

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
Dr. Jessica L. Ligon, South District Supervisor
Jesse N. Rutherford, East District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Linda Staton, Co-Director of Finance and Human Resources
Grace E. Mawyer, Co-Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Parr called the meeting to order at 2:00 p.m. with four (4) Supervisors present to establish a quorum. Mr. Harvey was absent.

- A. Moment of Silence – Attendees observed a moment of silence.
- B. Pledge of Allegiance – Mr. Rutherford led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Ann Mische – Nellysford, VA

Ms. Mische said she was there on behalf of Rockfish Presbyterian Church and “Here To Stay In Wintergreen.” She stated that the Here to Stay in Wintergreen Board of directors would like to share information about the Nelson Enrichment Club (NEC), a new program that began in early September and is a partnership with Here To Stay, the Blue Ridge Medical Center, and Rockfish Presbyterian Church. She said the club is open to all Nelson County residents experiencing mild to moderate memory loss and/or Parkinson’s Disease. She said that on Mondays and Wednesdays from 10:00 a.m. to 2:00 p.m., volunteers engage with club members in activities intended to reduce social isolation and support mental and physical health while providing respite for caregivers. She said the program is based on a national model called “Respite for All,” which is a faith-based program, and the local program offers a secular social approach for care and is the only one of its kind in Virginia. She said the program can accommodate up to 15 participants per day and might expand to three days a week if needed; scholarships are available for those unable pay the daily cost of \$40, and additional information can be found at www.nelsonrespite.org.

Brennen Seed – Lovingston, VA

Ms. Seed said she lives behind Front Street Garage and was there to share her experience with VDOT’s recent installation of rumble strips on Route 29 in November. She said that for about two weeks, residents there tried to get support and get VDOT’s attention regarding the noise generated during the project, which broke through sound barriers and created disruption to sleep because of its extremely low tone. She said that everyone wants the speed limit lower there, and although the new rumble strips are better than those initially installed, they do not seem to slow traffic.

Benjamin Seed – Lovingston, VA

Mr. Seed said the northernmost rumble strips are installed before any speed limit reduction signs, so there are trucks going 65 mph and slamming into the rumble strips, and it seems like the best way to slow cars down is with speed limits. He said that some people are concerned about jack-braking trucks and the noise they make, and the most effective measure might be putting a speed limit reduction at the top of the hill so that trucks going southbound can slow down before that and don't get sling-shotted around the curve coming into town.

Introduction of New Employees

Ms. Mawyer introduced Roby Absher, who was hired as a maintenance worker for Nelson County in November and is a native of Gladstone. Ms. Mawyer said that Mr. Absher comes to the County from Coleman Adams Construction, where he worked as a carpenter for four years; prior to that, he worked as a gas fitter for Foster Fuels and as a surveyor and carpenter for Acres of Virginia surveying. She said that Mr.

Absher has extensive experience with welding, framing, roofing, operating heavy equipment, and auto mechanics.

Ms. Mawyer introduced Libby Ashby, who has joined the County staff as an administrative assistant and permit technician. Ms. Mawyer said that Ms. Ashby comes to Nelson from Appomattox County, where she served as the director of their victim/witness program. Prior to that, Ms. Mawyer said, she worked for Nelson County Public Safety for four years as a 911 dispatcher, senior dispatcher, and terminal agency coordinator (TAC). She said that Ms. Ashby excels at records management, improving standard operating procedures, and strong attention to detail, and she will be a wonderful asset to our Building Inspections and Planning and Zoning departments.

Ms. Mawyer introduced Dustin Spitler, who was recently hired as a building inspector. She stated that Mr. Spitler is a Nelson County native and worked for Michael & Sons in residential electrical work and electrical sales, and for Braden Property Management, Acme Stove and Fireplace, and Fortune Electric. She said that Mr. Spitler has extensive experience in electrical maintenance, plumbing, customer service, and reading blueprints, and has two years of electrical training from CATEC as well as an OSHA 10 certification.

III. CONSENT AGENDA

Mr. Rutherford moved to approve the Consent Agenda as presented. Dr. Ligon seconded the motion. Supervisors approved the motion unanimously by vote of acclamation and the following resolutions were adopted:

A. Resolution – R2024-79 Minutes for Approval

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

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on May 14, 2024 be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – R2024-80 Budget Amendment

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

I. Appropriation of Funds (General Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	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
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\$	42,101.70		
II. Appropriation of Funds (School Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	705,000.00	3-205-003302-0027	4-205-061100-9304
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\$	705,000.00		
III. Transfer of Funds (General Fund Contingency)			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$	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
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\$	138,000.00		

C. Proclamation – **P2024-06** National Wreaths Across America Day

**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 Lovington, 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.

IV. PRESENTATIONS

A. VDOT Report

VDOT Residency Administrator Robert Brown reported that the rumble strips mentioned were initially incorrectly installed, and have since then been taken down and put back in. He said that he and the traffic engineers have ridden over them, and they were louder, but the old rumble strips had been worn down and had lost their effectiveness in alerting drivers of the traffic signal. He asked that residents give the new ones time to see how they work, noting that they are part of the safety improvements for Route 29. He said they can be offensive, but they are a safety feature.

Mr. Brown reported that the four lane primary mowing had been completed. Mr. Brown stated that there would be another litter pickup in Nelson County as soon as the contractor arrives. He stated that there were some major repairs needed on a field slope on 151, just beyond Bland Wade Lane, that slid during recent heavy rains and flooding. He said they haven’t determined exactly what measures they would take, but there would probably soil nailing and engineering slope repairs.

Mr. Parr asked about the rationale for the placement locations of the rumble strips and the 45 mph speed limit. Mr. Brown responded that they want them inside the 45 mph zone, but he was not certain about the exact spacing requirements, although they are spaced now at one just within the zone and one about midway.

Mr. Rutherford noted the safety of the intersection was critical. He said they had contemplated expansion of the 45 mph zone and recalled that it was still not a feasible solution. Mr. Brown confirmed this and said that it was not feasible on the north side of Lovington, but they were still evaluating an interim speed limit between the 45 mph and 60 mph zones on the south side of town.

Mr. Rutherford said that he was going to mention in their Board directives the possibility of enhanced enforcement there—whether it be from the Sheriff’s department or state police, because at the end of the day, people are going 70 through there. He asked if Mr. Brown was aware of any Smart Scale projects in the future that may be related to this intersection.

Mr. Brown responded that he did not know of any and was also not aware of any study they had done that would justify a Smart Scale solution. He noted that the old rumble strips were not aggressive enough and got worn down, but the new ones are much quieter and closer together.

Mr. Rutherford asked about a Parks and Rec Department project off of Rockfish River in Schuyler where they were trying to get some VDOT permissions. He said that Jerry West had indicated that he was running into some VDOT pieces that he needed to clear. Mr. Rutherford asked for VDOT to have correspondence with Parks and Rec. Mr. Brown said he would connect with Mr. West on that and asked if it was part of the canoe launch at the Wayside. Mr. Rutherford and staff confirmed that it was.

Mr. Rutherford also told Mr. Brown that he would correspond with him in the New Year about sidewalks and the TAP funding.

B. Social Services Office Building Design Development – PMA (R2024-81)

Ms. McGarry introduced Jeff Stodghill and Akshar Patel of PMA Architecture to present the latest design drawings for the Board’s review and approval.

PMA Architecture President Jeff Stodghill said he and Mr. Patel would present the work completed over the last 6–8 weeks, having now developed the schematic design shown previously into a much more detailed version. He stated that they had gone through site plan development with a civil engineer and now had a more or less finished site plan, and they knew how to handle drainage and all of the relevant details. He indicated that the plan was ready for the site plan review process and they would submit it as early as possible—either this week or next—to stay on schedule.

Mr. Stodghill stated that the exterior and interior designs had been worked through, resulting in a final plan that met their square footage targets. He reported that more detail had been incorporated into the exterior, and what would be shown in the presentation was a professional renderer’s simulation, which he believed closely matched their vision. Mr. Stodghill noted that the committee had worked through the color schemes. He reported that some interior details and building components were now finalized, noting that they knew what the mechanical system would be and had a good idea of the electrical and plumbing systems.

Mr. Stodghill stated that they provided the design to a third-party cost estimator and have received confirmation from them that the building and site costs were within the budget PMA has already provided. He said they were proud of this achievement and expressed confidence that, as they moved into bidding in early spring, their position would be as strong as possible. Mr. Stodghill added a single caveat that they could not predict future tariff changes and would need to assess the situation in the spring, but he emphasized the importance of proceeding quickly in the current climate to enter bidding as soon as possible.

Mr. Stodghill stated that Mr. Patel would present the current status of the design, and they would then ask that the Board authorize moving forward with the construction drawings and site plan submission for review. He noted that the site plan review could take nearly as long as it would take to complete the construction drawings. He reiterated that he would like to expedite the process and also request approval to begin preparing bid documents.

Akshar Patel presented a view showing the entrance of the building and the front elevation, highlighting the front canopy and walkway connected to the parking area. He explained that they were using materials that were sensitive to the budget, but also incorporate long-term solutions, including metal roofs. Mr. Patel stated that board-and-batten siding was a Hardie product, and they were also including panels of bronze metal around the window openings to provide relief to the facade.



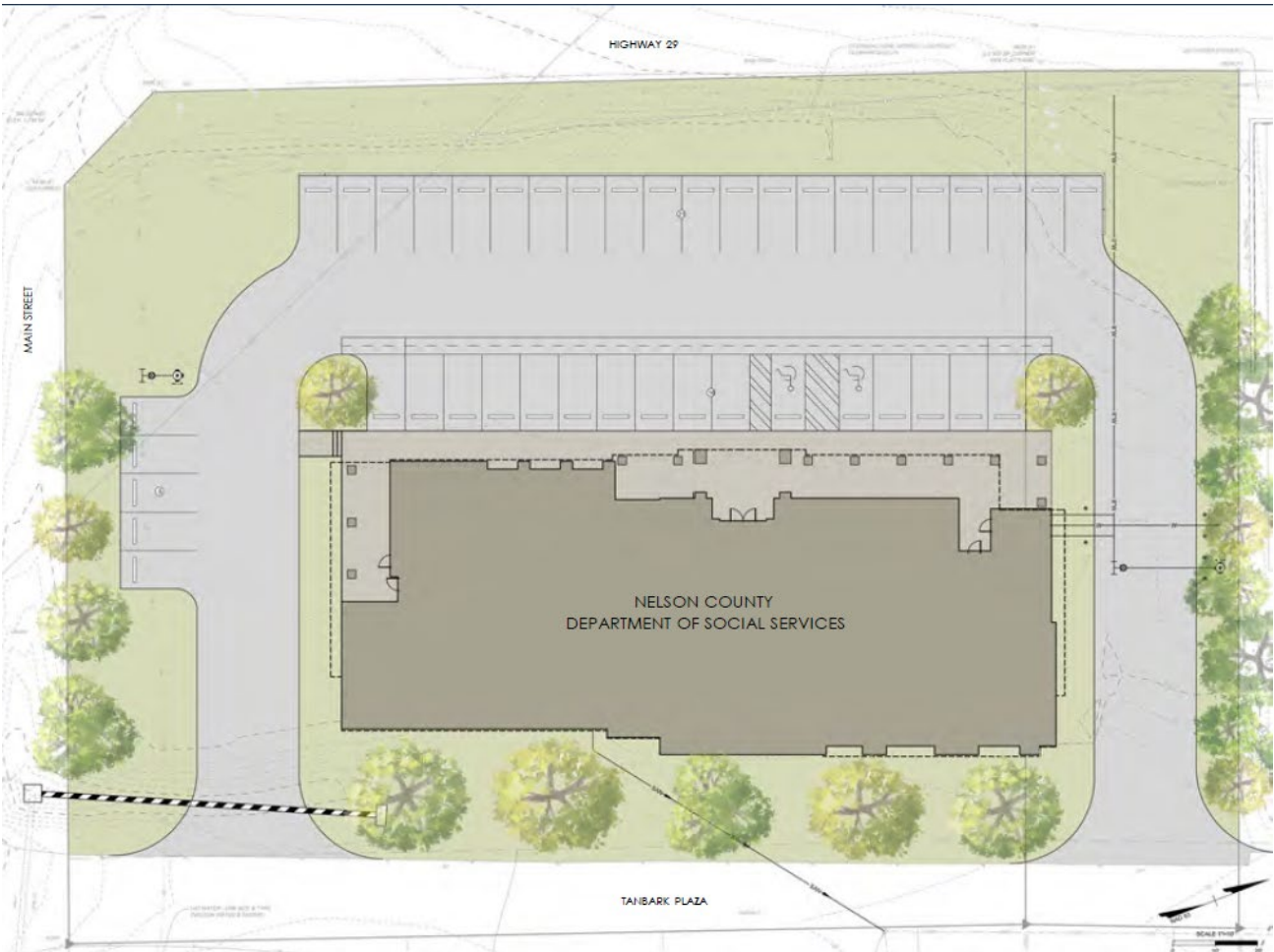
Mr. Patel presented a view of the building from Route 29 as one drives by, stating that the goal was to design a building that is highly visible from 29, ensuring wayfinding would be easy for clients and for the County overall.



Mr. Patel said the design highlighted the building’s forms and shapes, and on the back elevation, which faces Tanbark Plaza, red brick and painted brick are included to unify the elevation and provide cohesion.



He explained that the site plan shows Tanbark at the bottom and Route 29 to the north, with residents and clients entering from Main Street into Tanbark Plaza, with two ways in and out of the parking lot for better access.



Mr. Patel presented the floor plan and said that offices are positioned around the building’s perimeter to provide staff with natural daylight, while the central lobby contains two interview rooms for employee-client meetings. He said the right side of the floor plan included the conference and training center, break room, and a staff entrance, while another employee entrance is located on the left of the building. He said the furniture plan was developed with a committee, considering the arrangement of the break room, training room, and other layouts.



Mr. Patel presented the exterior elevations for both the front and back of the building, facing the two main streets, again highlighting the use of metal panel systems, board-and-batten siding, metal roofing, and both painted and red brick. He noted that treated wood and timbers on the front canopy provide warmth and a welcoming atmosphere for visitors.



Mr. Patel stated that the next steps were to develop working drawings by the end of February, present them to the Board, and proceed to the next stage of bidding, which was expected to take about six weeks, followed by an 18-month construction timeline before the building would be ready for handover.

Mr. Rutherford asked about the general framing materials and whether they would be yellow pine, CMUs, metal framing, or what the expectation would be with commercial.

Mr. Stodghill responded that it would be slab on grade and light-gauge metal framing for the walls and light-gauge metal trusses for the roof structure.

Mr. Rutherford asked about the cape aspects and what the top portion would be utilized for, such as an attic or for mechanical equipment. Mr. Patel responded that it would be space for structure, trusses, and mechanical and light fixtures.

Mr. Stodghill added that a building like this generally had to get a fairly high bearing level to accommodate everything, such as fire sprinklers and ducts. He confirmed that they would have one centralized mechanical unit on the roof, nestled in a U-shaped well that would serve as a heat pump, and it would rely on a VAV box reheat system; it is an air-conditioning system and then a reheat, which is electrical. He said there would also be a hot water heater.

Mr. Rutherford said parking was not necessarily a concern, but he would advocate for putting parking wherever they could put it in. He asked if there was a rationale for having parking on the eastern side of the building. Mr. Stodghill responded that they tried to get as much parking on the site as possible. Mr. Parr commented that the lot across the road could probably be turned into parking.

Mr. Stodghill said they can go back and ask the civil engineer, but he pointed out an area reserved for the stormwater management system, noting that there would need to be room there for a catch basin and a swale. He said they contemplated several spots for parking but came up with this approach to eliminate backing out into the entrance lane. He noted that across Tanbark, there could be parking created in the future.

Mr. Parr acknowledged the number of details and how many variations the committee, which he served on, has gone through—and both he and DSS were extremely pleased with the final product. He said this was true right down to the size of the desks and the chairs and all the furniture going in, which had been meticulously factored into the design and the square footage of the building.

Mr. Rutherford moved to approve **Resolution R2024-81**, Nelson County Board of Supervisors authorization to proceed with construction drawings for the Social Services office building. Dr. Ligon seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote and the following resolution was adopted:

**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.

Ms. McGarry mentioned that they would be working with Davenport on a financing plan for the project and would be providing a calendar soon that integrates the financing and construction aspects.

C. Proposed County Financial Policy Guidelines – Davenport

Ms. McGarry stated that Ben Wilson of Davenport & Company would be reviewing the financial policy guidelines that the Board looked at with Davenport during their retreat in September. She noted that Mr. Wilson would then gauge the Board's interest in moving forward with the policies.

Davenport & Company Vice President Ben Wilson stated that the policy document was mostly the same as what they had looked at in September, with only a few minor changes. Mr. Wilson mentioned that they have been working with staff and had a meeting in September to look at financial policies, which are generally considered a best practice of local governments. Mr. Wilson emphasized that as the Board prepares to borrow for the DSS building, and other upcoming projects, it would be good to have these policies in place to help guide their decisions.

Mr. Wilson reported that as part of this process, they put together a collection of peer comparatives to provide some perspective. Mr. Wilson said they looked at two groups: budget peers, based on the Auditor of Public Accounts Comparative Report, comparing the County's budget to others; and contiguous peers, which are the surrounding counties—Albemarle, Augusta, Rockbridge, Buckingham, Amherst, and Appomattox—as contiguous peers and noted these would appear throughout the presentation.

Mr. Wilson said the document had nine sections: the purpose, fund balance, revenues, expenditures, budgets, capital improvement program, debt, financial reporting, and economic development. He explained that the first section provides a big picture of why the policy exists and its purposes. Mr. Wilson shared that the aim is to promote financial stability and health, maintaining a broad perspective rather than focusing on individual decisions. He pointed out that the first section, detailed in the back of the document, elaborates on these goals.

Mr. Wilson stated that section two is about fund balance and reminded the Board that the County's audit categorizes fund balance in several ways, from most restrictive to least restrictive. He listed non-spendable, restricted, committed, assigned, and unassigned as the categories. Mr. Wilson explained that for the purposes of the policy, the focus is on Unassigned Fund Balance (UFB), considered as savings or funds set aside for a rainy day and daily payroll. He reviewed the unassigned fund balance over recent years, noting that it ranged from about 65% to 74% of general fund revenues. Mr. Wilson said with new figures for unaudited 2024, the fund balance increased from \$29 million to \$30 million. He added that unaudited revenues for 2024 are \$48 million, making the fund balance about 62.6%. He said for 2025, the budget includes use of fund balance, reflected in these calculations, and there are no assumptions for higher revenues or lower expenditures; it is purely the fund balance budgeted in fiscal year 2025. He stated that this results in a slight decrease to about 57.7%.

Mr. Wilson said that Davenport recommends maintaining a minimum level of 30% for this policy as a bare minimum, emphasizing that anything over and above that amount was a good thing to have, in the event of unforeseen circumstances and emergencies. He also said they recommend a budget stabilization fund at 5% to be used in the budget process for unforeseen needs—so together, this would mean a minimum of 35% of general fund revenues. Mr. Wilson pointed out that in the FY25 budget, 30% equals about \$13.8 million, and the budget stabilization fund at 5% is \$2.3 million, with about \$10 million in additional funds above those minimums. He noted that the \$10 million may be encumbered or otherwise designated, and a closer look would be needed before using any part of that \$10 million. He advised against spending down to exactly the required percentage, as the budget would likely rise next year due to inflation and other factors, and the target levels are set to ensure enough cash for operations without borrowing and to cover unplanned events. Mr. Wilson said that compared to peers, Nelson County is in good shape, both in dollar amounts and as a percentage of general fund revenues. He explained that the proposed 35% is at the median of contiguous peers and just below Virginia budget peers, keeping the County in a good position comparatively, and audit comparisons can be affected by different accounting practices across localities.

Mr. Wilson said Section 3 is revenues and emphasizes not using one-time revenues for ongoing operations and ensuring that recurring revenues cover operational costs. He said Section 4 deals with expenditures and reiterates the importance of matching recurring revenues to ongoing costs, as well as other topics. He described Section 5 as outlining the County's budget process, stating that it mainly memorializes current practices to provide continuity for future Boards. Mr. Wilson stated that Section 6 discusses the capital improvement program, including two components: a five-year capital improvement plan for major projects and a capital budget as the first year of that plan, which is adopted as part of the annual budget. He said the guideline is generally projects of \$25,000 or more with a useful life of at least five years, but the Board has discretion on that.

Mr. Wilson explained that Section 7 covers debt and includes several pages of guidelines for issuing debt and relevant considerations, such as the DSS borrowing anticipated soon. Mr. Wilson said three ratios are used in the policy: Tax-Supported Debt as a percentage of Total Assessed Value, Tax-Supported Debt Service as a percentage of Total Operating Expenditures, and Tax-Supported Debt Service and Fixed Costs as a percentage of Total Operating Expenditures. He explained that the first ratio looks at outstanding debt versus the tax base, the largest revenue source; the second is annual principal and interest as a percentage of the total budget; and the third includes the principal and interest as well as fixed costs like pensions and post-employment benefits.

Mr. Wilson reported that the County has about \$8.3 million in long-term principal outstanding, along with a few lines of credit totaling \$6.8 million for land, school, and DSS projects. He said as permanent financing is arranged, those lines of credit will be paid off, transferring amounts into long-term debt. Mr. Wilson pointed out that over \$2 million in debt service is scheduled in the next four years, dropping afterward. He explained that a debt capacity and affordability analysis, ongoing for over a year, includes several upcoming projects to be layered on top of the current debt.

Mr. Wilson presented the first ratio, Debt as a Percentage of Assessed Value, and said Davenport is recommending a level of 3.5%. He indicated that the County is currently below half a percent, and taking into account an additional \$35 million in debt for school, DSS, and the land purchase, the total rises to about 1.5% but declines as debt is paid and assessed value grows at 1%, based on assumptions. Mr. Wilson emphasized that 3.5% is a strong recommended ratio, above current peer levels, but still considered a strong ratio. He observed that while their peers are below 3.5%, many Virginia localities exceed it, and levels can be cyclical and can

change with major projects. Mr. Wilson clarified that not all counties are on the same timeline for large investments.

Mr. Wilson described the second ratio, Debt Service as a Percentage of Expenditures, stating that a range of 10% to 12% is a strong policy level. He mentioned that some localities in the state have higher levels, such as 14%, 15%, or 16%. Mr. Wilson clarified that at existing levels, the County is just below 4%, and with \$35 million in proposed debt, it rises to about 6%—still well below the policy cap and close to the median among peers. Mr. Wilson said some peers do reach the proposed policy range, depending on their debt service and budget size, and Nelson County is in good shape, even with the projected debt layered on top.

Mr. Wilson said the third ratio incorporates fixed costs, stating that the recommendation is not to exceed 17%. He stressed that even with new debt, the figure is just over 10% and is comfortably under the policy threshold. He noted that this provides a barometer for future spending and priorities as the budget evolves, and the County is currently well below the recommended cap. He said that Section 8 covers financial reporting and requires the County to follow accounting standards and annually prepare audited financial statements—which is routine practice but important to formalize in writing as a policy. He said that Section 9 covers economic development and stipulates thorough financial review for large economic development projects.

Mr. Wilson said that next steps include further review of the document, with the Board sending any questions to him through Ms. McGarry, but the document is ready for adoption if the Board feels comfortable with it.

Mr. Rutherford said he felt it was important for the County to have a policy in place, and he appreciates the level set here, although he might even be more conservative than where they are today.

Mr. Wilson agreed, stating that the levels Davenport suggests are just generally accepted as strong policies, but these differ with each locality and simply serve to paint a picture of their capacity to issue debt.

Mr. Rutherford asked what percentage of localities have a financial policy in place. Mr. Wilson responded that about half of the localities in Virginia had policies, and generally the ones that are rated and issue debt regularly have a financial policy that they follow closely.

Dr. Ligon asked if they were to adopt the proposed financial policy and come up with a spending plan, whether they would be going to a Board member or Treasurer for approval, and whether that had political implications.

Mr. Wilson replied that the policies are adopted by the Board but they are not legally binding—so they don't have to follow them, but there is a perception that they will follow them if they have policies in place. He said they are essentially holding themselves accountable and not putting it in someone else's hands.

Dr. Ligon asked why they would spend time on a document if there isn't a person to stand up and be the backbone of the document. Mr. Wilson reiterated that it's a document put in place that they can point to for guidance, and it is viewed as something highly positive in the financial world, even if they may not have a lot of "teeth" behind it.

Dr. Ligon asked how safely other localities with similar income levels are playing it, noting that Nelson only has property tax and transient occupancy tax as income sources. Mr. Wilson responded that incomes are not what they focused on in these policies, but he could bring back that information along with some examples. He emphasized that the point is to evaluate their position, such as debt to assessed value, which is a metric that rating agencies and entities such as the VRA consider.

Mr. Reed said he felt it had been very valuable as they've been covering debt service for the last few years, and Davenport's recommendations have highlighted what they need to track. He added that having a policy in place is also beneficial because it sets a goal for what they would like to achieve and the factors involved.

The Board agreed to hold another work session on this as they consider the CIP and other budget matters.

Mr. Wilson noted that some other localities adopt their financial policy annually with their budget so that it is reviewed every year.

Ms. McGarry commented that they really are living documents that the Board can adjust as desired.

V. NEW AND UNFINISHED BUSINESS

A. FFA Funding Request for National Western Stock Show in Denver

Nelson County High School FFA Students and Livestock Judging Team Eli Hatter, Jodie Saunders, Campbell Bauserman, and Laney Harvey addressed the Board and stated that this is the first time in Nelson County FFA history that they have had the opportunity to compete in the National Western Stock Show in Denver, Colorado, which has been held since 1906. They said the Board graciously donated \$4,000 toward their trips to Massachusetts and Indiana in 2023, and they were currently seeking about \$4,000 for the Colorado trip.

Mr. Parr said as of the most recent update, the group needs \$5,000 to meet their fundraising goal, and they have increased their rankings to get into this bigger and better competition, and he would support bridging that gap.

Dr. Ligon said she attributes the FFA to the start of any success she's had in public speaking, in reading animals, assessing them and communicating that. She said that she is very proud of these students and also supported providing the funding needed. Mr. Reed agreed, stating that he would love to see them represent the County in Denver.

Mr. Rutherford moved that the Board allocate \$5,000 to the Nelson County FFA Livestock Judging Team for their trip to the National Western Stock Show in Denver. Mr. Reed seconded the motion. Supervisors approved the motion unanimously (4-0) by roll call vote.

Mr. Parr recognized Mr. Ramsey and Ms. Seaman for everything they do for this team.

B. Proposed Work Order Amendment - Zoning Text for Short Term Rentals

Ms. Bishop stated that at their meeting on October 23rd, the Planning Commission directed staff to contact the Berkeley Group to draft a proposed work order amendment for the zoning and subdivision ordinance updates, with the purpose of addressing short-term rental regulations first and concurrently while the County works through the full update process. Ms. Bishop said that the Berkeley Group provided a scope of work, which was attached with the memo. She stated that the Berkeley Group would deliver a memo highlighting best practice summaries and benchmark research findings from two localities, as well as draft a text for the amendment with one round of revisions. Ms. Bishop said that County staff would facilitate any extra work sessions and the public hearings for that.

Ms. Bishop stated that the Planning Commission reviewed the work order amendment at their November 20th meeting, and staff was asked to communicate with the Berkeley Group regarding the benchmark selection criteria and asked for a revision to provide for at least 10 benchmark localities to ensure legal and actionable strategies are generated as a result. Ms. Bishop stated that the Berkeley Group responded that increasing the number of benchmark localities from 2 to 10 would raise the price for that line item from \$500 to \$3,000, and the schedule would need to be extended by a few weeks. She said the Berkeley Group commented that the increase in benchmark localities was not necessary and would not provide a benefit that matches the increased cost in time, and in the Berkeley Group's past short-term rental research, most localities' standards were found to be fairly similar.

Ms. Bishop said that differences were most noticeable between localities with tourist economies and those without, and the Berkeley Group recommended a memo with best practices in two to four benchmark localities, which should be enough to provide information to make these decisions. She said that the benchmark selection is a cooperative effort between the Berkeley Group and County staff to identify comparable localities. She noted that regarding legal actionable standards, the Berkeley Group is not a legal professional group, and the County Attorney would review any tax amendments and call in consultant expertise if needed.

Ms. Bishop stated that the proposal was for the Board's consideration, discussion, and questions. She said she was originally going to recommend reviewing it again at the work session next week on December 18th, when the County would have a joint meeting with the Berkeley Group's planning commission. Ms. Bishop stated that based on the input received, they could make amendments then vote on the proposal at the work session next week, or they could vote on it now.

Mr. Reed said that most localities with tourist economies like Nelson's are in other states, and he wondered what those missing opportunities were and what would be needed at the state level to enact those here. He stated that he was not sure if that was incorporated here, because it would not be a worthwhile exercise to come up with a list of things they cannot do here.

Ms. Bishop responded that she could correspond with Berkeley further to explore that, but she felt they were very familiar with state code and what they have done in other localities. She said that they would have to ensure that anything proposed or considered met state code, but it was unlikely to be something outlandish.

Dr. Ligon said that she realized it was hard for some people to make a decision without feeling like things have been adequately investigated, and this in particular is a hot topic. She said she would rather rely on someone with an open mind to tell her the implications of each decision rather than knowing specifically what everyone else is doing—and if they were getting that from the Berkeley Group, she did not think they needed tons of additional information.

Mr. Rutherford said they are limited to some degree in what localities are already doing by state statute, at least in Virginia. He said that they were addressing the short-term rental aspect and the zoning text actively with the zoning as they are ongoing, and his sense is that this is just to expedite this portion.

Ms. Bishop said when they took this to the Planning Commission, one of the Board initiatives emerging from their September work session was addressing short-term rentals early on in the update process. She said they are revising the full ordinance, which would look completely different, and the zoning text amendment would fit into their current ordinance layout.

Mr. Reed said one of the recommendations he made at the Planning Commission meeting was that if they agreed on what their goals and objectives were for the ordinance, it would be easier to determine whether these comparatives were going to be useful or not. Ms. Bishop noted that there are numerous pieces involved with short-term rental regulation as it relates to housing.

The Board agreed to discuss this subject again at their December 18th meeting.

C. Authorization for Public Hearing on Local Authority to Reduce 25 MPH Speed Limits (**R2024-82**)

Ms. McGarry reported that at their November meeting, they reviewed the new state code authority for localities to reduce local speed limits, and the Board directed staff to bring back a draft ordinance for the Board to consider authorizing a public hearing and adding it to County code. She noted that the state code section is §46.2-1300 A (4), which allows the governing body of any county, city, or town by ordinance to reduce the speed limit to either 15 miles per hour or 20 miles per hour on any highway within its boundaries that is located within a business district or a resident district where the posted speed limit is 25 miles per hour. She said they further define business district and resident district as defined in §15.2-2200. She said the resolution before them would authorize public hearing on the draft ordinance that allows her as the County Administrator, following a public hearing, to reduce these local speed limits.

Dr. Ligon moved that the Board approve **Resolution R2024-82** authorizing a public hearing on proposed speed limit changes, allowing the County code to be amended to provide this local authority. Mr. Rutherford seconded the motion.

Mr. Parr clarified that the purpose of the resolution was not enacting any speed limit changes, it was to authorize the public hearing. Ms. McGarry confirmed and noted that the public hearing would allow for the County Code to be amended to provide this local authority.

There being no further discussion, Supervisors approved the motion unanimously (4–0) by roll call vote and the following resolution was adopted:

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 Lovingson, 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.

Ms. McGarry said they would schedule the public hearing for January 14, 2025 at 7 p.m.

D. Authorization for Public Hearing on Proposed Wintergreen Master Plan Amendment Conservation Easement (**R2024-83**)

Ms. Bishop reported that on November 1st, Planning and Zoning had received a request from Taylor Cole with Conservation Partners in Lexington to amend Wintergreen's Master Plan to allow for a conservation easement on a portion of property in Wintergreen. She said the properties are currently designated for residential and mixed-use development, known as Grassy Ridge 1 and 2, and Virginia Code requires that the governing body advertise for adoption of any plan, ordinance, or amendment thereof. She indicated that this was an amendment to an approved plan and they had to schedule a public hearing. She noted that Wintergreen Property Owners Association (WPOA) Executive Director Jay Roberts indicated that they would not approve all of Grassy Ridge for a conservation easement, so they were requiring that a portion of approximately 40 acres be held for future development, with the total acreage for the proposed conservation easement at about 355 acres. She said the public hearing for this request is scheduled for December 18th at 5 p.m.

Mr. Reed asked if the 355 acres included the 40-acre reduction, and what the authority of the WPOA is to accept or reject the conservation easement should they approve it.

Ms. Bishop clarified that it did not include the 40 acres, and they would be doing the public hearing on the 355 acres. She stated that WPOA has indicated their support of it, but she is not sure what their legal obligations are. She said the Conservation Partners need the locality and WPOA to issue a letter of approval stating it was consistent with their Comprehensive Plan. She reiterated that the public hearing is just for that 355 acres without the 40 acres.

Mr. Reed moved that the Board approve **Resolution R2024-83**, Nelson County Board of Supervisors authorization for a public hearing on a proposed Wintergreen Master Plan amendment for a conservation easement. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (4–0) by roll call vote and the following resolution was adopted:

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 Lovingsston, 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.

The Board took a brief recess.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator’s Report

A. DSS Building: Ms. McGarry reported that there is an underground storage tank at the building site which is slated for removal by the current owner on December 13, 2024, and closing on the property purchase will follow. She said that staff expects to schedule the Board’s acceptance of conveyance of the property for the January or February 2025 regular Board of Supervisors meeting.

B. Region 2000 Solid Waste Authority: Ms. McGarry reported that the Region 2000 landfill expansion rezoning and special use permit application was considered by the Campbell County Planning Commission on December 2, 2024. The Planning Commission closed the meeting noting that their action will be deferred for forty-five (45) days to allow for a joint meeting between their Planning Commission and Board of Supervisors, but they have now scheduled a special called meeting for December 12th to discuss this matter. She noted that a closed session was scheduled later in the meeting for the Board to receive legal advice regarding the Region 2000 litigation.

C. County Facility Maintenance: Ms. McGarry stated that coordination between the Commonwealth's Attorney and staff was ongoing to find an acceptable accessibility and security solution. She said that a letter from Daniel Rutherford regarding the space and security needs of his office that would be discussed under Correspondence. Ms. McGarry stated that the Animal Shelter ceiling, drain, and kennel repairs have been submitted by the Animal Control Department as an FY26 CIP item for the Board's consideration during their FY26 budget work sessions. She said the initial quotes came back at a fairly high threshold, so staff felt it was best to consider them as CIP items.

D. FY26 Budget: Ms. McGarry said that staff is collecting and entering departmental budget data, with a draft preliminary budget calendar forthcoming. She noted that staff aims to begin work sessions in late January, starting with a review of the FY26 CIP requests, which would be considered as they build the General Fund budget. She said that a challenge in budgeting FY26 real estate revenues will be estimating the calendar year 2025 (CY25) real estate values and also calendar year 2026 (CY26) (including reassessment values), because FY26 will be based upon half on CY25 and half on CY26. She said they are working closely with Wampler & Eanes to get a sense of where reassessments stand, so they can estimate the CY26 value.

E. Larkin Water Capacity Follow-Up Proposal (CHA): Ms. McGarry stated that there is an update pending on this proposal, but she and Mr. Steele at CHA had not been able to connect via phone or email.

Mr. Parr suggested scheduling a specific time for a phone call, as this had gone on a long time.

G. Renaissance Ridge Development: Ms. McGarry reported that the Renaissance Ridge development plan was considered by the Planning Commission at their November 20, 2024 meeting, where it was reviewed and determined to be in general consistency with the Wintergreen Master Plan pursuant to the Code of Nelson County Article 7, Section 7-3-1. She said the plan does not require Board of Supervisors review or approval pursuant to the Article 7, Section 7-2-3, because there is no alteration in the land use associated with this development in the Wintergreen Master Plan that would require the Board's approval.

H. FY25 Q1 Revenue: Ms. McGarry reported that staff is working with EMS/MC, the County's transport billing company, and ESO, the software company used to transmit patient care records, to capture several previous months of transport billing data that was not transmitted/received for billing. She said this revenue is expected to greatly improve once the backlog of transports work their way through the billing process. She said that as an additional quality control measure going forward, two field supervisors with NEMS and Rockfish Volunteer Fire and Rescue, now have the ability to review transport data within the EMS/MC system to confirm that this data is being captured for billing and more quickly identify any issues needing resolution.

I. Meals and Lodging Tax Collection & Lodging Entity Tracking: Ms. McGarry stated that this data has been provided in her report as an attachment.

Mr. Rutherford noted that there is a fairly serious decline in difference between months/years—from \$163,000 to \$118,000—despite having a better collection situation for both the meals and transient occupancy tax.

Mr. Parr asked what the delay is between the timing of the meal and when the meals tax shows up. He also said that the temporary closure of El Mariachi could have had an impact.

Mr. Rutherford said they could also be seeing a correction in the market with the new trends of alcohol-free lifestyles, but the Board needs to be cognizant of trends because the County is already missing \$50,000 for just one month. Mr. Parr commented that the entire year had been below the previous year's.

Dr. Ligon noted earlier in the year they had discussed increasing the EMS transport rates. She asked when they may look at those rates again. Ms. McGarry said that they had recently received the updated Medicare-allowable cost table, and they could place the billing rates on the January agenda for the Board to review them. Mr. Parr asked how often the Medicare rates were updated. Ms. McGarry indicated that they were updated annually. She estimated that it had been 6 to 8 years since the Board had adjusted the EMS transport rates. She noted that they had looked at the rates since, but the Board had not wanted to make any changes.

2. Board Reports

Mr. Rutherford:

Mr. Rutherford said he had attended the TJPDC meeting and found it intriguing to watch the trend with modular nuclear units from conception to transition to state policy. He said that these are billion dollar projects, with

corporations such as Amazon, Microsoft or Dominion. He commented that Amazon was writing a half billion dollar check to complete one of the energy projects.

Mr. Rutherford said there had been a side discussion about career and technical education. He noted that he had discussed the workforce shortage among construction trades such as bricklayers, roofers, siding installers, flooring specialists, and framers. He stated that creating a program alone would not address the issue without generating interest among potential workers. He mentioned discussions with Southwest Virginia supervisors facing similar challenges, who said they addressed the problem by utilizing multiple community college systems instead of just a single program, though this approach was costly.

Mr. Rutherford referenced a 2018 local initiative to create higher-paying jobs in hospitality, stating the program faded due to low demand and the impact of COVID-19. He said that Nelson as a locality should partner with the School Board to find ways to transport students or instructors to access existing community college programs in blue-collar occupations. He stated that exploring options for transporting students to campuses in Amherst or Lynchburg or PVCC—or bringing instructors to Nelson County—would be worthwhile. He said workforce training prior to high school graduation is crucial for community vitality and future prospects, and he would be willing to lead efforts to revisit similar workforce initiatives.

Mr. Rutherford said he also corresponded about the rumble strips in Lovington and appreciated the quick response. He stated that intersection safety remained his first priority and emphasized the urgency of implementing better safety measures at the site, which has seen multiple fatalities.

Mr. Reed:

Mr. Reed said he met with two School Board members and discussed technical education, and one recommendation they made was to meet before budget time to determine joint priorities and develop concurrent goals and objectives, including funding. He stated that the Wild Rose solar project offers some tech possibilities, and he had spoken with David Peterson of Shine, which was the group responsible for the solar tech job element of what is included in the siting agreement. Mr. Reed said he told Mr. Peterson that the primary challenge was that Nelson County residents could not easily access career and technical education in Lynchburg or Charlottesville, so bringing those resources locally would be essential. He stated that Mr. Peterson agreed to consider solutions.

Mr. Reed said during his meeting with the two School Board members, they also discussed school buses since they are part of the capital budget and often compete with other capital improvements, leaving the fleet in need of replacement. He said they had not been able to replace a bus for several years, except for those acquired through a solar bus grant. He suggested that this should be addressed, and it would be helpful to meet with the School Board before budget season to flag issues like these.

Mr. Reed reported that he had chaired a meeting of the TJPDC Corporation. He explained that the TJPDC Corporation utilized its own nonprofit status to incentivize and help projects get started while they seek their own 501(c)3 status. He cited Here to Stay Wintergreen as an example, stating that TJPDC Corporation served as an umbrella so that group could receive funds before becoming an independent nonprofit.

Mr. Reed said that a DEQ meeting was held regarding Hat and Black Creek, during which the draft report on rectifying impairment status was presented. He stated that the report included recommended actions, costs, and financing options, and announced that a public meeting would be held in the coming months.

Dr. Ligon:

Dr. Ligon had no report.

Mr. Parr:

Mr. Parr reported that there had been an EMS Council meeting, and as each department is preparing their budgets and sending them in to the EMS Council, they discussed that their current budget structure does not capture all of their expenses. He said there are a lot of things that go on in the departments that the Board was not seeing at their level, and he hoped this could be addressed.

Mr. Parr mentioned a “feel-good story” a week or two ago with a golden retriever on the side of Crabtree Falls and a photo op with how wonderful the response was—but that was incredibly dangerous for the County’s

employees and volunteers, as well as draining on their resources and an opportunity cost of having that many resources in Montebello in case an accident happened on Route 29 or elsewhere. He said that this was all because someone made a bad choice. He commented that what started this concern for him was the Three Notch'd fire and discussion on how much foam was used the foam used and the potential for water contamination. He noted that fortunately, they had switched to a different foam several years ago, and there was no concern, but if they had not switched the type of foam, it could have shut down Three Notch'd due to potential well contamination. He said they then discussed the amount of foam used and the cost, and whether the insurance company should be responsible that expense. He noted that they also discussed whether they were billing for foam. He emphasized that every time they have responses like the one at Crabtree Falls, it costs them time, money, and potential injury.

Ms. McGarry said she had spoken with Animal Control Supervisor Kevin Wright a lot about this and how they could turn those “feel-good stories” into an educational opportunity for the public.

B. Appointments

Thomas Jefferson Area Community Criminal Justice Board

Ms. Spivey reported that they had received one application the day before, from Stephen Poff, the Magistrate Regional Supervisor for Region 2, the region that the County is in. She noted that Mr. Poff had been recommended by Matt Vitale, OAR Criminal Justice Planner. She indicated that Mr. Poff did not reside in Nelson. She explained that Mr. Vitale had reviewed the bylaws, and nothing required a member to be a resident. She noted that the Board could choose to consider appointment of Mr. Poff, or they could wait.

Mr. Rutherford noted Mr. Poff resided in Roanoke and stated that he would prefer to have someone local. Mr. Parr stated that they are under no obligation to act on something just received yesterday. Mr. Rutherford suggested that if they were unable to fill the appointment, he could be appointed if necessary as he had served on that Board previously. The Board was in agreement to wait on the appointment for the time being.

C. Correspondence

Mr. Rutherford stated that he had met with Senator Creigh Deeds about schools and also related to LODA (Line of Duty Act). He said they also talked briefly about the State's authority on solar. Mr. Parr commented that Senator Deeds was part of the driving force trying to take the authority away from localities. Ms. McGarry and Mr. Rutherford agreed and noted that Senator Deeds did not say much about solar during the meeting. Mr. Rutherford reported that Senator Deeds did agree to co-sponsor the bill for LODA again this year.

Ms. McGarry reported that they had received an email communication from Commonwealth Attorney Daniel Rutherford regarding his office space and office security. She indicated that Daniel Rutherford was present and could speak to his request if needed.

Ms. McGarry stated that in 2020, Mr. Rutherford had outlined his concerns regarding office space and office security that would need to be addressed within five years, and this memo served as a follow-up to those concerns. Ms. McGarry said that Mr. Rutherford's office summary described the office as responsible for prosecuting all felony charges within Nelson County's jurisdiction, as well as all represented misdemeanor charges in the District courts. She stated that the Commonwealth Attorney's office staff currently included an office manager, a legal assistant, an assistant Commonwealth's Attorney, a part-time senior assistant Commonwealth's Attorney, a Deputy Commonwealth's Attorney, and Mr. Rutherford himself.

Ms. McGarry said Mr. Rutherford also noted that they had a full-time Victim Witness advocate. She suggested that they could possibly include the Recovery Court Coordinator in the office staff count as well. She said that in terms of office space, Mr. Rutherford observed that the physical office space was at maximum capacity, and all staff except the Victim Witness advocate worked in the same five-room building. She stated that the Assistant Commonwealth's Attorney shared a room with the legal assistant, and Mr. Rutherford himself shared a room with the Senior Assistant Commonwealth's Attorney. She said the office manager and Deputy Commonwealth's Attorney each had their own rooms, but both were too small to accommodate additional personnel.

Ms. McGarry said that no separate space currently existed for defense counsel to properly review criminal files or for law enforcement—federal, state, or local—to conduct and review case files. She stated that because of new discovery requirements, defense counsel required space to review files, and lacking this, electronic exchange software for discovery would need to be purchased, along with the hiring of personnel to implement

a virtual office. She said Mr. Rutherford noted that digital files would not eliminate the need for paper files, citing a case retention schedule dictated in part by the Library of Virginia. Ms. McGarry stated that due to limited storage, larger case files were stored in the Circuit Court Clerk's secure storage area, while others were kept in a closet in the break room. She said that this closet also contained the HVAC system for that side of the building as well as network switches for the courthouse complex.

Ms. McGarry stated that the conference room doubled as a break room, and the only available sink for washing dishes was located in the bathroom. She said that in case preparation, the conference room was used for all witness interviews or criminal defendant proffers. Ms. McGarry stated that recovery court meetings were also held in the conference room. She said that, since Mr. Rutherford shared a room with another individual, if he needed to have a meeting or needed to conduct trial preparation while the conference room was occupied, his senior assistant would have to leave the room. She stated that the same situation applied if the Senior Assistant or Assistant Commonwealth's Attorney needed to interview a witness or individual.

She said at a minimum, the Office of the Commonwealth's Attorney needed a larger office with at least seven rooms, so that there could be a dedicated conference room and an office for each attorney. Ms. McGarry stated that, pursuant to §15.2-1638 of the Code of Virginia, Mr. Rutherford's request was made for office space within the courthouse so his office could fulfill its duties. She said that, regarding office security, Mr. Rutherford noted the current layout was not conducive to protecting employees. Ms. McGarry stated that the hallway would need to be retrofitted to provide better security for checking individuals entering the office. She said that, as it was currently designed, anyone entering had free range throughout the office of the Commonwealth's Attorney.

Ms. McGarry stated that, over the past years, there had been individuals who required forcible removal from Mr. Rutherford's office. She said the door to the office was not in compliance with the Americans with Disabilities Act and was difficult for anyone with mobility issues to open.

Dr. Ligon asked if there was square footage being asked for with the seven rooms. Ms. McGarry responded that it was not included in the memo from Mr. Rutherford.

Dr. Ligon asked if the School Board had provided the information on the usage of Rockfish and Tye River as had been requested by the Board at the first of the year. Ms. McGarry responded that they have not received the information yet, although she has asked Dr. Hester for it and was told the study has a lot of CIP items currently enmeshed in the report. Dr. Ligon said it would be public information, and if the square footage matches where the School Board is currently located, they could possibly move and rearrange. Dr. Ligon commented that the Sheriff's Office was also outgrowing their space.

Mr. Parr asked how they needed to move forward. Ms. McGarry noted that the Board could direct her to start looking to see what the options could be, in terms of finding space for the Commonwealth Attorney's office. Mr. Parr said it was pretty obvious that the Commonwealth's Attorney Office has clearly outgrown the space, and they would have to address the accessibility issue regardless. Dr. Ligon commented that every department in the Courthouse should indicate their current space usage and what is needed. She noted that there could be some shuffling options.

Mr. Parr said they definitely need to step this up, and he commented that he could not imagine the Commonwealth Attorney's office being housed anywhere but the courthouse. He suggested that that not only look at where they would put the Commonwealth Attorney's office, but also what could go into the space they vacate. Ms. McGarry said this type of evaluation, involving other offices, would not happen overnight—but they could certainly get started on it.

Mr. Reed said the Nelson Center offers some space possibilities, but it was clear that the County needed a new plan for these offices, so they should be looking at every department. Ms. McGarry stated that the County still had a term contract with Architectural Partners. She indicated that they could have them redo the space needs study they had done previously. Dr. Ligon suggested that for now, they would ask the department heads to forecast their needs for the next five years, including square footage/space and technology needs.

D. Directives

Mr. Rutherford said he would like to get updated information from the Treasurer on the dog tax, including any statutory requirements. Dr. Ligon explained that the state statute stipulates that for every rabies shot given, that veterinary hospital is to report to their locality of the animal that they gave in that locality. Mr. Rutherford said he would like to know what the income from that has been, although he is not a fan of taxing on dogs. He noted that he understood that rabies shots were a critical piece to addressing rabies.

Dr. Ligon said she had attended the 29 Safety Corridor meeting, and Curtis Sheets had commented that his EMTs who stay at the NEMS building feel unsafe because of the increased accidents on 29 and feel that if a car goes off 29 and hits their building, it would be right where they sleep. She commented that the EMTs have trouble sleeping at the station because of this concern. She said that burnout is a problem for them, and Mr. Sheets has said he has not been able to get any traction with VDOT on improving the situation. Dr. Ligon asked if staff could work with Curtis Sheets to see what options could make the EMS staff feel safe.

Mr. Rutherford stated that he would like to explore career and technical education, with another Board member, to see what options may exist VCCS regionally. Dr. Ligon said that as a business owner in Nelson, she felt there needed to be effort directed at teaching high school students to be respectful employees, along with technical skills. She noted that community colleges were starting to do distance education and then the students drive to labs. Dr. Ligon said she had a few employees involved in Blue Ridge Community College, where they go once a week or once a month to a lab but are able to learn remotely for the bulk of their classes and work at the same time. She commented that helping community colleges understand that option is needed and would be utilized more than having students attend in person every day. Mr. Rutherford agreed that this is a good approach, stating that two Board members with a staff person could meet with the schools and community college representatives regarding programming needs.

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

Mr. Rutherford 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)(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. Dr. Ligon seconded the motion, and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Dr. Ligon seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

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 (4-0) by roll call vote to approve the motion.

VIII. OTHER BUSINESS (AS PRESENTED)

Mr. Rutherford moved to approve the Region 2000 Settlement Agreement and Release with the modification that paragraph one be edited to include survival of the appellate process. Dr. Ligon seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

IX. ADJOURN AND CONTINUE - EVENING SESSION AT 7PM

At 5:21 p.m., Mr. Reed moved to adjourn and reconvene at 7:00 p.m. and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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

I. CALL TO ORDER

Mr. Parr called the meeting to order at 7:03 p.m., with four (4) Supervisors present to establish a quorum and Mr. Harvey was absent.

II. PUBLIC COMMENTS

Mr. Parr stated that public comments should pertain to non-agenda items, so it would not include items such as the solar project. He read the rules for public speakers and noted that Mr. Reed would serve as timekeeper. He indicated that there would not be a vote on the solar project that evening.

There were no public speakers during the public comment period.

III. PUBLIC HEARINGS

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

Ms. Bishop stated that this is a request for a special use permit for a large solar energy system on property zoned A-1 Agriculture, located in Gladstone in the South District. She said the total property area of the Weyerhaeuser tract is about 4,700 acres. She reported that the area under site control with the company's lease agreement is about 2,470 acres; and the construction area is about 550 acres, with at least 470 acres under panels. She said the applicant is Wild Rose, a subsidiary of Savion LLC, and this is Nelson County's first application for a large-scale solar energy system, which is governed by Article 22A of the Zoning Ordinance and defined as an energy conversion system operating as a principal land use, consisting of photovoltaic panel support structures and associated control, conversion, and transmission hardware occupying one acre or more of total land area.

Ms. Bishop reported that the applicant is proposing to install a 90 megawatt or utility-scale solar farm on land in active timber use, while the remaining lands are planned to remain in silvicultural use during the life of the project, which is proposed at a length of 35 to 40 years. She said the electricity generated by the panels is sent to inverters, which convert 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. She said the application indicates that above-ground lines are necessary for connection to the power grid.

Ms. Bishop said the applicant has facilitated a public outreach period, 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. She said the County hosted the applicant for a community open house at the Gladstone Fire Department, where mailers were sent out to almost 300 residents. Ms. Bishop said the applicant has previously presented the project to both the Planning Commission and the Board of Supervisors, and to ensure adequate notification and capture of the community, County staff sent adjoining owner notices for the special use permit public hearings to those within a one-mile radius of the site.

Ms. Bishop stated that local zoning approval is one of the first steps in the lengthy review process for utility-scale solar, and should the special use permit be approved, the applicants are then required to proceed with the Department of Environmental Quality (DEQ) permit by rule (PBR) process, which requires any impacts be avoided, minimized, or mitigated. She said this includes the submittal of studies and review and approval by agencies such as the Department of Historic Resources, Department of Wildlife Resources, and Department of Conservation and Recreation, with permits required as applicable from the Army Corps of Engineers, Virginia Water Protection, and Virginia Marine Resources Commission.

Ms. Bishop said the applicants hired a third-party consulting firm, STANTEC, to complete historical and cultural resource studies, wildlife and endangered species studies, topographical wetlands and soil surveys, glare hazard study, traffic study, and a decommissioning plan, copies of which were submitted with the application. She said that 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 five years to secure building permits from the date of approval, with the current expected commercial operation date being in 2027. She said the staff report contains a table of contents of the application.

Ms. Bishop stated that the applicant has indicated a partnership with the Solar Hands-On Instructional Network of Excellence (SHINE), which provides a mobile app to facilitate local workforce job training. She reported that the construction is proposed to generate up to 250 temporary jobs and 2 to 5 permanent positions. She said that while the acreage being removed from land use taxation relief will require a rollback tax payment of approximately \$130,000, the applicants also submitted a siting agreement, which proposes additional funds above tax obligations to be utilized by the County. She said utility-scale solar projects can be taxed under machinery and tools (M&T), or through revenue share, with the revenue share program providing for up to \$1,400 per megawatt. She stated that the siting agreement proposes what is called the “greater of” option, where the higher amount of the two options for each year is calculated to be the payment obligation. She noted that other terms of the siting agreement include a \$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, as well as a total of \$5 million dollars in equal yearly installments over the first seven years after the site is in operation. She said the total amount paid to the County over the life of the project is estimated at \$16 million, and the developer would also be responsible for paying for all third-party inspections by a firm approved by the County's building official.

Ms. Bishop said the updated proposed conditions include agricultural uses within the project site (agrivoltaics), and the applicant will develop and submit as part of the final site plan review process a

farming plan for these agricultural uses. She stated the area is primarily silvicultural and residential in nature; zoning in the vicinity is all A-1 agriculture; and the property is located close to the Amherst County border, northwest of the Gladstone community along Route 60, bisected by Tye River Road, with no floodplains on this property. She said the site is proposed to be served by a network of access roads, utilizing existing logging roads where feasible, and entrances will be located on Tye River Road, Twin Oaks Lane, Route 60, and Buck Mountain Lane. She indicated that a traffic study has been submitted which will require approval from VDOT. Ms. Bishop stated that per DEQ, all areas under panels are considered impermeable and therefore factor into the calculation for land disturbance, and because of this, both an erosion sediment control plan and stormwater management plan will have to be approved by the County Building Inspections department and DEQ.

Ms. Bishop said the project is proposed to be screened, utilizing existing vegetation as much as possible, and where plantings are required, native pollinator-friendly species will be utilized. She said the applicant is proposing at least a 125-foot buffer zone and 200 feet in areas adjacent to residential structures, as well as wetlands buffers and wildlife crossing corridors. Ms. Bishop stated that approximately 7,500 acres of surrounding land will continue to remain active timber, and photo renderings from various locations along the adjacent roadways were submitted with the application. She said that the height of the panels shall not exceed 15 feet when at maximum tilt. She noted that the panels will be anti-glare with anti-reflective coating and are considered not hazardous to air, soil, or water, per EPA standards.

Ms. Bishop said the applicant was required to furnish a decommissioning plan and would be required to post the bond for that, so that in case anything happens with the project, the County would have the money to decommission it. Ms. Bishop said the property is located in a rural area on the County's new future land use map, which should ensure protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low-density residential uses. She noted that one of the rural area's primary land use sites 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.

Ms. Bishop said 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. Ms. Bishop stated that according to the comprehensive plan maps, the subject properties are not located within areas of steep slopes, which is over 20%, or areas of high conservation value. She said there is a provision in state code called the 2232 that requires the Planning Commission to review solar facilities for substantial accord with the Comprehensive Plan, and at their meeting on June 26, when the Planning Commission held their public hearing, they voted 4–1 that the special use permit for Wild Rose is not deemed to be in substantial accord with the Nelson 2042 Comprehensive Plan. She noted that the applicant did submit an appeal of this determination on July 8th, and the Planning Commission also voted unanimously 5–0 to recommend denial of the special use permit to the Board of Supervisors.

Ms. Bishop stated the criteria for special use permit review are that a project should not change the character and established pattern of development in the area of the community, should be in harmony with uses permitted by right and not affect adversely use of neighboring property, should be served adequately by essential public or private services, and should not result in the destruction, loss, or damage of any feature determined to be of significant ecological, safe, or historic importance.

Ms. McGarry noted that they also had a brief presentation on the siting agreement.

B. Proposed Siting Agreement - Large Solar Energy System

Ms. Bishop reported that former Governor Ralph Northam had issued an initiative to have Virginia achieve 100% renewable energy by 2050, with initiatives to help meet that goal. She explained that as the state code progressed, the decision was made to allow localities to negotiate the financial aspects of such projects. Ms. Bishop said that applicants are required to provide written notice to the host locality, which essentially enables the locality to engage in conversations with the developer about what a siting agreement can provide for the County. She stated that terms and conditions such as mitigating impacts, financial compensation, assistance with broadband deployment, and special use permit conditions, are included as part of the siting agreement. She said these terms also address violation and enforcement clauses as well as payment schedule. She indicated that the payments may be used for any legal purpose, typically going into the County's General Fund.

Ms. Bishop said that voluntary payments are summarized, with the siting agreements approved at \$112,000, followed by \$1 million at site plan approval, and another \$1 million at building permit issuance. She stated that \$5 million would be paid out over the first seven years, and after that, another \$8,888,048 over the 40-year life of the project.

❖ Voluntary & Statutory Payments summarized (Shown in EXHIBIT B):	
\$112,000	at Siting Agreement approval
\$1,000,000	at Final Site Plan approval
\$1,000,000	at Building Permit issuance
\$5,000,000	\$715,000 Years 1-6 and \$710,000 Year 7 of Commercial Operations
<u>\$8,888,048</u>	Equivalent of the > of M&T tax & Revenue Share over the 40-year life of the project
Total:\$16,000,048	

She said the chart explained incremental payments, showing that if construction begins in 2.5 years, payments would start in the fourth quarter of 2026; if construction lasts five years, payments would be seen in 2029.

❖ Voluntary Payments for Ministerial Permit Application Timing:		
Incremental voluntary payments for submission of Final Site Plan approval application and Building Permits:		
24-36 months from SUP approval: \$50,000	Timeline w/ SUP Approval in December 2024	
36-48 months from SUP approval: \$100,000		
48+ months from SUP approval: \$150,000		
	Site Plan/Permitting - 6 Months Prior to Construction \$2M Payment	2.5-Years to Construction Q4 2026 or Q1 2027
	Construction Start Date	May - June 2029
	Commercial Operations Date – 16 Months from Start of Construction (Annual Payments Begin)	December 2029
		June 2027
		October 2028
		April 2031
❖ County Building Permit Fees NTE \$50,000		
SUP Conditions state that a third- party inspections company will be hired and paid for by the Applicant; with the company to be approved by the County's Building Official		

Ms. Bishop said other terms in the siting agreement specify that, should the Board accept the siting agreement and approve the special use permit, it would mean that the action is substantially in accord with the Comprehensive Plan, thereby overriding the final Planning Commission determination.

Ms. Bishop indicated that the applicant would now present.

Mr. Erich Miarka, Development Director with Savion Renewable Energy, said he is here with his colleagues from Savion, the developer of the Wild Rose Solar Project. Mr. Miarka explained that Savion is a utility-scale solar and battery storage development company based in Kansas City, Missouri and is a wholly owned subsidiary of Shell. He said they develop, build, own, and operate solar projects such as the Wild Rose Solar Project all over the country. He noted that utility-scale solar is a new opportunity for Nelson County, so he wanted to offer visuals of some of their other projects. Mr. Miarka stated that the solar panels and components used in these systems are very similar to those found in residential rooftop solar systems, but the installations are much larger and are constructed at scale, installed directly into the ground.

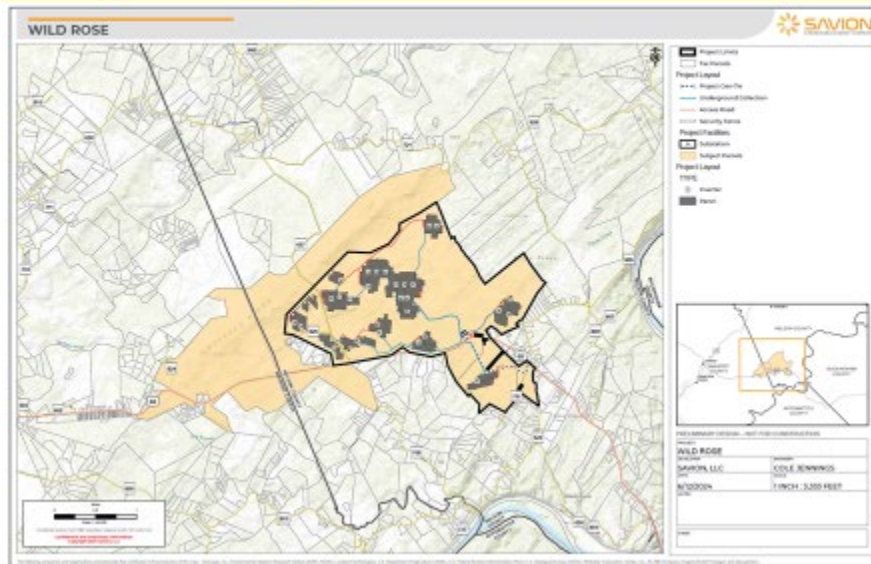


Mr. Miarka described that a typical site consists of a field with steel I-beams driven four to six feet into the ground; frames or racking are attached to these I-beams, then the solar panels are mounted onto the racking, as shown in the bottom left picture he referenced. He said the solar panels are wired together, and the wiring is routed to an inverter to convert the electricity from direct current to alternating current, which is required for grid operation. He mentioned that the voltage is then sent to the substation and the main power transformer to be stepped up to 138,000 volts, or 138 kV, matching the grid's requirements. He pointed out that these are typical solar sites, with grass growing in and around the solar panels, which often coexist with agricultural uses and abundant vegetation.

Mr. Miarka explained that the Wild Rose Solar Project is a 90-megawatt solar project, which is enough to power approximately 14,000 Virginia homes, making it a significant regional energy contributor. He stated that the project began a few years ago and that extensive due diligence and site surveys had been ongoing during that time. Mr. Miarka projected that construction would start in 2026 and the facility would become commercially operational within 12 to 14 months after, by 2027. He clarified that the project is located in the southern portion of Nelson County, near the Amherst County line, adjacent to an existing 138 kV glass dome substation and transmission line. He noted that several community meetings had been hosted, and over the past months, he and his consultants had gone door-to-door to ensure that those directly impacted by the project were informed, their feedback was heard, and their concerns were addressed.

Mr. Miarka said the Weyerhaeuser parcel (shown in tan) at the core of the project covers about 4,700 acres, with additional adjacent properties bringing the commercial timber area in the vicinity to about 7,000 acres. He noted that Weyerhaeuser owns roughly 37,000 acres in Nelson County that is in commercial timber. Mr. Miarka identified the dark gray areas on the map as the solar array footprint, noting that the site's ample space made it possible to move project components to mitigate impacts on neighbors and natural resources, such as slopes, wetlands, and habitats of threatened or endangered species, while ensuring adequate setbacks. He added that the project is capped at 90 megawatts due to the utility interconnection limits with AEP and the Central Virginia Electric Cooperative (CVEC), meaning the footprint cannot be expanded.

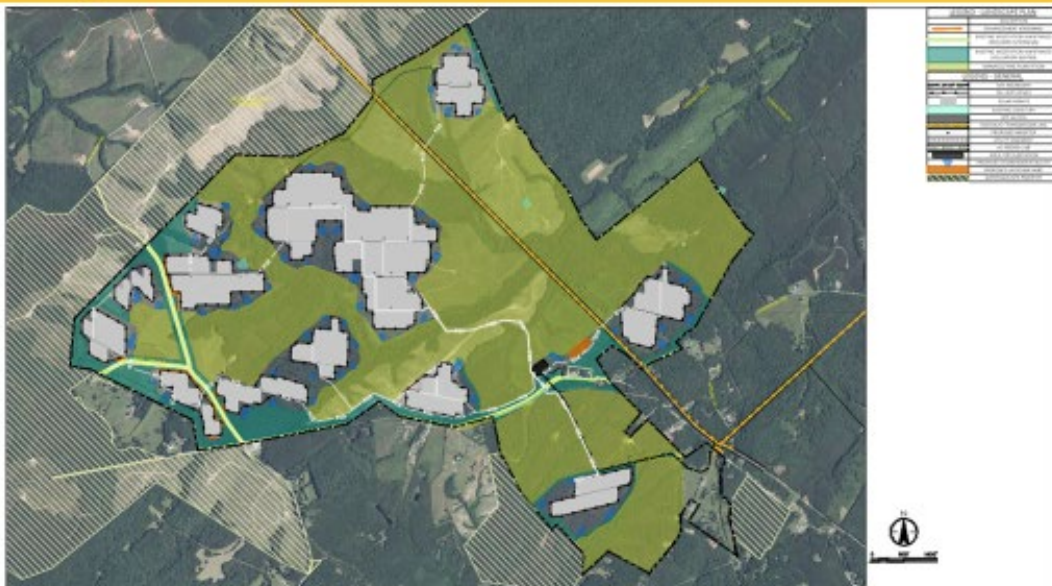
Project Design



- Parent Parcel Size: 4,647 acres
- Solar Array Size: 550 acres
- Cannot go outside of thick black line
- Cannot exceed 90 megawatts

Mr. Miarka referenced the planting plan, explaining that the light gray areas represent approximately 550 acres where solar panels will be built and fenced, while the surrounding green and yellow areas continue as Weyerhaeuser-operated timber property. He clarified that, along Tye River Road and around the project's perimeter, mature and less mature vegetation would be preserved as a visual screen, and supplemental evergreen planting would be undertaken where existing vegetation is insufficient. He demonstrated that over five years post-construction, vegetation would grow and fill in, making it very difficult to see the solar project from surrounding roads. Mr. Miarka explained that the project's setbacks and vegetative screening effectively mitigate visual impacts for neighbors and passing motorists.

Planting Plan



Mr. Miarka outlined that numerous assessments—such as the phase one environmental site assessment, threatened and endangered species review, traffic studies, decommissioning plan, glint and glare analysis, landscape screening plan, wetland delineation, and cultural and archaeological resource studies, in addition to the engineering studies like geotechnical reviews and hydrology studies—are conducted to avoid negative impacts on cultural and natural resources. He stated that his team reviews all reports internally, makes necessary adjustments, and coordinates with state and federal agencies, including the U.S. Fish and Wildlife Service, Federal Aviation Administration, and Army Corps of Engineers, for feedback.

Mr. Miarka said for endangered species such as bats, additional netting surveys are sometimes required to confirm presence and to devise mitigation strategies accordingly. He explained that in terms of permitting, the project needs a special use permit from Nelson County, as well as the §15.2-2232 related to the comprehensive land use plan, and a Certificate of Public Convenience and Necessity (CPCN) from the State Corporation Commission (SCC), which takes an additional 10 to 12 months and focuses on grid and regional benefit. He added that a permit by rule from the state is also required, concentrating on environmental impacts, before progressing to non-discretionary building permits, such as stormwater

pollution prevention, DEQ stormwater permits, and final site approval and building and electrical permits from Nelson County.

Mr. Miarka addressed the question of community benefit by stressing that projects like this keep the lights on. He indicated that Virginia is a net importer of electricity and a lot of old fossil fuel power plants are coming offline. He noted that Virginia was a growing state with growing industry and population which meant increasing energy demand. Mr. Miarka said the Wild Rose Solar Project will help power 14,000 Virginia homes, with generated electricity injected into the grid locally at the Gladstone substation, directly benefiting the region. He clarified that regulatory rules prohibit providing free electricity to individual neighbors, so he and Savion are working with directly affected property owners to offer benefits such as installing residential solar systems at no cost, erecting fencing for privacy or noise mitigation, or removing hazardous trees as needed.

Mr. Miarka pointed out the company's commitment to being a good corporate citizen, mentioning ongoing and future donations and sponsorships for local organizations such as the Gladstone Fire Department, Nelson Heritage Center, and the Food Pantry.

Mr. Miarka pointed out that solar projects are not like a traditional form of development, as they do not put a strain onto the school system, roadways, or water and sewer. He emphasized the silent revenue generation of solar projects, noting that they do not create noise, traffic, emissions, or trash, but instead quietly generate electricity and tax revenue for the County.

Mr. Miarka then discussed local taxes and economic impact, dividing benefits into two categories: jobs and economic activity during construction, and property taxes. Mr. Miarka reported that a project of this size typically requires about 200 to 300 construction workers over a 12 to 14 month period, and through a partnership with SHINE memorialized in the site agreement, local workforce participation will be ensured. He stated that these are well-paying jobs in a fast-growing industry, offering valuable career opportunities, and that there will also be increased economic activity for local businesses, from equipment rental to landscaping, both during construction and the operational life of the project.

Mr. Miarka indicated that during operation, the site would require only two or three permanent operations and maintenance (O&M) staff, with O&M technicians starting at about \$70,000 a year plus benefits, and O&M managers earning around \$90,000 a year with benefits.

Mr. Miarka confirmed that as agreed in the siting agreement, Savion would make a substantial voluntary payment in addition to M&T, totaling over \$16 million in supplemental and voluntary payments over the project's 40-year life, in contrast to the current property tax contribution of \$15,000 per year. He displayed the payment schedule from the siting agreement and said that even before construction begins, Savion will have already paid the County about \$2.1 million in voluntary payments.

Mr. Miarka turned the presentation over to Lauren Devine, who would address the comprehensive land use plan.

Ms. Lauren Devine said she is the Permitting and Environmental Lead for the Wild Rose Solar Project and would be discussing the project's conformity with the Comprehensive Plan as well as compliance with the Zoning Ordinance. Ms. Devine said that the County's Comprehensive Plan, which was updated in April, includes solar installations as a primary land use type in rural areas and the plan calls for Nelson County to work with developers to accommodate solar development provided it is well-sited and impacts are minimized.

She stated that as Mr. Miarka previously described, the Wild Rose Solar Project is well-sited in a rural area and has been designed to minimize impacts to both the surrounding community and natural resources. She said that in addition to the setbacks and buffers incorporated into the project design, the project team has evaluated the distance and topography between the project and the scenic vistas identified in the Comprehensive Plan, and they do not expect any impact. She added that the project will undergo extensive permitting at the state level to ensure that any potential impacts to natural or historic resources are addressed through the permit by rule process.

Ms. Devine said the Comprehensive Plan also calls for increased performance standards in the Zoning Ordinance, and the project team has proactively decided to increase both the setback and buffer requirements and they also included a list of proposed conditions featuring best practices learned from other developers' experiences across the Commonwealth. She said that for these reasons, the project is believed to be in conformance with the Comprehensive Plan.

Ms. Devine stated that the Zoning Ordinance is the primary tool for implementing the Comprehensive Plan. She said that in the Nelson County Zoning Ordinance, large solar energy systems are permitted on agriculturally zoned lands through a special use permit. She stated that earlier in the year, the project submitted a special use permit application outlining how they would meet requirements in Section 12.3, special use permit application requirements, and Section 22a, the solar ordinance. She said the Nelson County solar ordinance is comprehensive and contemplates safety, construction noise mitigation, and visual impact mitigation. She stated that the project team has committed to implementing the best practices above and beyond what the ordinance requires to ensure that impacts are mitigated.

Ms. Devine said setbacks are used not only to mitigate visual impact but also to address noise mitigation. She stated that the ordinance requires a setback of 100 feet from residentially zoned properties and roadways, but the project team has increased that setback to 125 feet from all property lines. She said there are no residentially zoned properties adjacent to the project, but the setback has been increased to 200 feet wherever a residential structure is present. She also stated that the inverters which are the main noise-generating components will be set back an additional 100 feet from property lines, for a total of 300 feet. Ms. Devine said that regarding buffering, the ordinance calls for a 20-foot buffer along roadways and residentially zoned properties, but the project team has committed to maintaining 125 feet of existing vegetation adjacent to roadways and properties with a residential structure. Ms. Devine stated that in areas where existing vegetation is insufficient, the team will evaluate and implement enhancement screening.

Ms. Devine said they are committed to provide a variety of studies and plans prior to, or concurrent with the final site plan, such as the construction management plan that would include hours of operation, improved access points and improvements needed, dust mitigation, security measures – essentially, it lays what the County could expect to see on the project site during construction. She also stated that the road repair plan and construction management plan would be developed with the County and VDOT to identify traffic patterns during construction and ensure that any traffic issues could be easily identified and mitigated. She noted that the road repair plan would require a pre-construction road inspection to ensure roads are left in at least as good of condition as before construction, or better.

Ms. Devine said the emergency management plan would be developed in conjunction with County emergency personnel to ensure preparedness for any potential emergency situation. She stated that the project will payment for third-party expert review of the site plan and supplemental studies, and a local project liaison will be hired to maintain open communication with the community during construction. She stated that through SHINE, the project is committed to local workforce development and hiring. Ms. Devine said that the project team is also committed to implementing agrivoltaics, which is the dual use of land for both agriculture and solar production—anything from row crops to sheep grazing, the latter of which the site is well-suited for. She said a farming plan will be submitted once the logistics have been finalized.

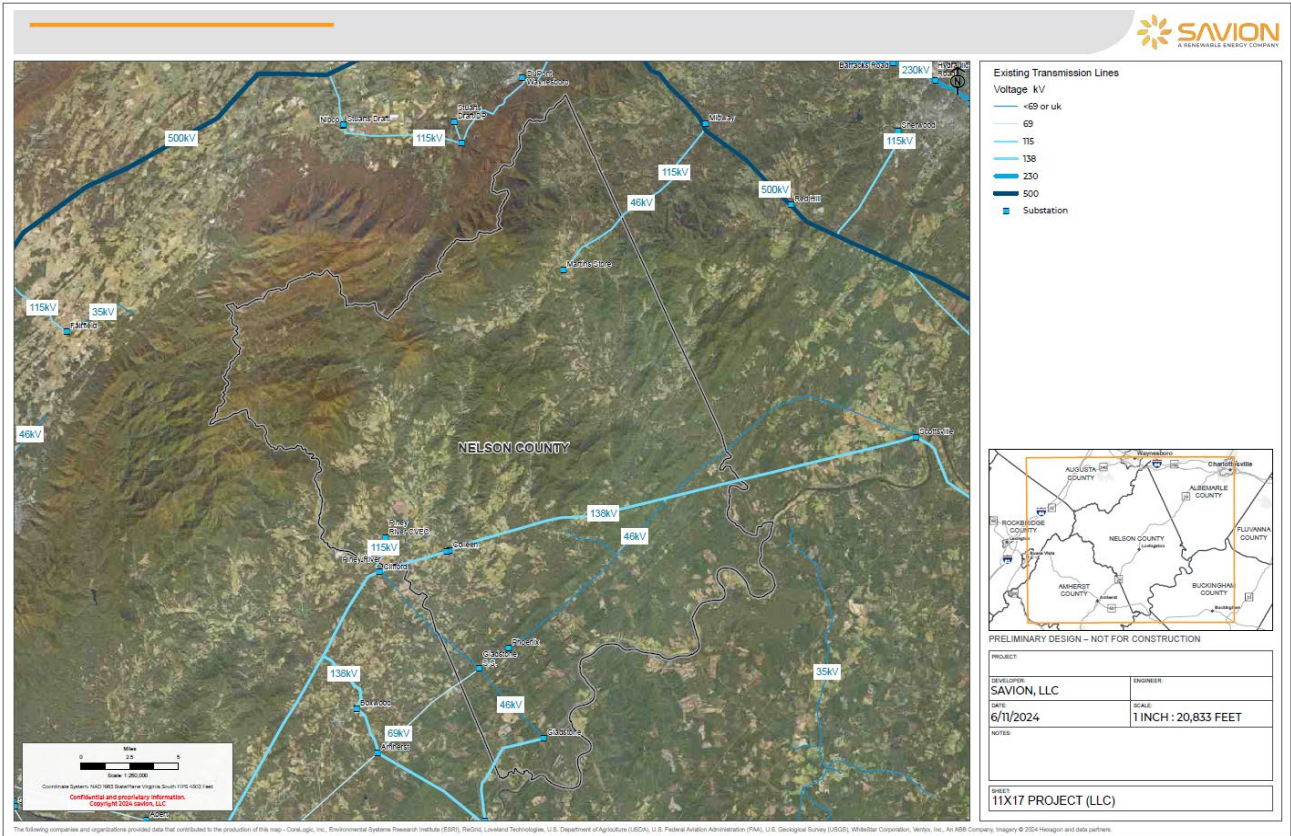
Ms. Devine stated that stormwater management is a hot-button topic, so the project has engaged with independent engineering and consulting firm, Stantec, to ensure a proactive approach to minimizing any negative effects from the project.

Laurel Smith of Stantec said she is a dual combined stormwater management administrator. She explained that Stantec has been working as the project has been developed to make sure there is early integration with a stormwater design that works with the land use and is very well thought out. Ms. Smith said the stormwater management would be designed, constructed, and operated in a manner that minimizes any negative effects and would be in compliance with the Virginia Erosion and Stormwater Management Program regulations, which came out in July. She said they combined erosion and sediment control and stormwater in the same regulation, and it is reviewed, regulated, inspected, and enforced by DEQ.

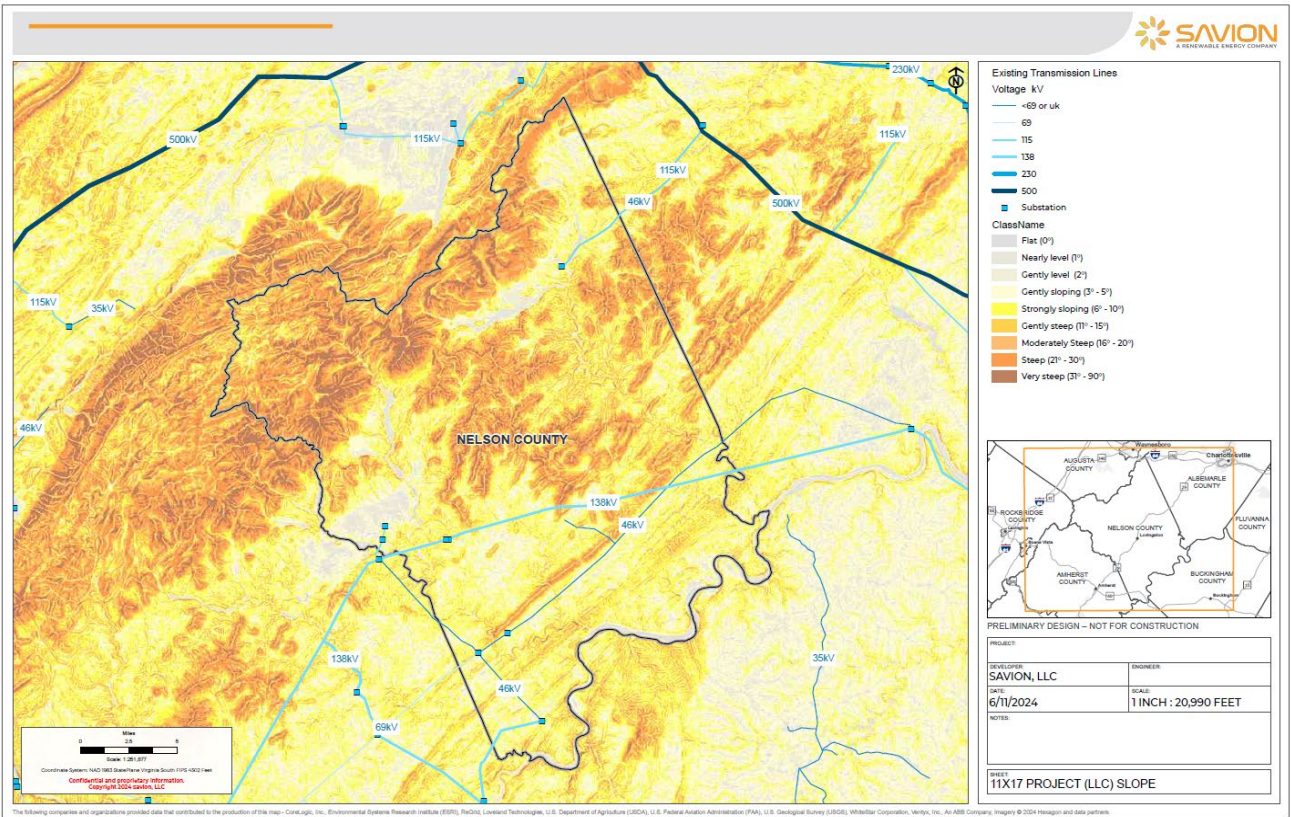
Ms. Smith said as part of the integrated design, they have developed strategies for prevention of issues, with the three main strategies to be implemented being: mandatory environmental compliance training for all staff so that they know what permits are out there and what compliance looks like before they even go on site; the increased SWIP inspections and documentation are in exceedance of the regulations, with an increased inspection schedule to once every four days and within 24 hours of a storm event; and to have a dedicated erosion and sediment control crew onsite that can identify any potential problems before they become reportable incidents.

Mr. Miarka stated that one concern Savion hears frequently is that approving one solar project may open the floodgates to many more—potentially overrunning Nelson County with solar developments. Mr. Miarka said this is not something the County needs to worry about, because there are several major requirements for siting a solar project like theirs. He said the first is access to the transmission system, and a utility-scale solar project cannot be built without connecting to the grid. He said that only two transmission lines currently run through Nelson County: One line runs through the bottom center of the County from east to west, and another hooks into the very southern tip, which is the one their project will connect to. He said

the other lines indicated on the map are 46 KV lines and not transmission lines. He stated that this fact alone will prohibit or preclude much of the County from ever being developed for solar, and another significant factor limiting solar development is the topography, specifically slopes.



Mr. Miarka said that zoning laws and steep slope ordinances aside, the engineering perspective prevents utility-scale solar from being built on slopes greater than 15%, with preference for no greater than 12%. He stated that the map legend indicates that slopes are over 20 percent, and over half the County exceeds slope tolerances for solar projects.



Mr. Miarka said for these two reasons—the lack of transmission access and the challenging topography—utility-scale solar development in Nelson County will be limited. He emphasized that Savion wants their project to have a lasting, positive impact on the County and aims to provide clean, low-cost energy for the region and ongoing community engagement and contributions throughout the project’s lifespan. Mr. Miarka stated that the project would offer direct employment during construction and operations, as well as direct and indirect opportunities for local businesses and contractors as well as tax payments and voluntary supplemental payments to Nelson County. Mr. Miarka concluded by stating that the project is a 40-year use

of the property on a lease basis. He indicated that Savion does not own the land and is required to decommission the site and restore the property to its pre-solar use if the County chooses not to take over the project at the end of that term. He thanked the Board for their consideration.

Mr. Parr opened the public hearing for Special Use Permit 24-0014, Large Solar Energy System.

John Ballard – Gladstone, Virginia

Mr. Ballard stated that he is a retired CPA and is interested in the income to Nelson County from this project versus its current use as timberland. Mr. Ballard said the property adjacent to his was sold about two years ago to a timber company for approximately \$1,500 per acre. He stated that this figure effectively establishes a maximum value for such property and noted that land use classifications could result in a tax value even lower than that. He said that using the full value of the land at the current tax rates would generate about \$10 per acre annually, whereas the proposed use for this property would generate tax income approximately 75 times higher, meaning the whole County would receive revenue at 75 times the current tax rate. He said this would be highly beneficial for the County and help maintain low personal taxes.

Mr. Ballard stated that in terms of visual impact, he has driven up and down Route 60 and other roads and found the appearance of solar panels, such as those at the Buckingham and Cumberland County line, to be not unattractive. He said that other areas along Route 60 in the Gladstone area are visually less appealing, referencing single-wide trailers and specifically a property near the Gladstone substation that he described as a “pig pen,” and he said he is unsure how such conditions are permitted. Mr. Ballard stated that traffic would also be positively affected, as the number of logging trucks would decrease. He said that along Route 60 between Amherst and the James River, his neighbor, who has lived in the area his entire life, could recall over 100 casualties on that stretch of road. He stated that anything to reduce such incidents would be beneficial.

Virginia Ballard stated that she would yield her time, as Mr. Ballard said exactly what she would have.

Mike Tabony – Gladstone, Virginia

Mr. Tabony said he has lived in the Gladstone area for 41 years and is here in support of the Wild Rose Solar Project. Mr. Tabony said he loves the peace and quiet of Gladstone and sees no reason why the proposed project would change that. He stated that the solar project should be evaluated as an energy-generating initiative, comparable to others in the same field. He said that if the petitioning company were involved in uranium mining, oil extraction, or mountaintop removal for coal, it would likely cause significant public concern, but emphasized that this is not the case. He stated that this proposes to use 550 acres of a 4,650-acre timberland property to capture solar energy and generate 90 megawatts of electricity. He commented that the demand for electric power is rising in Virginia due to an increase in data centers and the growing use of electric vehicles. Mr. Tabony emphasized that electricity is integral to everyday life and purchases, and that failing to meet demand would result in higher prices for all goods and services.

Mr. Tabony said he has heard concerns regarding challenges in decommissioning the plant and a perception that Weyerhaeuser and the state are unconcerned about these issues. He said he does not share these concerns and questioned why decommissioning would be necessary if electricity demand continues to rise, and if Weyerhaeuser renews the lease, the property could keep producing electricity for many years. He also stated his preference for the appearance of solar panels, noting that he receives most of his electricity from Central Virginia Electric Cooperative’s (CVEC) solar share program, which has saved him money—a point he said could be verified by his electric bills. Mr. Tabony stated that everyone should research the solar share program and suggested that the Wild Rose project could contribute positively. He reminded the Board that rejecting the project would mean foregoing substantial County revenue, since Savion would provide over \$16 million during a 40-year project, with about \$1 million per year for the first seven years, and the Board would have to explain to citizens why this potential revenue was declined.

Denise Tusso – Afton, Virginia

Ms. Tusso said she has lived in Afton for 34 years. She said that several of her neighbors have solar panels on their homes, and they are pretty amazing. She commented that the sun shines on them, and they make electricity; sunlight is the fuel, and it is free of charge. She said she is in favor of this solar project because the Commonwealth and the country need as much renewable energy as they can generate, and the more renewable energy they can produce, the less air pollution they will have. Ms. Tusso said the Gladstone site is a good location because it provides plenty of room to fully meet the Comprehensive Plan, as well as the state erosion control and stormwater management requirements as the applicants had stated earlier. She said the site will have the dual use of growing plants and grasses, as well as generating electricity. She stated

that the County can certainly use the millions of dollars in revenue this project will produce, which can help fund schools and provide a better education for all students.

Mike Tuso - Afton, Virginia

Mr. Tuso stated that he is an electrical engineer and attended both Virginia Tech and UVA, and has lived in Nelson for 49 years. He said that during those years, the Board of Supervisors has said yes to important projects like new elementary schools and the fiber broadband program, and this solar project is just as important. Mr. Tuso said there are six good reasons to approve the project and noted that several had already been mentioned. He stated that the Comprehensive Plan for the County encourages all localities across the Commonwealth to plan for alternative energy sources such as solar facilities, and said he observed that Savion, the applicant, seemed eager to be a good neighbor. He said he believed their proposal met both the Comprehensive Plan and the zoning ordinances.

Mr. Tuso said that solar electric panels are not a new invention, pointing out that as far back as 1905, Albert Einstein published a paper on the photoelectric effect. He stated that silicon-based solar electric technology was developed seventy years ago at Bell Labs, and noted that solar panels have been used on spacecraft for sixty years and on buildings for fifty years. He stated that more than four million homes in the United States now have solar electric panels. He said his point was that the technology is mature, safe, and non-polluting.

Mr. Tuso said the Weyerhaeuser tract was an excellent location for the project, pointing out that the County encompasses 471 square miles, with 85% of that, or 256,000 acres, being forest. He stated that devoting 550 acres to generating electricity from sunlight was entirely reasonable. He suggested that the County could become one of only a few in Virginia capable, on a sunny day, of generating as much renewable power as it uses.

Mr. Tuso said the project included agrivoltaics, combining agriculture and energy generation, which could lead to growing crops, producing electricity, and perhaps even feeding sheep, all while improving soil and land productivity for the duration of the project. He added that although it had not been mentioned, the project would use solar panels manufactured in the United States, supporting domestic jobs for those who build the panels.

Mr. Tuso stated that the project would provide significant revenue—\$16 million over its lifetime, with \$2 million to be received before construction even began. He said he believed the County's schools and other budget items could certainly benefit from this revenue. In closing, he asked the Board to trust Albert Einstein, stating that if Einstein were present, he would say yes to the project.

Robert Ogilvie - Afton, Virginia

Mr. Ogilvie said he is a former attorney for the U.S. EPA and a big solar proponent. Mr. Ogilvie said that he has solar panels on his house and stated that sunshine powers his 3,800-pound car, allowing him to drive it 300 miles. Mr. Ogilvie said they generate more solar energy than they can use, and he has put 25,000 miles on the car so far and has plenty of banked fuel. Mr. Ogilvie stated that their rooftop solar is great, but he is unsure it would work for everyone, as there are significant upfront capital costs. He stated that a southern exposure is needed, and sometimes a new roof is required.

Mr. Ogilvie said that having a facility like Wild Rose would be really helpful. He stated that many people with electric cars want greater access to solar power, so he is in favor of the project as long as it can be done following all the rules and regulations. Mr. Ogilvie said the project appears to be a win for Nelson County and stated he is highly impressed by the \$16 million in revenue to the County from the project. He stated that if a neighboring County builds a similar project just over the County line, Nelson County could lose out on \$16 million, which may require explanation. Mr. Ogilvie said the project will provide enough clean solar to power 14,000 homes.

Mr. Ogilvie said that at a time when electricity demand is expected to rise due to electric vehicles and data centers, the project will help Nelson County meet future demand, diversify its power sources, hedge against volatility and future fuel costs, and comply with the Virginia Clean Economy Act. He said this project serves as a proverbial gift that keeps giving by providing both financial resources and clean energy to the County and its neighbors for the next 40 years. Mr. Ogilvie said that when his 20-year-old daughter is 60, the project could still be supplying clean energy and tax revenue to the County. He stated he cannot think of a better use for a 470-acre parcel than to deliver 40 years of clean energy and \$16 million in taxes and payments, and he said he hopes the Board has the foresight to approve the project and include it as part of their legacy.

Valdrie Walker – Norwood, Virginia

Ms. Walker said she is here not to oppose the solar plan, but to express concern about how this is proceeding. Ms. Walker said that she spoke last month at the usual BOS meeting, and it was because the Comprehensive Plan had come to an end. She stated that the County was now needing to do the zoning, and zoning defined, by right, what landowners were allowed to do simply because their land was zoned in a certain area. Ms. Walker said that a special use required asking and proving that there was something that needed to be permitted in the County.

Ms. Walker stated that the only thing this particular plan had going for it, since the Planning Commission voted against it, was the proffers. Ms. Walker said that she wanted the Board to consider whether without these proffers and without any offer back, this plan would really be approved for the County. She stated that if the answer was yes, then she would have to ask what the County was getting or what was being given to them. She said that the situation did not seem solid or cohesive to her.

She stated that there was much to be understood about solar processes, and she knew the County Board was working hard to catch up with the information. Ms. Walker said that people who did not know anything about solar either did not care at all, or believed that by special permit, the company simply made its case and told them to be grateful for all the wonderful things they were doing for the County. Ms. Walker stated if the Board would slow down and use its authority, its right to say, no to the project for now, to allow time for everyone could make sure all was aligned and correct.

Ms. Walker said that many people in the County who usually did not speak out would breathe a sigh of relief, and that the company would likely get what it wanted anyway. She stated that she and many others would not feel as if their by-right had just been sold. Ms. Walker said that the whole idea of selling the by-right was concerning, because it would set a precedent for the next group that came to ask something of the Board. She stated that even if the next group did not have money, they might still be willing to take the County to court, because the Board had already allowed by-right uses.

Mary Kathryn Allen - Gladstone, Virginia

Ms. Allen stated that she serves on the Planning Commission as a representative of the South District. Ms. Allen said that as Savion and Wild Rose have pointed out, Gladstone is a perfect place to put this because there is nowhere else in the County it could really go, so why not just dump it there with everything else that the County does not want. She stated that she is pretty sure people who live in the northern part of the County think they are going to benefit from this in some way, but they are not. Ms. Allen said this powers 14,000 homes, and they are a quarter of a mile from the Amherst County line. She stated that it is impossible to say who gets the energy; it is whoever turns their lights on first, no matter how far down the line that goes.

Ms. Allen said that the SUP stays with this property; if they allow this for 4,700 acres, it stays with this property unless they leave and nothing happens with that special use permit for two years. She said once they open this can of worms, they cannot put it back in. Ms. Allen stated that Gladstone is not a dumping ground. She said if people do not like what they see there currently, then move or do not live there, but many have grown up there, live there, and love it there. She said she does not think that \$16 million over 40 years is equivalent to giving up what the community will be giving up, and she does not think that enough is known about solar to make such a decision.

Ms. Allen said she agrees with Ms. Walker that the County is at a point where they cannot proceed, having just finished the Comprehensive Plan and preparing to go through the zoning ordinance again. She stated the next two years will be crucial for working together on this, and she does not think they are at a place where they can accept a large solar farm in one small part of the County.

Jim Allen - Gladstone, Virginia

Mr. Allen said he has been an erosion sediment control inspector in the past and is aware of what happens. Mr. Allen said this project has a lot of impervious area, so what they are trying to avoid is runoff and concentrating water. He stated the best way to do that is with vegetation. Mr. Allen said the impervious surface will have water form on the bottom, cause a drip line, and make it down to the bottom of these hills. He said these are on hills they are proposing to put the panels on and not the flat pictures that have been shown, and all these go into this water that is just going to concentrate and continue on into the James River.

Mr. Allen said they will probably have some sediment control and retention ponds, but those are only designed for average rain events or slightly larger, but they get these events with increasing frequency, and this might not be designed to handle it. He stated this might not be the place for a project like this. Mr. Allen said he has seen some of the best erosion and sediment control plans on construction sites fail because it is

just a plan, and it does not always work out. He said they always have to do more, but with this much property, he is very concerned about that, as well as the fact that the panels are considered toxic waste once they are done. Mr. Allen said he asked what they would do with all these things and whether they would even last four years or what they would do with it later.

Ed Hicks - Lovington, Virginia

Mr. Hicks said he was here tonight opposing this because of questions he had. Mr. Hicks said he saw a lot of things that answered many of his questions, but the main reason he was opposing the project was based on his experience as a Ruritan and as a national director over the Dan River District. He stated that along the Dan River is Climax, Virginia—which used to be beautiful, but now is covered in solar panels. He said they went through and stripped out all the farmlands, thousands of acres, making it enormous and bigger than what was being proposed here, but the end result was an unsightly landscape. Mr. Hicks stated that this was one of his main reasons for opposing the project, explaining that there was nothing beautiful about it. Mr. Hicks said that after speaking to the people living there, it became clear they did not even benefit from the project. He stated that all the electricity generated there was sent elsewhere, leaving Climax with nothing, so he hoped the same would not happen to Gladstone. He said that their Ruritan Park on 151 Rockfish School Road had also been approached for a solar farm. He explained that the developers wanted to use their land as well as the neighboring McSwain farm, but they declined because the land was needed for the community, for soccer games and the park. Mr. Hicks said they turned them down, and noted that there are other places in the County that could be used.

Mr. Hicks stated that while the solar representatives made it sound beneficial, he remained cautious, saying that if the promises were kept it might help, but if it turned out like Climax, the result would be devastating. Mr. Hicks suggested that the Board should drive through Climax before making a decision, as it was not far away. He said there was nothing left there—just seas and seas of solar panels—and the pictures shown did not capture the true scale. He stated that there was no more farmland, that all the trees were gone, and recounted how his wife, who grew up on Fort Bragg, noticed a change in the climate after the trees were stripped. Mr. Hicks said the weather never was the same after that, reinforcing his concerns about environmental changes. He expressed hope that something good would come from this.

James Bibb - Arrington, Virginia

Mr. Bibb said he was there to speak on behalf of himself, his family, his children, his neighbors, and many others from the South District—and to urge each Board member to oppose this measure for the industrial-scale solar project for the Gladstone community and anywhere else in Nelson County. He said communities of the South District often seemed to take a back seat to the rest of the County, and he was tired of it.

Mr. Bibb said what their community had to offer the rest of the County could not be found elsewhere—quiet peace, sprawling timberlands and wildernesses teeming with wildlife, beautiful rivers, and amazing people. He asked that the Board not contribute to the degradation of these communities with this project. He stated that industrial-scale solar plants should not be permitted on land zoned for agricultural use to begin with, as it was not in any way an agricultural project. He said the land, forests, and soils would be forever destroyed, and vast timberland tracts would be stripped of their trees, vegetation, and topsoil, impacting watersheds with massive increases in runoff.

Mr. Bibb stated there would be significant implications to wildlife in the area, caused by a six-foot fence topped with wire designed to protect corporate assets, creating drastic changes in habitats. He said neighboring property values would plummet, depending on proximity and visual of the panels. He stated that Nelson, being a tourism-based economy, would be better served not to pollute its historic agricultural and ecotourism character with an industrial solar project.

He said there was no real benefit to anyone in Nelson County, with no jobs to speak of or contracts awarded to the local population. He stated that only noise, traffic, and loss of rural character would result. Mr. Bibb said the project would do nothing to power our homes or decrease our utility bills. He said the money coming from heavily subsidized corporations to acquire land in areas with limited resources would amount to nothing compared to the damages endured for generations.

Mr. Bibb said he was certain Mr. Reed would be opposed to the same project if it were in the hills of Faber. He stated Mr. Parr would vote no on this project if it were being considered for the base of Three Ridges or the Priest. He said Mr. Rutherford would never approve this measure had it been proposed in his district anywhere. Mr. Bibb stated that Mr. Harvey would not vote in favor of it in his district because his voters would be angered by the choice. He said Dr. Ligon would likely not consider voting for this if it were on the timberland tracts surrounding her family farm. Mr. Bibb emphasized that there should be zero votes yes on this project.

Mr. Bibb said that even if the members never visited communities like Gladstone, Piedmont, or Tye River, they were still their constituents and were asking them to protect the rural character and heritage of their communities now and for generations to come. He said they must act just as they would if it had been proposed in their own backyard, because it was in many people's backyards. Mr. Bibb stated Nelson County was not for sale for corporate utility profits—not pipelines, not industrial solar, not in Nelson.

Charlie Hurt – Esmont, Virginia

Mr. Hurt said he wanted to emphasize the importance of agrivoltaics. Mr. Hurt said that once a solar farm is constructed, one of its largest annual budgets is devoted to vegetation management, which involves keeping the grass below the solar panels trimmed to a height of 18 to 24 inches. He said due to the amount of rainfall in the area, it might be necessary to cut the grass three or four times a year. Mr. Hurt said that using lawnmowers and weed eaters over 550 acres multiple times a year generates significant dust and noise pollution. He stated that sheep grazing and the dual use of grazing and solar should not be underestimated in terms of benefit, describing sheep as the ideal animal for the job—unlike cows or goats, which present challenges.

Mr. Hurt said he wanted to commend both the developer and the County for including agrivoltaic language in the contract. Mr. Hurt stated that Albemarle County approved a similar project last year with much excitement and enthusiasm about agrivoltaics, yet failed to include language in the permitting, resulting in the site being sold to another developer with no enforceable agreement. He stated that he appreciated the County's efforts in including agrivoltaic provisions in the ordinance and mentioned that the developer had also expressed interest in the concept.

Mr. Hurt said that he is a sheep producer and noted that many sheep farmers operate in Nelson County and Central Virginia. He stated that a site like the one in question could easily support grazing for a thousand sheep and that this would provide tangible benefits to agriculture. Mr. Hurt said that agrivoltaics could offer a new income stream for farmers or those interested in entering the field. He stated that considering the long-term operation, agrivoltaics is a sound idea and reiterated his appreciation for the ordinance's inclusion of such measures.

Tyler Price – Norwood, Virginia

Mr. Price quoted the first sentence of the mission statement for the Board of Supervisors of Nelson County as the following: "It is the mission of the Board of Supervisors to maintain Nelson County as a beautiful, safe, healthy, and prosperous rural County."

Mr. Price said he was speaking that evening as a professional forester and also a farmer in the South District. He said he has seen changes brought by solar projects to the Virginia countryside over the years as a forester. Mr. Price said he had witnessed acres of productive timberland and farmland being wiped out and replaced by solar farms, which were robbing counties of their valuable soils. He stated that the increased demand for energy was due to large data centers continuing to arise in counties like Louisa and Mecklenburg, and along the 95 corridor.

Mr. Price asked why they would destroy productive land for the sake of government-subsidized solar farms, which have a finite lifespan. He stated that without subsidies, these farms would fail because they are expensive and an inefficient way to commercially generate power. He further said these projects would bring no new jobs to the community and would permanently alter the landscape and soil profile, and wildlife habitat would also be destroyed. Mr. Price said that water drainage in low-lying areas would be greatly affected. He stated that in the eastern part of the state, in areas where timber used to stand tall on both sides of the roads, the roadway was now underwater. He stated that although this was an extreme scenario, it was a real-world example he had personally observed where solar farms had replaced forest land along both sides of the road.

Mr. Price reiterated that, although extreme, these consequences were real. He stated that Virginia Tech had recently been awarded a \$3.4 million grant to study the environmental impacts of large-scale solar projects such as these, with water quality being the primary concern. He said that if there was enough interest to warrant such a substantial study on these impacts, it must be a very questionable business to enter at this time. Mr. Price stated that the topography of the land was far from flat, which would make the installation of these panels inefficient from the outset. He said that the amount of runoff would be extreme, meaning that most of the project would result in sediment being trapped to account for the runoff that would occur. He asked why the County should continue to fatten Weyerhaeuser's pockets by approving such projects, since that is where the money would go.

Mr. Price stated that he had never, as a conservative, thought he would ask the government to tell him what he could and could not do on his land, but in this case, he was asking the Board to deny this project and set the precedent that Nelson County would remain a beautiful rural County for future generations to enjoy.

Edward McCann – Massies Mill, Virginia

Mr. McCann said he was present on behalf of his district of the County, on behalf of the farmers in his area, and on behalf of those that are concerned with the environment and welfare and the water quality in Nelson County. Mr. McCann said that most of those present were alive during the massive wildfire in the 90's that swept through Norwood, which at the time was rated the largest forest fire in the history of the Commonwealth. He said the damage the fire caused to the timber, soil, and water is still being felt to this day. Mr. McCann stated that although the individuals who had taken the time to prepare the information were commendable, he wondered how many of them would be living in Nelson County in 20 or 30 years, or those living in Gladstone around the project location.

Mr. McCann stated that everyone is aware of the demands placed by data centers and recognize the immense amount of current required and the volts that must be delivered. He said that it would be naive to think the project would only require 90 megawatts, as that is merely for today. He said the question remains what the requirements will be next year, or in 5 or 10 years. He said that it does not take much evidence to understand what water does to the topography in Nelson County, Virginia, and the most effective way to control erosion on land in Virginia is with timber that is actively grown and approaching maturity.

Mr. McCann said that clear-cutting timber and installing solar farms reduces the land's ability to control water. He stated that no matter what soil erosion plan is in place, there will still be significant erosion problems, because nothing will break the fall of water except a solar panel, which will cause water to flow with greater velocity. He said that he is a farmer and wishes to continue farming, and he relies on a well and wishes to continue using it. Mr. McCann said there is ample evidence suggesting that solar panels can cause contamination of water and the environment. He commented that most of the Board was familiar with the American Cyanamide Plant and asked if they wanted the next Super Fund to occur in Gladstone because of what they allowed to take place. He then asked if they would set a precedent and limit the number of places where solar farms could be built, or if they would just turn the County over to solar.

John Morse – Richmond, Virginia

John Morse said he is owner of a parcel that is adjacent to and downstream from the proposed solar farm and lives in the city of Richmond. Mr. Morse said he had several concerns. He stated that the installation of the solar panels would add an impervious surface to the Owens Creek watershed, which would increase stormwater runoff, and lead to greater erosion and reduced water quality downstream. Mr. Morse stated that converting the site from tree growth to meadow vegetation would also result in increased stormwater. He said that as the owner of an adjacent parcel, he was concerned about how this would affect his land bordering Owens Creek.

Mr. Morse stated that as noted at the June Planning Commission hearing, the tax revenues, number of jobs created, and project monies to be spent locally would be negligible. He said this meant the solar farm would be an extractive enterprise with little benefit to the community. Mr. Morse stated that he was concerned about the large size of the project and the effect it would have on his land and his neighbors. He said it was worth considering whether a solar farm of this magnitude was truly necessary in this location, and whether a smaller installation might be possible.

Mr. Morse said he was also concerned about decommissioning, acknowledging that a decommissioning plan and bond existed but noting that an improperly executed decommissioning would be an environmental liability affecting everyone downstream. He stated that as the owner, he was also concerned about noise generated during both construction and maintenance of the property. Mr. Morse said he supported the County's efforts to reduce carbon emissions and develop solar and other green energies, but not in this manner. He stated that converting productive forest land to a solar farm was not a sensible way to decrease the carbon footprint when other options were available.

Mr. Morse said that because of these negative impacts, he urged the Board to reject the Wild Rose Solar Project and to support less impactful approaches to developing solar energy within Nelson County.

Robin Hauschner Lovington, Virginia

Mr. Hauschner said he was here in opposition to this proposal. Mr. Hauschner said that he wanted to address the promises and the floral language used by the applicant, particularly regarding the benefits to individuals and the installation of rooftop solar on nearby homes. He stated that the Renewable Energy Credits (RECs)

created by these panels would be ceded to installers or, in this case, attached to the project and ceded to AEP. Mr. Hauschner said that by a modest estimate, this transfer would mean a loss of value from those RECs amounting to tens of thousands of dollars over the project's 40-year lifespan. He stated that on a less modest scale, the loss in renewable energy credits could reach hundreds of thousands of dollars, a sum he believed would be life-changing for residents of Gladstone and others in the County.

Mr. Hauschner said in addition to the issue of RECs, there was the suggestion that solar would bring environmental benefits locally and nationally. He stated that the entire purpose of RECs is to offset non-renewable production by providers and distributors like AEP. He said in practice, this shifts the focus for distributors from retiring and converting non-renewable infrastructure to simply expanding production to accommodate data centers. He stated that this approach does not offset existing non-renewable energy production, but rather preserves the current infrastructure and continues a trajectory of environmental harm.

Mr. Hauschner also said that the proposal would lead to degradation of the local environment. He stated that plans to plant wildflowers and pollinator species seemed optimistic, especially given the proposed practice of cutting the land four or five times each year. Mr. Hauschner said that the neglect of using sheep instead of mowing would immediately undermine any planting efforts. He stated that mowing more than twice a year during the early and late seasons would kill the new species, leaving no opportunity for reseedling. Mr. Hauschner stated that the risk of fire was exacerbated by the site's lack of security. He said that no substantial staff would be maintained on the property during the project's lifespan. Mr. Hauschner stated that, as recent incidents in Amherst had shown, events like the cutting of power wires could result in widespread power outages. He said in the case of timberlands in Gladstone, such an incident could spark a fire capable of devastating the area and threatening local homes.

Mike Campbell - Lowesville, Virginia

Mr. Campbell said he was present on behalf of the Nelson County Farm Bureau as their Vice President. He said that 90 megawatts is 90 megawatts in the daytime; that's not 90 megawatts at night. Mr. Campbell said that if you're going to have power at night, you have to store it and need a battery for that purpose. He stated that Appalachian has one at Smith Mountain Lake, and the storage capacity of Smith Mountain Lake is 560 megawatts, noting that this is what they generate. He stated they pump out of the lake, pump it back up, and let it run back down through the hydroelectric system, but described the process as very inefficient.

Mr. Campbell said that 12% is lost on the panels during the inversion process, and questioned whether the project was providing 90 megawatts DC or AC, emphasizing that if it's DC, 12% must be subtracted, making the output much lower. He stated that his problem with agrivoltaics in this area lies in the slope of the land, the terrain, and the current vegetation. Mr. Campbell said it will be very difficult to grow grasses successfully, as trees—pine and small hardwoods—are being removed, and substantial amounts of lime, chicken litter, or fertilizer would be needed to achieve any kind of greenery, especially on the slopes.

Mr. Campbell stated that the runoff from the panel drip edges adds to the issue, and raised another concern about the distribution of the panels, observing that the 500 acres are spread out in scattered patches. Mr. Campbell said this raises the question of how you would fence in the entire 550 acres, and wondered if sheep would have to traverse forests to reach other patches, warning that coyotes are already a severe problem in that part of the County.

He stated that Nelson County is considering this through a special use permit, but he believes there are not enough parameters in place, and said that no cap has been set on how much solar energy will be allowed in the County. Mr. Campbell also said the decommissioning plan needs scrutiny, asking whether anyone has considered how much a bond should escalate, and pointed out that while a 2% increase is often cited, construction inflation is closer to 4%.

Mr. Campbell stated that he is not in favor of this project. He said that thinking of solar in terms of future use, the requirements for 2045 or 2050 would mean Virginia's power needs could double in 15 years. He stated that to meet those requirements, it would take 3,329 square miles of solar panels, or seven times the size of Nelson County completely covered in panels—and this is what it would take to generate the necessary power.

William Mays - Roseland, Virginia

Mr. Mays stated that he was a farmer in Roseland, and that he is the Nelson County Farm Bureau President but he would be speaking as an individual. He said that Virginia is losing too much farmland and forest land, and they were just scratching the surface here on this energy footprint. He said they have lost a dairy farm every week, with 52 dairy farms lost in Virginia last year, and they are now losing communities over

solar. He said when the land goes into solar, the community changes; it changes the whole infrastructure and changes who will eventually own the land.

Mr. Mays asked if they really wanted to invite something in here as a precedent on corporately owned land that consumes thousands of acres in Nelson County. He asked if they really wanted to buy into that or whether they can trust who they are as Nelsonians with a beautiful, pristine County, having made it through the ashes after the Hurricane Camille flood. He emphasized that in Virginia, if you want solar, you can put it on your house or put it in your yard, but expecting everyone to buy into solar is the wrong route for Virginians and for Nelsonians.

Laura Moon – Gladstone, Virginia

Laura Moon said she lives on Norwood Road in Gladstone. She said her home is very close to the project site, and she is here to express her gratitude towards Savion and the Wild Rose team, as they have been in contact with her family and neighbors for several months. She said they have answered every question they had and have gone over and beyond helping with tree removal on her own property. She stated that the project will be very beneficial for the community, noting that it will pay a tremendous amount of taxes, will hire locals for construction, and will be quiet and respectful to the neighbors, as they have explained to her. She expressed confidence that Savion would continue to engage with the community throughout the construction and operating process. She noted that she was excited about these opportunities that Wild Rose has spoken about.

James Critz - Faber, Virginia

Mr. Critz provided copies of photos which show erosion issues. He said he was in favor of solar and the idea of renewable energy is an excellent one, but at this scale, this is another project that's corporate profits for private loss. Mr. Critz said that if the County wanted to pursue renewable resources, it should be done in partnership with CVEC and Appalachian Power—on the County's terms and at a personal scale. He stated that if a larger project were desired, it could be sited over the Food Lion or the high school, as non-permeable surfaces existed where solar panels could be placed.

Mr. Critz stated that part of the conversation involved Nelson County potentially gaining ownership of the site after the lease agreement ended, a point discussed multiple times. He said he was certain the lease agreement was designed for the lifespan of the panels, and that if panels lasted longer, a longer lease would have been requested. He stated that by pursuing ownership after the lease, the County would only inherit the cost of cleaning up the site.

Mr. Critz said he did not believe the developers were malicious but he did not trust their compliance with regulations. He stated that the photos he provided, and examples like Climax, showed persistent compliance issues at solar farms. Mr. Critz said that enforcement was always an issue. He stated that the potential detriment to local water systems was too significant to ignore, even with promises of planning and oversight.

Mr. Critz noted that Weyerhaeuser was a national timber company, so the lease revenue would not stay in the County. Mr. Critz said that although the County would receive tax revenue and some voluntary payments, the money would not remain with a Nelson County resident improving local land value. He stated that instead, the funds would leave the County. Mr. Critz said that for similar reasons, there were no assurances or reasons to believe that local power costs would decrease. He stated that he understood the broader need for renewable energy and agreed on its importance, but said there was no guarantee this project would reduce anyone's power costs.

Mr. Critz said he had a question about the sheep grazing plan and liked the idea, but noted the plan lacked details about who the shepherds would be, and it was unclear if a Nelson County resident would fill that role. Mr. Critz said that although job creation had been mentioned, Gladstone did not have enough people to provide 250 construction workers. He stated that workers would have to come from places like Madison Heights, Lynchburg, or Roanoke—not from the County itself. Mr. Critz said that approving this project would set a precedent, and he urged the Board to follow the Planning Commission and reject the proposal.

Judy Cash - Shipman, Virginia

Ms. Cash said she is here tonight looking more for information. She said she only heard of this last week through a Facebook post and she wanted to ask the Board not to vote or to give it more time. She suggested another public meeting where people could ask questions and get answers for things they do not know. She said that the job opportunities, 250 jobs, would only be during the construction process, other than the two or three people that would be permanent employees after that time. She said that someone commented on

not letting this opportunity get away from the County. She commented that they let Cove Creek get away, which was one of the best things ever. She emphasized that people need to be more informed before any decision is made.

Mr. Parr closed the public hearing on Special Use Permit 24-0014.

Mr. Parr then opened the public hearing on the siting agreement associated with the solar project.

Karri Honaker – Gladstone, Virginia

Ms. Honaker said she owns several parcels that are directly adjacent along Route 60 to the Wild Rose Solar Project, and she is here on behalf of herself and her neighbors and is not affiliated or representing any group, employer, or otherwise.

Ms. Honaker said that according to the U.S. Forest Service, forest ecosystems are the largest terrestrial carbon sink on earth. She stated that their management is recognized as a cost-effective strategy for mitigating greenhouse gas emissions. Ms. Honaker said this project proposes to install large areas of solar panels which will effectively displace large numbers of mammals, birds, insects, and other wildlife and decrease timber production in the area. She said that absent the installation of this project, the timber would likely be replanted. Ms. Honaker said that the act of replanting the timber itself creates early successional habitat for local wildlife and contributes to large contiguous land areas that serve as wildlife migration corridors. She stated that, in the long term, the increased growth of the timber contributes to carbon sequestration which aligns with County goals of supporting climate-smart practices and green energy goals.

Ms. Honaker said that impervious surfaces such as these solar panels inhibit the absorption of water into the ground, leading to increased runoff and sedimentation in local creeks and water bodies, specifically Carter and Owens Creek, and ultimately the James River. She stated that, as everyone knows, the James River flows into the Chesapeake Bay, and therefore, the County is also accountable to downstream neighbors who will be impacted by these actions and decisions.

She said that the application mentions the creation of 250 temporary jobs and two to five permanent positions. Ms. Honaker stated that temporary jobs in the County do not contribute to the long-term economic viability of the residents in the Gladstone area. She said there have been multiple concerns cited by County residents regarding hazardous materials used in both the maintenance and establishment, and in the longer term, the decommissioning of the panels.

She stated that local residents are concerned about potential long-term health implications from residing in such close proximity to the panels, and that these remain largely unknown. Ms. Honaker said there have been proposals in neighboring counties, such as Amherst County, that were denied due to many of the reasons she has cited and due to concern for this type of development in their County. She stated that residents in this County choose to live in the Gladstone area for many reasons, one of which is the rural nature that is unencumbered by massive developments, whether industrial, commercial, or residential.

Ms. Honaker said she has personally spoken with many of her neighbors in the direct area who are also in opposition, and there are many sightings online of folks who have publicly voiced their concern in opposition. She urged the Board to carefully consider the unknown and unintended consequences that could arise from the installation of such large facilities in the County. She said that while the benefits appear minimal, the concerns regarding environmental, cultural, economic, and social impacts are significant. Ms. Honaker stated that installing such a large-scale solar project will change the character of the County. She said she hopes the Board will support the denial of the development and look to other opportunities that better align with local values.

Phil Purvis - Shipman, Virginia

Mr. Purvis said there have been a lot of promises made, and promises were easily spoken, harder to keep, and very difficult to enforce. Mr. Purvis said he did not place a lot of confidence in some of the promises that had been heard. He stated that, after listening to certain points, he noticed that the panels were separated as shown, but if half the space of the 500 acres proposed for solar panels were used, there would be 250 acres of glass.

Mr. Purvis said the erosion effects concerned him, pointing out recent events in Asheville where 30 inches of rain had fallen. He stated that it was not impossible for Nelson County to experience that kind of rain again, recalling an instance in 1969, and said that it could happen with even less rain. He said that when that much water was concentrated on the solar panels and dumped off at the end, with maybe 10 or 15 feet between the solar panel towers, it could not be a good situation regarding erosion.

Mr. Purvis stated that another concern was special use permits, and said that, as most people knew, he had a problem with them. He stated that with a Comprehensive Plan, and zoning ordinances in place, supporting special use permits for special interest groups could undermine the entire process. He said that a year or so had been spent developing a Comprehensive Plan, and stated that if it were ignored and special use permits were allowed for any purpose, negative outcomes could result. He gave the example of 151 and Alcohol Alley, where farmland was turned into breweries and other things. He said he was definitely opposed to the solar panels.

Mr. Purvis said he drove down to North Carolina quite often and found the panels to be unattractive. He stated there was nothing pretty about them and mentioned the reflective effects of the solar panels heating up the upper atmosphere. He said that, although he was not a strong believer in climate change, he could understand how reflecting sunlight back into the upper atmosphere, especially with larger projects, could potentially cause problems.

There were no others wishing to speak and the public hearing was closed.

Dr. Ligon thanked everyone for attending and noted that they had given them a lot to think on. Mr. Rutherford also thanked everyone for attending and he noted that they would not be taking any actions that evening.

Mr. Reed thanked everyone and said there was a lot on both sides of the equation, so this is not an easy decision. He noted that he wanted to make some suggestions to Savion. He said that he spoke with David Peterson in Richmond, who heads the SHINE program and similar projects. He stated that he told Mr. Peterson that in Nelson, there are very few County residents who are trained for solar tech jobs and noted that any local students interested in such skills must travel to Lynchburg or Charlottesville, which is not practical for most. Mr. Reed said there are currently no onsite career tech programs for solar and noted that he had suggested bringing these to the local high school. Mr. Reed added that in July, the School Board received proposals from six (6) solar companies for rooftop panels at the high school, creating an opportunity to connect multiple initiatives through a potential siting agreement. He pointed out that hands-on experience with solar installations offers significant educational value. Mr. Reed stated he believes siting agreements have not always considered these benefits for the County, and he asked that this be reconsidered before the next Board meeting. He suggested that Savion reach out to Dr. Hester and the School Board to explore additional opportunities.

Mr. Parr thanked everyone for coming out and applauded the good public participation, noting that the diversity of comments gave them a lot to consider.

IV. OTHER BUSINESS (AS APPLICABLE)

- A. Wild Rose Solar Project Appeal of June 26, 2024 Planning Commission Substantial Accord Determination

The Board did not discuss this subject.

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.

At 8:58 p.m., Mr. Parr adjourned and continued the meeting to December 18, 2024 at 5:00 p.m. for a joint work session with the Planning Commission.