



Nelson County Planning Commission

Meeting Minutes

June 26th, 2024

Present: 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, Lovington.

Review of May 22nd Minutes:

Mr. Hauschner made a motion to approve the May 22nd 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 *DMB*

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 (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 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.

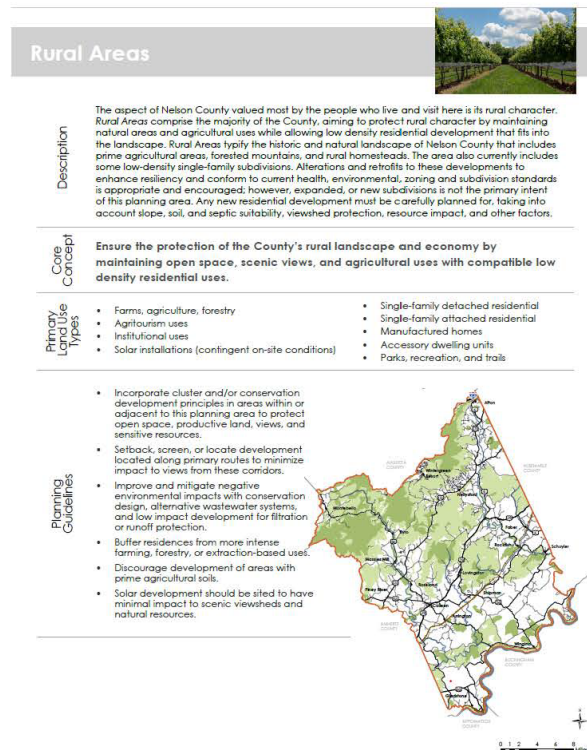
Access / Traffic / Parking: The site is proposed to be served by a network of access roads, utilizing existing logging roads where feasible. Entrances will be located on Tye River Road, Twin Oaks Lane, Route 60, and Buck Mountain Lane. A traffic study has been submitted and requires approval from VDOT.

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:

- 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.

Motions:

1. 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.
2. 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

WILD ROSE
SOLAR PROJECT



Savion Company
Overview



Solar Overview



Wild Rose Solar Project



Comprehensive Plan and
Special Use Permit



Questions

About Us

WILD ROSE
SOLAR PROJECT



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.

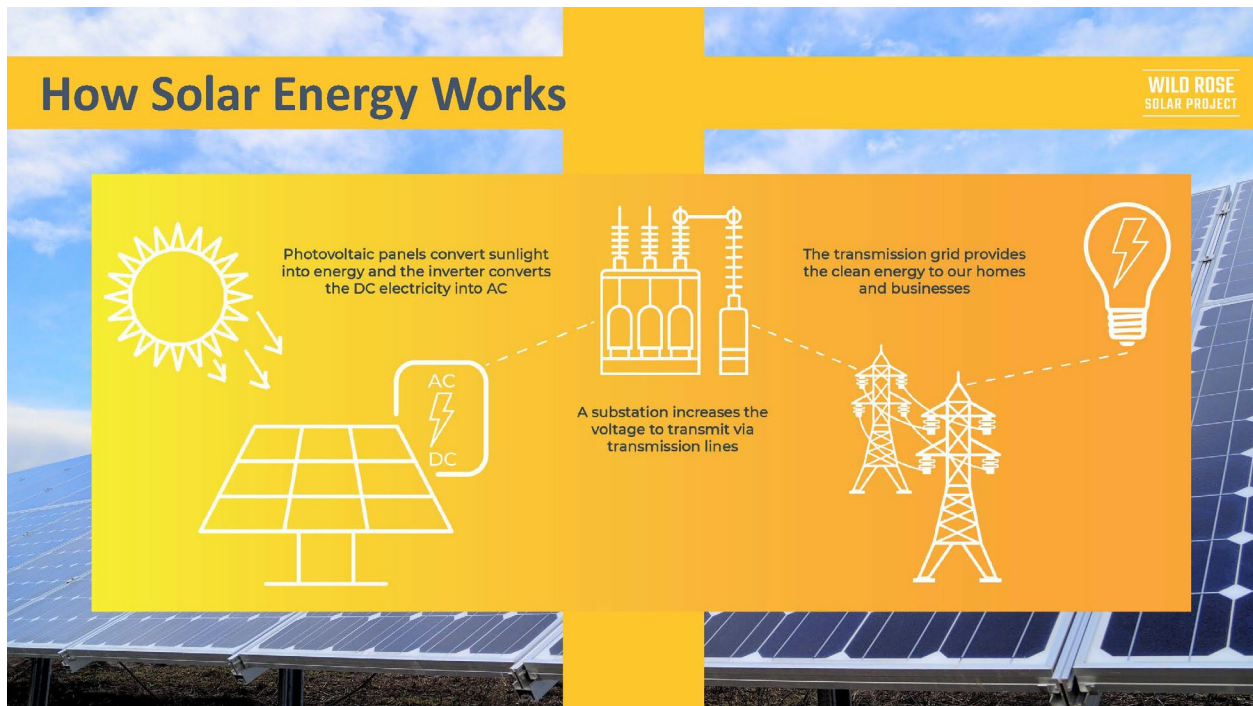


Over 190 employees providing comprehensive services at each phase of renewable energy project development.

Q1-Q2 2023

How Solar Energy Works

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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.



Project Details

WILD ROSE
SOLAR PROJECT



Wild Rose Solar Project

WILD ROSE
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Quick Facts:

- 90 MW Solar Project
- Power for ~14,000 VA Homes
- Development commenced in 2020
- Construction Start in 2026
- Commercial Operation in 2027



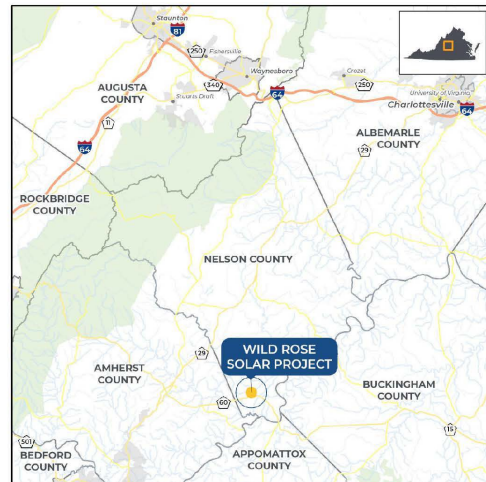
Project Site:

- 2 miles NW of Gladstone
- Located off Richmond Hwy
- Currently utilized for commercial timber operation



Public Outreach:

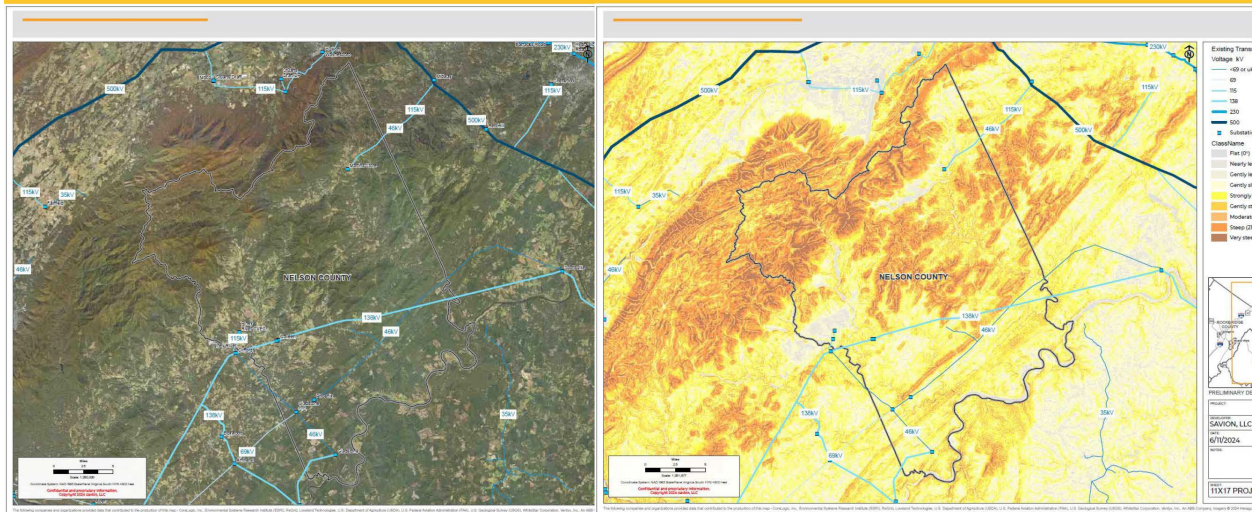
- Neighborhood Meeting: 9/6/2023
- Community Meeting: 11/9/2023
- Joint Community Meeting with Nelson County: 2/27/2024
- Good Neighbor Agreements



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.

Solar in Nelson County

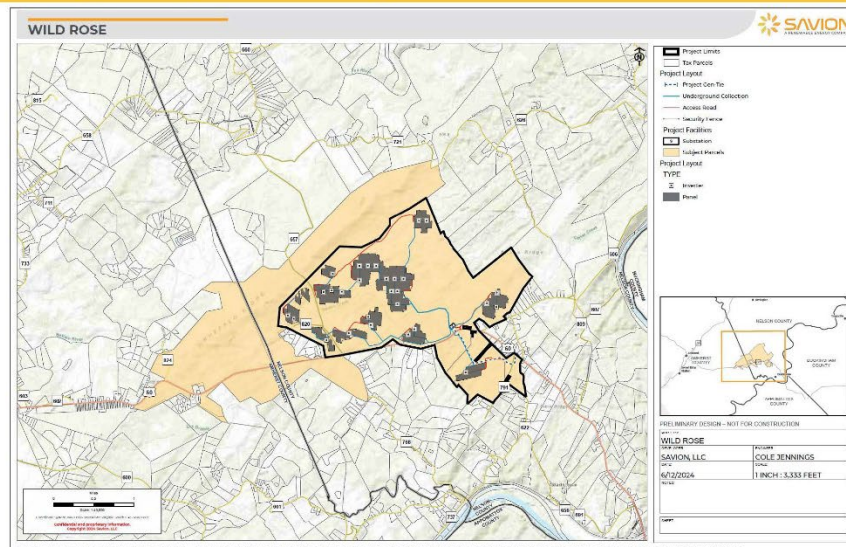
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Ms. Johnson noted that Nelson County was not likely to be overrun with solar projects. She explained that they look at a few criteria when evaluating a site. These criteria include access to a transmission line and topography. She explained that the 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.

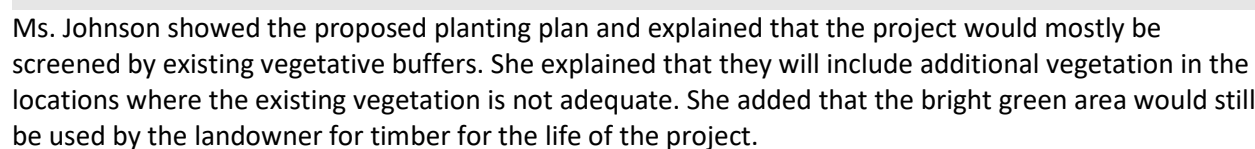
Preliminary Project Design

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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

Proposed Planting Plan



Local Economic Impact

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A photograph showing two yellow drilling rigs operating in a grassy field. The rigs are installing concrete piles into the ground. Several completed piles are visible in the foreground and background. The sky is overcast.

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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:

Nelson County Comprehensive Plan

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Primary Land Use Types


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

Single-family detached residential

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

Planning Guidelines

- Incorporate cluster and/or conservation 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 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.**



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

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- **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

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- 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

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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)	<ul style="list-style-type: none">• Project will exceed setback requirements included in the Nelson County Zoning Ordinance:<ul style="list-style-type: none">○ 125 ft. Setback from all property lines○ 200 ft. Setback from all properties where a residential structure is present
Buffering: 22A-6(2)(e)	<ul style="list-style-type: none">• Project will exceed buffering requirements included in the Nelson County Zoning Ordinance:<ul style="list-style-type: none">○ 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

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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 Lovington.

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 timber 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 leached 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.

Yes:

Chuck Amante

Mike Harman

Robin Hauschner

Mary Kathryn Allen

No:

Ernie Reed

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 13th 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,

A handwritten signature in black ink, reading "Emily Hjultrom". The signature is written in a cursive style with a long horizontal flourish at the end.

Emily Hjultrom

Planner/Secretary, Planning & Zoning