIL:

Philip Payne, County Attorney

P.O. Box 299

Lovingston, Virginia 22949

phillip.payne@phillippaynelaw.com

Board of Supervisors of Nelson County, Virginia

Jesse Rutherford, East District

jrutherford@nelsoncounty.org

J. David Parr, Chairman, West District

dparr@nelsoncounty.org

Tommy D. Harvey, North District

harveyasc@gmail.com

Ernie Reed, Vice Chair, Central District

ereed@nelsoncounty.org

Dr. Jessica Ligon, South District

iligon@nelsoncounty.org

Candy McGarry, County Administrator and Clerk of Board of Supervisors

P.O. Box 336

Lovingston, VA 22949

cmcgarry@nelsoncounty.org

RE: Appeal of June 26, 2024 Planning Commission Substantial Accord Determination

(Wild Rose Solar Project)

Dear Chairman Parr and Members of the Board of Supervisors:

This firm represents Wild Rose Solar Project, LLC ("Applicant"). On June 26, 2024, Applicant appeared before the Planning Commission for a public facilities review (also known as a "2232 review") for a proposed 90 MWac solar facility (the "Project") to be located in the County on property owned by Weyerhaeuser Company and Joe and Bobby Hickey (the "Landowners"). The Commission voted 4-1 to find the Project not substantially in accord with the Comprehensive Plan. Applicant, on behalf of itself and the Landowners, hereby appeals to the Nelson County July 8, 2024 Page 2

Board of Supervisors pursuant to Va. Code § 15.2-2232(B), to overrule the Planning Commission, for the reasons stated in the Petition for Appeal (**Exhibit A**, attached).¹

In the spirit of cooperation, and to allow sufficient time to meet, discuss and negotiate a siting agreement, Applicant is willing to waive the 60-day appeal hearing period. While the Applicant agrees to waive the 60-day appeal hearing period, the Applicant requests that the appeal be heard during the same Board of Supervisors meeting as the Special Use Permit and Siting Agreement.

Sincerely,

GENTRY LOCKE

Lindsey N. Rhoten Counsel for Applicant

/s/Lindsey N. Rhoten

Cc: Scott Foster, Esq. – via email only to sfoster@gentrylocke.com
Jeannine Johnson – via email only to jjohnson@savionenergy.com
Lauren Devine – via email only to ldevine@savionenergy.com

¹ Applicant incorporates herein all materials attached to this letter and all materials submitted to Staff and the Planning Commission in support of the application for the Project approval and reserves the right to supplement or amend this appeal and provide further support in advance of any hearing.

<u>PETITION FOR APPEAL</u> (Va. Code § 15.2-2232(B))

PETITIONER, Wild Rose Solar Project, LLC ("Applicant"), on behalf of itself and Weyerhaeuser Company and Joe and Bobby Hickey ("Landowners"), respectfully requests the Board of Supervisors of Nelson County overrule the Planning Commission's determination that Applicant's proposed project is not substantially in accord with the Comprehensive Plan, for the following reasons:

- 1. Applicant has applied for a special use permit to develop an approximately 90 MW solar facility to be located in the County (the "*Project*").
- 2. In addition to the Special Use Permit, Applicant must present the Project to the Planning Commission for a public facilities review under Virginia Code § 15.2-2232, pursuant to which the Planning Commission is to make a finding as to whether "the general location or approximate location, character, and extent" of the Project is "substantially in accord with the adopted comprehensive plan or part thereof." *Id.* (also known as a "2232 review").
- 3. On June 26, 2024, Applicant presented the Project to the Planning Commission for the 2232 review. For the reasons set forth herein and in Applicant's submissions to date, the Project's general or approximate location, character and extent is substantially in accord with the County's Comprehensive Plan, including the "parts thereof" that directly address solar development. Chapter Three of the Comprehensive Plan "Shaping Community Character" directly addresses Alternative/Renewable Energy and states the following objective: "[i]t is the *duty* of all localities across the Commonwealth to plan for alternative energy sources, such as solar and wind facilities, and *Nelson County is no exception*... Nelson County must work with developers to help accommodate the generation of energy through alternative sources *as much as is feasible*." This

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¹ Nelson County Comprehensive Plan, 33 (emphasis added).

section of the Comprehensive Plan makes it clear that facilitating solar development is a priority for the County, subject to the guidance of the remainder of the plan.

- 4. This Project is located in a Rural Area on the Future Land Use Map. The Rural Areas section of Comprehensive Plan identifies solar installations as a *Primary Land Use Type*.² The Planning Guidelines for the Rural Areas section state that solar developments should be well-sited to minimize impacts on viewshed and natural resources.³ The Project fulfils that directive. The Applicant has voluntarily proposed numerous Special Use Permit conditions that significantly exceed the requirements of the Nelson County Zoning Ordinance, including increased setbacks and buffers and additional studies and plans that demonstrate a commitment to ensuring that any potential impacts on scenic viewsheds and natural resources are mitigated. In addition, in its Special Use Permit application and presentation to the Planning Commission, Applicant has demonstrated that the Special Use Permit conditions and Project site features and topography will have minimal if any impact on the viewshed surrounding the project and Nelson County natural resources.
- 5. In addition to satisfying these key Comprehensive Plan elements, the Project also aligns with the Comprehensive Plan's broader goals, including encouraging renewable energy, preserving agriculture, and encouraging growth in the designated growth areas. As these goals are to some degree conflicting, it is logically impossible to fully satisfy them all instead, these competing goals can only be reconciled by striking an appropriate balance. Even if the policy goals were wholly consistent (which they are not), for the Commission to make a positive finding that the Project is in substantial accord with the Comprehensive Plan, it is not necessary for the proposal to *wholly* align with every stated goal, or even every element of the Comprehensive Plan's solar

² *Id.* at 39 (emphasis added).

 $^{^{3}}$ Id.

policies. Rather, a positive finding of substantial accord requires only that the *general or* approximate location, character and extent of the proposed public facility be substantially in accord with the Comprehensive Plan. This Project easily meets this standard, satisfying numerous directives of the Comprehensive Plan, both general in nature and specific to solar development.⁴

- 6. Yet, the Planning Commission voted 4-1 to find the Project not substantially in accord with the Comprehensive Plan. Their decision, however, was fundamentally flawed due to Commissioners consideration of factors unrelated to the 2232 analysis, negative bias and disregard for the Project attributes.
- 7. Commissioner Hauschner briefly mentioned relevant considerations for the 2232 review, but in doing so, made a number of factually inaccurate statements about the Project. Applicant is not suggesting that his misstatements were intentional the Commissioner may have misunderstood the facts. Despite evidence presented to the contrary, Commissioner Hauschner stated that the Project would negatively impact scenic viewsheds and natural resources. Applicant demonstrated that existing vegetation will be utilized to screen the Project from the start of construction, and enhancement screening will be installed where necessary to ensure visual impacts are mitigated. The Project application also included visual simulations of the Project before and after construction showing that there were no visual impacts. In fact, the visual simulations before and after construction were the same image because this Project is almost completely screened with existing vegetation from the start of construction. Applicant noted that they evaluated the distance and topography between the Project and the scenic vistas in the Comprehensive Plan and no impacts are expected. Lastly, the Application, Staff Report, and presentation included the list of environmental and historic studies that the Applicant is required

⁴ See Appendix E of Application.

to conduct during the Virginia Department of Environmental Quality's Permit by Rule process, the required stormwater management and erosion and sediment control permits, and the proposed conditions in order to mitigate impacts to natural resources. All of which seemed to be ignored during the Planning Commission's discussion.

- 8. Commissioner Hauschner seemed more focused on matters that were irrelevant to the 2232 review, such as one of the Landowner's timbering practices in a different state and the Applicant's parent company. He verbalized his negative bias against the Applicant's parent company by stating, "[a]nything attached to Shell coming into the County is fucking vile." Not only is this a wildly inappropriate and unprofessional statement for a Planning Commissioner to make in a public forum regarding an Applicant before him, this public display of negative bias is evidence that a decision made in this manner is wholly unrelated to the question presented in a 2232 review, unfair to the Applicant, and cannot stand.
- 9. Commissioner Amante stated that he felt as though he was viewing the Project through a "legal perspective" and that the Applicant's presentation was walking him through a checklist. He then stated that the Project does "meet the letter of the law." Despite the Project meeting the letter of the law, his reasons for voting against the Project did "not stem from anything written down." It is indeed the Planning Commission's statutory role in a 2232 review to make a legislative finding, which is inherently a legal and policy oriented analysis. As the Commissioner acknowledged, the Applicant clearly met its obligation to show that the Project is "substantially in accord with the adopted comprehensive plan or part thereof."⁵
- 10. During the Planning Commission discussion, Commissioner Amante stated that he does not trust the government entities that establish the regulations the Applicant has to abide by,

⁵ Va. Code § 15.2-2232.

such as the Environmental Protection Agency. In addition to this opinion, Commissioner Amante shared factual inaccuracies that not only tainted the process, but misled the public. Amante stated that "child labor" or "slave labor" was used to build the solar panels, which is false. Again, this justification for denial is completely unrelated the question presented to the Planning Commission in the 2232 review.

- 11. Commissioner Allen stated that it is "just my opinion" that the financial package of the Project does not outweigh the potential environmental harms that the Project *may* present to the surrounding area. Again, the Applicant presented to the Planning Commission the extensive studies and voluntary conditions that the Applicant would adhere to mitigate any potential environmental harms. She also stated that the financial package offered to the County would not directly impact Gladstone residents who live near the Project. While the allocation of the funds through the siting agreement is not within the Planning Commission's purview and has no bearing on a 2232 review, Applicant intends to work with the Board to determine direct benefits to the Gladstone community that can be included in the siting agreement.
- 12. It is clear that this decision was made based on negative bias, opinions, and considerations outside the purview of the Planning Commission for the 2232 review and was not based on the factual information presented to the Planning Commission. The serious factual inaccuracies cited above are alone sufficient reasons to overrule the Planning Commission. Nevertheless, the Planning Commission's determination also must be overruled because their actions violate the County's Zoning Ordinance. The Nelson County Zoning Ordinance is the primary tool to implement the Comprehensive Plan, which expressly permits solar projects on A-1 zoned properties by Special Use Permit. In fact, the Zoning Ordinance *requires* that "a large solar energy system *shall* be permitted by a Special Use Permit in A-1" provided that the Project

meets the requirements in the Zoning Ordinance.⁶ As Commissioner Amante stated, this Project "meets the letter of the law" and therefore, the Special Use Permit and the 2232 review should have been approved.

- that existing public infrastructure can be used more efficiently and rural lands will be protected from development, yet Planning Commission faulted Project for not fitting in with the surrounding character of the land because it will require clear cutting the land, even though the current land use of the parcels for silviculture requires continual clear cutting when the timber is harvested. The installation of large solar energy systems encourages open space retention by placing a hold on additional development within the Project limits, whereas as a residential housing developer could clear cut the land and forever alter the landscape. The Project will be decommissioned at the end of its useful life and the land can be used for whatever purpose the County may need at that time. Contrary to the Planning Commission's decision, the Comprehensive Plan designates solar installations are as a Primary Land Use in Rural Areas because solar projects do not utilize public infrastructure that is often lacking in rural areas and are a compatible land use with the surrounding areas, including agriculture and silviculture.
- 14. Despite all the evidence presented to the Planning Commission, they voted to find the Project not substantially in accord with the Comprehensive Plan based on the reasons stated above. The Project is substantially in accord with the Comprehensive Plan for the reasons stated above and provided throughout the Application, Presentation, and Staff Report. The Board of Supervisors should overrule the Planning Commission's finding because the Planning

⁶ Nelson County Zoning Ordinance § 22A-6(1) (emphasis added).

Commission's decision was based on negative bias, opinions, and considerations outside the purview of the Planning Commission for the 2232 review.