

Spotsylvania County Planning Commission

DRAFT

Holbert Building Board Room, 9104 Courthouse Road, Spotsylvania VA 22553

MINUTES: January 2, 2019

Call to Order: Mr. Newhouse called the meeting to order at 7:00 p.m.

Members Present:

Richard Thompson	Courtland
Howard Smith	Livingston
Jennifer Maddox	Berkeley
Michael Medina	Salem
Mary Lee Carter	Lee Hill
C. Travis Bullock	Battlefield
Gregg Newhouse	Chancellor

Staff Present:

Paulette Mann, Planning Commission Secretary
Wanda Parrish, AICP, Director of Planning
Patrick White, Planner III
Alexandra Spaulding, Senior Assistant County Attorney
Jacob Pastwik, AICP, Planner III
Leon Hughes, AICP, Asst. Director of Planning
Ben Loveday, Director of Utilities/Public Works
Jay Cullinan, Fire Chief
Troy Tignor, Zoning Administrator
Richard Street, Deputy Director of Zoning
Karl Holsten, County Attorney

Announcements: None

Review & Approval of minutes:

Motion and vote: Ms. Carter made a motion, seconded by Mr. Thompson to approve the minutes of December 19, 2018. The motion passed 7-0.

Unfinished Business: None

Special Use(s):

SUP18-0001 - Charles Woolfrey Construction Inc., Robert S. Coleman, Jr., MWD Properties 2009, LLC, Goodwin Brothers Lumber Company LLC, Meadows Farms, Victor N. Meadows, II, David L. Meadows, Frederick L. Meadows, Berman J. Meadows, Betty Meadows, Jay Meadows, RiverOak Timberland Investments, LLC, Gary Thomas Woolfrey (Sustainable Property Holdings, LLC - sPower Solar Energy Facility Site A):
Requests special use permit approval on multiple parcels to develop a 400 MW solar energy facility on Agricultural 3 (A-3) zoned properties together constituting a site of approximately 5,200 acres. The properties consist of 11501 W. Catharpin Rd., 12910 Orange Plank Rd., 10900

Buckland Rd., 13301 W. Catharpin Rd., 13001 W. Catharpin Rd., and 22 additional unaddressed parcels. The properties are located in western Spotsylvania County, south of Orange Plank Road, north of W. Catharpin Road, east of the Spotsylvania/Orange County line and west of Catharpin Rd. The properties are located outside of the Primary Development Boundary. The properties are identified for Rural Residential or Agricultural and Forestal Land Use development on the Future Land Use Map of the Comprehensive Plan. Tax Parcels 28-A-1, 28-A-78, 29-A-1, 17-A-7, 18-A-16, 30-A-1, 17-5-19, 17-A-3, 17-A-3A, 17-A-4, 17-A-48, 16-A-1, 17-A-47, 18-A-15, 18-A-20, 28-A-71, 28-A-77, 29-A-2, 29-A-2A, 29-A-22, 29-A-24, 29-A-25, 29-A-26, 29-A-27, 29-A-28, 29-A-7, and 28-A-79. Livingston Voting District.

Mr. White provided a brief update to the Commission. He advised that on December 5, 2018, staff recommended postponement of the Planning Commission's recommendation so that staff could obtain four additional plans from the applicant to integrate them into staff's recommended conditions. Those included:

1. Landscape Cover and Buffer Maintenance Plan as recommended by the County's consultant to mitigate any temporary temperature increase caused by the Facility, and to establish procedures for the planting and maintenance of vegetation;
2. Soil Testing and Remediation Plan as recommended by the County's consultant to monitor for any soil contamination from the cadmium-telluride panels and other heavy metals;
3. Decommissioning Plan revisions as recommended by the County's consultant to address the full breadth of decommissioning a SEF; and
4. A final Traffic Mitigation Plan.

Staff received those Plans from the applicant and has conditioned them. Additionally, staff is recommending conditions to address deficiencies in the Plans. Staff is recommending approval with conditions. Staff believes the conditions are critical to mitigate impacts of the project, during the construction phase, and also during the operations phase. Planning staff consulted with experts in different fields to craft conditions to address public health, safety, and welfare. Those experts came from within the County, including the Fire Chief and Director of Environmental Codes, and Director of Utilities, from state agencies such as VDOT, DCR, DOF, and NPS, and also included a County-hired consultant, Dewberry Engineers, Inc., to provide analysis and recommendations related to hydrology, decommissioning, Cadmium Telluride, and heat island/temporary temperature increase. Staff is available for questions this evening.

Mr. Thompson inquired about the buffers and setbacks. We talked about how far they would be from the neighbors, where will they begin.

Mr. White explained that it varies. Condition #2 under landscaping, maintenance, setbacks, and buffers states that inverters and generators shall be set back a minimum of 400 feet from the boundary of the property. He advised that that is a global setback. For properties that contain a residence or that is within a platted neighborhood, then that sets a further setback of 350 feet if there is a current house or the potential for a home to be built.

Mr. Thompson inquired if that applied to 5 acres or less.

Mr. White stated that there is not a minimum acreage requirement at this time but believes the applicant may speak to that. If there is not a home, it is currently set at 50 foot setback.

Mr. Thompson inquired about the wells that were dug and the status of those.

Mr. White stated that several test wells were dug but they do not intend to use them but could use them in the event that the County cannot provide water to the property. The applicant will be using county water but reserves the right to use ground water should the county not be able to provide water. This would be permitted for a 10 day period and there are provisions in the conditions to allow us to monitor that.

Mr. Smith stated that they intend to cap them off and not use them.

Mr. White stated that he does not understand it that way that the applicant must have the ability to use ground water should county water not be available.

Ms. Carter agreed with Mr. Smith and that she thought Utilities would be in charge of that.

Mr. Payne introduced their team that was present for the evening. They have agreed to cap those wells. In various community meetings, citizens expressed concerns about the aquifer and they have agreed to cap those wells even though there is adequate aquifer present. They will be using public water. The county controls the whole process as they must provide us water.

Ben Loveday, the connection to public water would be controlled by Spotsylvania County Utilities. When it comes to the wells, the utility department would not be involved. The zoning office would be in charge of enforcement. That said, it would take a catastrophic event for the Utilities to not be able to provided water.

Mr. Smith stated that there is no way for the county to monitor if the applicant is using water from the wells.

Mr. White stated that there is a condition that reads that the cumulative on-site ground water withdrawal shall be limited to a maximum of 50,000 gallons per day and for no more than 10 days per calendar month during the construction phase. The wells shall be equipped with meters to monitor withdrawal.

Mr. Smith stated that the County intends to provide water, so why are they not going to be capped.

Mr. Payne stated that they absolutely agree to cap the wells. Water usage is mainly for construction and very little usage will occur after construction.

Ms. Carter understood that they would be capped off, but thought it would have to go through the utilities should they end up needing to use well water.

Mr. Loveday stated that the Utilities Department does not have the authority to cap or uncap the

wells. That is done through the Zoning office since they enforce conditions.

Mr. Tignor stated that his department is going to be out there enforcing conditions and is very comfortable with this condition. He stated that he will have inspectors or third party inspectors on site and they will see if there is a pump there for withdrawal. You don't have to worry about that. There will be either a padlock on the well or no pump inserted to extract water.

Mr. Bullock inquired if there is adequate staff to do this or will he need to hire staff.

Mr. Tignor stated that they have estimated costs over the next 18 months and we believe it will be \$1.8 million dollars. They will be paid by the applicant through the fee structure that was recently adopted. He advised the Commission that he also has access to three civil engineering firms that will provide up to 12 field inspectors at any one time.

Mr. Bullock inquired about the fees and the applicant paying those fees to offset the cost.

Mr. Tignor stated yes, they will be paying for their reviews through the fee structure.

Ms. Maddox stated that the way the condition is written, it appears a report would be provided to the county and not staff on site.

Mr. Tignor stated that their eyes, boots, and feet would be all over this site. He stated that they will be enforcing the conditions.

Ms. Maddox stated that as written it appears to be a report that is provided.

Mr. Tignor stated that the report is written should there be a catastrophic event.

Ms. Maddox expressed concern about the way it is written.

Mr. White displayed the conditions relative to the use of ground water.

Ms. Parrish stated that she believes that we need to look at condition #H1. She read that it reads, the applicant shall only utilize public water during the construction and operations phases of the Facility, except in the event that sufficient public water is not available to the Applicant, in which event the Applicant may utilize ground water during the construction phase only. She stated that this condition really states that public water must be used first unless the county cannot provide water for some reason. If the Planning Commission doesn't believe this condition to be sufficient, then certainly the Planning Commission can make changes or suggestions. We do feel comfortable with the 50,000 gallons per day based on the County's consultant.

Mr. Smith stated that as far as the water, he would like to see that no water be taken from the ground. He was advised by the applicant that they have no intention of using ground water and expects that they hold true to their word.

Mr. Payne stated that they will cap the wells and no ground water will be used on the site.

Mr. Bullock stated that he would like to talk about decommissioning. He would like to know about whether the project goes defunct, who will pay for the decommissioning.

Mr. White stated that the applicant has provided three decommissioning documents. Staff has identified several issues and has addressed those under general condition 17. Generally, it should serve two purposes. The one issue is whether there should be a credit for future recyclable value once the life of the project has run its course. To date, staff and the applicant don't quite see eye to eye on this subject. The applicant believes that by the time they decommission the project at the end of its life cycle that there will be some recyclable value of the panels. Staff has taken a more conservative approach because we don't know at what point the applicant could potentially walk away and we would have to pull the bond and decommission it ourselves. The ordinance requires that we review the bond every two years. Our position has been that the decommissioning bond should start high. We don't know what the future value of the PV panels will be. Staff has also seen evidence that there is an actual cost to recycle them rather than a credit to do so. Staff is suggesting that the bond begin high and come down with each review of the bond as more evidence regarding the recyclable value comes to light. That would provide staff a more clear value as to what those recyclable values are. There is distance between what the applicant is proposing and what the condition reads. Staff is suggesting no credit be given for the recyclable value.

Mr. Newhouse inquired whether because the equipment is at the end of its lifecycle doesn't mean that the facility would cease, correct.

Mr. White stated that is correct.

Mr. Newhouse stated that the purpose of the bond and it being reviewed every two years is to take into consideration current market conditions and that the bond is at least reflective of current market conditions, including the volatility, recycling, and those types of things.

Mr. White stated that is correct. The future is too unknown to us.

Mr. Newhouse stated that he doesn't like the term, "walk away." He stated that he believes that the applicant plans to make use of the facility for as long as possible, even though equipment may need to be replaced.

Mr. Payne stated that of the 150 sites that his client owns today, they have never walked away from their energy producing facility. They are building the facility because they have folks that are going to buy the energy through long term power contracts. The facility is a valuable asset in and of itself. If it's generating energy, it will be valuable for its entire life and perhaps, extended life. The bottom line is that they hope to exhaust this facility far into the future. The county has a condition that requires that the bond be reevaluated every two years. If the cost of materials goes down, then the bond value goes up. The asset is \$600 million dollars and it allows the business owner to get up on their feet and get the project going. This is a valuable asset being invested in in Spotsylvania County. He stated that they are asking for a fair approach and the

safety net is that the County can reevaluate every two years.

Mr. Thompson inquired about the comment made by staff that there may be a cost to recycle the panels.

Mr. White stated that they have seen research that there is a cost associated with CadTel panels and recycling those. He believes the cost was \$6 per panel.

There was discussion about the cost to recycle and review of the spreadsheets provided by the applicant.

Ms. Spaulding wanted to make sure that everyone was looking at the same Decommissioning report and it was determined that everyone was on the same page, dated November 15, 2018.

Mr. Newhouse stated that it doesn't appear that the applicant and the County are in alignment on the costs to decommission.

Mr. Newhouse stated that he would like to walk through the conditions and discuss the ones that people have questions about. He stated that he would like to begin by discussing #8 of General conditions. He stated that the applicant will likely not have acquired the property within 15 days.

Ms. Parrish stated that they can amend the condition to reflect that this occur at site plan rather than special use approval.

Mr. Medina inquired about paragraph 3 under general and the insurance values. He stated that they seem pretty low for a project of this magnitude. He inquired if staff has had discussions with our insurance carrier.

Ms. Parrish stated that the values came from our insurance provider.

Ms. Carter asked for further clarification of that condition.

Ms. Parrish stated that the insurance would cover the county as well as the applicant.

Ms. Maddox stated that with the county reviewing the surety bond every two years, she would suggest that we look at current market value of insurance at the same time to ensure that we have adequate coverage 20 years from now.

Mr. Newhouse inquired about #10 regarding batteries on site and wanted to confirm that none would be stored on site.

Mr. White confirmed this.

Mr. Newhouse inquired about item #12 and where it came from. He stated that this is private property and that the county doesn't need to be dictating speed limits on the developer.

Mr. White stated that it was included as a dust control measure. He stated that this is a common condition on other solar facilities to ensure they slow down and don't kick up as much dust.

Mr. Smith stated that there is no way to enforce that speed limit on site.

Ms. Spaulding stated that there is the ability to enforce this condition and the Commission has the legal authority to recommend this condition.

Mr. Smith stated he doesn't know how this condition is enforceable.

Mr. Newhouse stated that there are other means to control dust. Mr. Newhouse stated that he is going to make a motion that this condition be struck.

Mr. Tignor stated that there is no problem enforcing this condition with the assistance of the Spotsylvania Sheriff's office using a radar gun.

Mr. Newhouse stated that if it's a safety issue than he can appreciate that but if it's to control dust, there are other means to do so.

Mr. Tignor stated that his employees and third party inspectors will be on this site routinely and the speed limit is reasonable to protect the employees.

Mr. Newhouse stated that it would seem reasonable to him to include a condition in the site safety plan when the applicant goes to construction.

Mr. Payne stated that it is a great idea and they already include a speed limit in their plan.

Mr. Newhouse proposes that it be handled through the applicant's safety plan.

Ms. Carter inquired if Mr. Tignor would be okay with that.

Mr. Tignor stated that as long as they have safe conditions out there for the employees, then he is satisfied.

Mr. Newhouse stated that under item #15, he would like to make sure it would allow for the most effective and efficient way to get the site stabilized in terms of growing grass or whatever it is.

Mr. Street stated that it would have to be a minimum of four weeks before they planted any seed.

Mr. Newhouse stated that he would like to come up with the most appropriate language so that we can move forward with getting the grass to grow.

Mr. White stated that staff concurs and feels the condition reflects those desires.

Ms. Carter inquired what would be used to get the grass to grow faster and inquired if there is any danger to the lake for what is being proposed.

Mr. Street stated that it is provided for in the state requirements. You will need some sort of phosphorus and nitrogen to get the grass seed to take. Without that, our soil, as acidic as they are, will not take, to include native grasses.

Ms. Carter stated that she wants to ensure that the lake is protected and feels like the golf course folks are aware of what is acceptable without hurting their lake.

Mr. Street stated that every project that is not residential have guidelines that must be followed.

Mr. White called their attention to Biological conditions 3 & 4 regarding fertilizers.

Mr. Newhouse discussed land disturbing permit and the removing of fencing and is interested in the thought process about the fencing when writing this condition.

Mr. White stated that staff envision when the site is decommissioned and restored that the larger above ground items such as fencing be removed.

Mr. Newhouse stated that the reason he brings this up is because in the estimate provided by the applicant, there is a \$400,000 credit and this is a \$600,000 item.

Ms. Parrish stated that the fence isn't necessarily around the perimeter of the property. It's going to be in and out and all around the different sets of solar arrays and may not be useful to other users in the future.

Mr. Newhouse stated that he would like to see some flexibility for the future in regard to this recommendation. He also inquired about item Q.

The present estimate for decommissioning provides no reserves for weather delays.

Mr. Newhouse inquired what staff would consider a weather delay. He stated that even if it's raining, the panels could be taken down.

Mr. White stated that could be true. The reason they included this, if you look at the same section regarding workforce. It was staff's determination that it didn't seem accurate that the facility could be taken down with so few people in such a quick speed without any contingency of a weather delay.

Mr. Newhouse inquired about item R. He stated that he is unclear as to whether we are accounting for any disposal cost.

Mr. White stated that the present estimate declares that they taking down of these panels will have a value.

Mr. Newhouse stated that he would like to suggest a change that the engineers provide a testament of certification.

Mr. Newhouse inquired how staff would like to see this move forward. He asked if he should make a motion on the suggested changes and then staff bring back those requested changes.

Ms. Spaulding stated that she feels that they have given staff enough but in the wording of your motion, you should have the complete motion formed. If you want a provision struck, you should us that that's what you want to do and how exactly you want these changed. She stated she has taken notes but would likely need to consult the Chairman for exactly how you wish for them to be changed.

Mr. Newhouse stated the following:

- Item #8 - Reword that to reflect at site plan.
- Item #12 – Strike or revise it to say that speed limits will be included in the applicant's Health/Safety Plan for the project.
- Item #3 - The insurance is reviewed every two years with the decommissioning bond. (Ms. Maddox stated that she doesn't know what the proper time frame is to review your insurance coverage as she never worked in Commercial. Ms. Parrish stated that she would consult with the County's insurance provider.)
- Item S – Changing testament to certification.

Ms. Spaulding asked for clarification on G. She stated that it was discussed and she confirmed whether the Commission is good with leaving G the way it is.

Mr. Newhouse stated that he is fine with it but if there is a way to provide a little bit of flexibility to it because he would think that perhaps a future applicant or this owner could potentially want to keep the fence. His interpretation is that all fences must be removed.

Ms. Spaulding stated that also discussed was Q & R.

Mr. Newhouse stated that he is fine with both of those.

Ms. Maddox inquired about the solar panels themselves and wonders where it is mentioned as to what kind of panels will be used.

Mr. White stated that he doesn't believe you will find that in the decommissioning plan. There is no drafted condition restricting the use of Cadmium Telluride panels in the general conditions or elsewhere. He stated that staff does have the representatives from Dewberry to speak on that if the Commission has questions.

Mr. Medina stated that he does believe that the applicant at some point stated there would be a mix of panels.

Mr. Thompson stated it begs the question, why are we using CadTel panels at all. We must look out for our citizens that have expressed concerns about the use of those types of panels.

Mr. Payne stated that as you may recall in their report and the work by the County's consultant, Cadmium Telluride is not Cadmium. It is a different compound that is safe, reliable, and used throughout the country. The mix is 70% silicone and 30% Cad Tel panels. He stated that they have present one of the foremost experts on all panels, heat island effects, etc, Dr. Fthenakis from Columbia University. The County's consultant reviewed his study and he is present to answer questions.

Dr. Fthenakis stated that he has been working on this for 36 years. He updated the Commission on his experience. He has written four books and written over 400 studies and articles. He has also worked for the Department of Energy. He discussed that he has developed two patents on CadTel cells and his studies have been used and reviewed in at least 20 countries. CadTel is a very safe technology. There are chemicals used in every module and the chemicals are encapsulated and nothing comes out of the panels. He stated that he knows this because they have burned, broken, and exposed them to many conditions and nothing comes out from any type of panels. He stated that you can burn them at 1100 degrees Celsius and only 4% may come out. He stated that cadmium telluride is a very stable compound. If you were to digest it, it could harm you but otherwise it is very safe. We have studied it many times and it is fine to use. The people that manufacture the panels could potentially be exposed but nothing comes out and they are enclosed under negative pressure. Any issues would occur during manufacturing or disposal. He stated that we don't want any type of PV panels to end up in landfills because they have value. CadTel panels have more value than silicone for two reasons.

1. They have two sheets of glass
2. Silicone only has one sheet of glass

He stated that he is an independent consultant to sPower and a professor at Columbia University. He stated that he has worked also with the oil industry regarding safety. He has worked for many companies to include Exxon 3M, Dow Chemical, Mobile, etc. to provide safety recommendations for their companies. He stated that he is a Safety, Chemical, and Environmental Engineer.

Mr. Newhouse inquired when decommissioning a panel, he is clear in his understanding that disassembly does not happen on site. Are the panels packaged and sent offsite for recycling?

Dr. Fthenakis stated that currently the recycling occurs for CadTel panels where the manufacturing occurs. He stated that this is a modern technology. He said that the patents are available to everyone, royalty free. He discussed capacity and that it doesn't take years.

Mr. Newhouse stated that if he understands correctly, the risk to the citizens in this area is only if it is directly ingested versus if a panel breaks.

Dr. Fthenakis stated that is correct, the CadTel would have to get out of the panel first which is highly unlikely.

Mr. Newhouse inquired if the panel were to fall to the ground and break, could the CadTel leech into the groundwater and cause harm.

Dr. Fthenakis stated that there are many studies on leeching and the only potential is for a significant concentration on the ground if the panels are ground into dust, only then would this be an issue. A study was done breaking the modules into several pieces and exposing them into rainwater for 1.5 years, there was no leeching. Unless broken into very, very small pieces, there would be no leeching. Even at one square centimeter pass the test. That is the test that is official for all panels. If you grind them, things will come out in time.

Mr. Newhouse stated that there has been a lot of discussion about the panels and damage due to high winds, tornadoes, hurricanes. The potential risk would only come if the panels were to be ground up versus just cracked due to Mother Nature. He inquired if that was a fair statement.

Dr. Fthenakis stated yes, that is correct. He discussed experience in Texas in regard to storms. He said he has had panels on his roof for 21 years and they have weathered storms and nothing has occurred. He discussed damage to one in New Jersey on a commercial building, but he knows of no damage to panels in Florida or North Carolina due to storms.

Mr. Newhouse inquired if these are the same types of panels used in residential homes.

Dr. Fthenakis stated that CadTel panels are only used in commercial uses. They are not used for residential uses. They are safe for any use in his opinion. He discussed seeing photos of buildings in Japan that have had tsunamis and whole buildings have collapsed with the PV panels still totally intact. He stated that he feels they protect his home. He stated that there was one storm in the Caribbean and he saw panels that came apart from the base and the panels were intact, only the fasteners were the issue. The panels blew away, but didn't break. He said when they have done recycling studies, they try to break them and couldn't. He said you have to saw them. The glass is tempered and very difficult to break.

Mr. Thompson inquired why they just don't use the silicone version of panels. Why is there a mix of panels?

Mr. White stated that staff has not suggested the restriction of the use of CadTel panels. The applicant and the county's consultant are on the same page and feel they do not pose a risk and are safe to be used.

Mr. Thompson stated that he wants to know why we can't just have the silicone.

Mr. Payne stated that this is a commercial use and the silicone and CadTel panels are conducive for that purpose. You wouldn't put a CadTel panel on a house because of its size. This is for a commercial use, very safe and is used across the country for many years.

Mr. Thompson inquired if the applicant is using them just because they want to.

Mr. Payne stated that this is a pro-business county and from an investment and commercial perspective, it's a reasonable use.

Ms. Carter stated that she understands that you cannot break the panels unless they are sawed.

Mr. Payne stated that it would have to be a catastrophic event per Dr. Fthenakis. You would have to have an 1100 degree Celsius temperature to even try to melt them. He stated that he cannot even think how that could happen on this site. He stated that the opposition has been talking about how dangerous these panels are which is completely untrue. The property is just a few miles from a nuclear power facility. He urged the Commission to be realistic and keep things in context.

Ms. Carter inquired if the consultants agree with Dr. Fthenakis.

Ms. Jessica Robbins with Dewberry Engineers stated that they agree that they are very robust panels and they also agree that they are safe. She stated that they would like to hear if a panel were to be broken, what the procedure is to take that panel offsite for recycling or repair. She stated that they believe there to be very low probability of that happening. The tempered glass is testing with hail guns that shoot hail at close proximity into them.

Mr. Newhouse inquired if there is an event where a panel were to break, does that require chain of custody for them.

Ms. Robbins stated yes, there is a process and the applicant could speak as to the return process they would have with First Solar.

Garret Bean stated that they do have a process and that these panels are installed throughout the country. At our facilities in California, it is important to keep in mind that these panels are under warranty as well. The process would be that we go and grab them from the facility by detaching them, store them in a box or other material and then they come and pick them up immediately. We do fill out chain of custody to properly manage all of our panels that are on our site and leave our site.

Mr. Newhouse inquired about the storing of them and how that works.

Mr. Bean stated that the panel remains encapsulated and are put into crate containers and First Solar will come and pick them up. These facilities are monitored 24/7 so if a panel is out or malfunctioning, we are aware. sPower will also have 30 people on site that will be monitoring them.

Mr. Smith stated that in that rural part of the County, we have a lot of hunters that hunt with rifles and shotguns. He inquired if the panels would withstand those if hit.

Ms. Robbins stated that she is unsure whether a test has been done on that. The applicant may have data on that. She stated that she does know that the site is monitored and it's in the applicant's best interest to keep all panels up and operational.

Mr. Smith stated that he understands but wonders if several of them were to break and cause exposure, would they be hazardous to the community. He also questioned how we prevent them in this rural part of the county from not getting hit during hunting season.

Mr. Bean stated that one of the important things about this facility is that it is a power plant and we are monitoring this with our team out in the field 24 hours per day 7 days per week. Could a rifle or shotgun hit one of these panels, yes. Will they be pulverized into dust or very small pieces, no? Supervisor Benton did request that we go out and sample soil at one of our facilities and it came back completely clean. Nothing had leached into the soil.

Mr. Medina inquired regarding the two types of panels and which one is most efficient as far as an output perspective and which are most efficient from an output to cost perspective.

Dr. Fthenakis believes them to have about the same efficiency. First Solar has the lowest production cost in real terms. They have the whole infrastructure. Perceptions have been addressed and he believes that CadTel could now be put on homes. One C size battery has more cadmium than one panel on the roof. This is a very safe panel and that this is there business plan.

Mr. Medina inquired about the 1.8 million panels, are the two manufacturers the only two that recycle the panels?

Dr. Fthenakis stated that there used to be two companies, now only one. All of the manufactures can use recyclers. If the company doesn't have the ability, they will send it out to others.

Mr. Medina inquired if the panels have already been purchased.

The applicants shook their head yes, they have already been purchased.

Mr. Medina stated that he understands the 70/30 mix because there is lead time and they only had the ability to purchase what they did in advance.

Mr. White stated that he would like to point out under General Conditions 14 which is for cadmium and the soil and 16 about sealed dried waste container for any precautionary damaged solar panels.

Mr. Payne stated that the CEO of sPower would like to say a few words if the Commission agreed.

Ryan Creamer, Founder and CEO of sPower: He thanked the Commission for having them. He stated that the question about the two types of panels, yes they have been purchased and as far as why not only silicone. sPower make wise decisions and the panels that have been purchased are from First Solar, and American company and Jenko, a Chinese company. The panels come from Malaysia. They are the two strongest balance sheets for manufacturer providers in the industry. If one if the companies were to go belly up and we are signing thirty year warranties, we need to diversify our manufacturers to lessen the risk. We have only procured from 4-5 different companies total.

Mr. Medina inquired what sPowers largest facility is to date.

Mr. Creamer stated that to date it's about 500,000 panels in California.

Ms. Maddox inquired if they have a mix of panels at their other projects as well.

Mr. Creamer stated that this is a good size project. The previous project was all Jenko panels. If you look at this as an aggregate, we view this as multiple projects. We do try to put the same type of technology at these locations.

There was discussion about how many panels were at the project in Lancaster.

Mr. Creamer stated there are roughly 1.5 million panels in Lancaster. Lancaster is a total of 19 projects total.

Mr. Thompson discussed the disposal of refuse on this property and we talked about trench burning and chipping. He suggested he would like to see that mulching be done for all of it. He stated that they had a demonstration from a citizen that shows the equipment necessary for that to be done rather than burning.

Mr. White stated that staff has not presently recommended a no burning condition. We have instead provided a number of conditions to limit the applicant's burning and the requirement for air and trench burning system. Staff has provided conditions to help with the mitigation of that. He discussed that forestry operation on the land allow for open burning.

Mr. Thompson stated that they didn't need an SUP to do that.

Mr. White stated correct.

Mr. Thompson stated that he doesn't believe it's unreasonable at all to mulch all of it. You can run a log through a mulcher much faster than you can burn the log.

Mr. White stated that if that is a condition that he would like to recommend be added, that can be done at this point.

Mr. Thompson stated he has said this from day one.

Chief Cullinan stated that there are currently no requirements within the county code that prohibit a burning operation. Would we be opposed to them only mulching, no, but there is currently nothing in our county code that would prohibit them to do that unless it was a condition.

Mr. Medina stated that he may be uniquely qualified to shed some light on this subject. He stated that he is currently a CEO of a mulch company. The ability to mulch is fine. Mulch as it piles up creates its own issues whether when piled it breaks down the organic chemicals and becomes very hot and combusts on a regular basis. The ability to spread it out on site may be feasible but it can become quite hazardous unless they are put into wind rows or spread out on

the site. It will take a very long time for it to breakdown enough to be able to plant anything on top of it. Absolutely it can be done but fires are a serious concern in the mulching industry.

Mr. Payne stated that burning is only one of three methods that they are using. One method is hauling it off, using mulch onsite, and burning. Any construction use would be permitted to do so. In addition to that, you cannot burn May through September so it would be a limited process. If we were to mulch everything or haul off debris, this would mean more truck traffic not to mention that the county would require us to be 3000 feet away from any residence. Deep trench burning process will actually be 1000 feet further than they would require burning to occur from any school, hospital, and nursing home. We are already being held to a higher standard than the ordinance.

Ms. Maddox inquired about the 70/30 split on panel types. Is there a specific site that the CadTel panels would be placed? Is there a benefit about having them further away from people? Has that been considered?

Mr. White stated that right now there is not a condition that isolates or confines the CadTel panels to a certain location within the development because the documentation that staff has seen does not demonstrate that they are hazardous. It is nonetheless possible, to isolate them to a certain location by condition.

Mr. Bean stated that it is important to remember that all of the testing has been done. They have been shown to be safe for many years. With that said, we do have to maintain some flexibility to be able to move things around so that we can get the production that we need to meet per our PPA. We are being constrained whether through setbacks or wetlands and feels this would constrain them even further. It's very important for us to have flexibility and the panels are safe. He said that it's also very important to remember that Fawn Lake and the other communities around them are uphill. Fawn Lake drains into a stream adjacent to their project.

Dr. Fthenakis stated CadTel PV panels, encapsulated in glass are very, very safe. There is no way for these particles to enter a human body.

Mr. Medina inquired if CadTel is the safest of all the technologies.

Dr. Fthenakis stated that in terms of anything coming out of the panels, they are as safe as any other technologies encapsulated with glass.

Mr. Medina inquired if there are issues with silicone panels.

Dr. Fthenakis stated that there is more lead in silicone panels than in CadTel panels. There is also silver, which can also be toxic. He stated that the facts are that it is not coming out. CadTel panels use less energy in manufacturing.

Mr. Medina inquired about the panels that have already been purchased and whether more panels have been purchased above and beyond this project. If the Commission were to say that they only want the applicant to use silicone, do you have those readily available? Also, why purchase

so many for a case that hasn't been approved yet.

Mr. Creamer stated that lead time is a reason for the early purchase and CadTel panels are exempt from tariffs, section 201. Over a year ago, we made a commitment to purchase and we look at our inventory on an annual basis, looking at the number of contracts we've signed versus not signed. It's a good safe technology.

Mr. Medina inquired if sPower or any affiliated companies have interest in the panel manufacturers.

Mr. Creamer stated no.

Mr. Newhouse stated that he wishes to move on to Section B. of the construction conditions. On B.2, explain the 70% shuttling of the workforce.

Mr. White stated that the condition was recommended to significantly reduce the traffic or number of trips and the potential impacts regarding volume and the pavement. When we toured a solar facility in North Carolina, one of the things that struck us was the large amount of buses that were present onsite. Staff thought this to be a reasonable condition to help mitigate the traffic impacts.

Mr. Newhouse stated that he would envision the majority of the staff would be onsite early in the morning, as most construction workers are. He asked if that was considered or if this is based upon peak hour.

Mr. White stated it was an overall concern of average daily volume.

Mr. Newhouse inquired what the contingency plan would be for an employee who could potentially have an emergency and they were bussed to the site.

Mr. White stated that 30% of the workers would be driving to the site and would likely be able to shuttle the person back to their car should that be necessary.

Mr. Newhouse would propose to strike this condition because he doesn't see any benefit from the shuttling in of employees.

Mr. Smith stated that he respectfully disagrees with Mr. Newhouse. The roads are very narrow and there needs to be consideration for the impacts and increase of traffic on already over used roads.

Mr. Newhouse stated that he would like to address that comment and whether analysis has been done about the structural integrity of the road.

Mr. White stated that based on the preliminary trip generation data we have thus far, we did observe level of service decreases on all four of the road segments that were looked at.

Mr. Newhouse stated that he is concerned about the structural capacity based on Mr. Smith's comments.

Mr. White stated that that analysis has not been done but that we do have a condition that would require that the roads be recorded and that bonds be in place should road repairs be necessary throughout or after construction has been wrapped up.

Mr. Newhouse inquired if it would be a fair statement to say that if we recommend a road structural analysis be done and they deemed to be sufficient, would you still be concerned.

Mr. Smith stated that he has concerns about eliminating that condition because he travels that roadway almost every day and that he was once sheriff of this county and knows the conditions of these roads.

Mr. Newhouse inquired if the National Park Service (NPS) has purview over that section of roadway.

Mr. White stated that they have received comments back from NPS that they would need to issue a permit for commercial vehicles that use that intersection or segment of Orange Plank Road which lies within the battlefield district.

Mr. Newhouse inquired if that is a VDOT right-of-way or is it actually owned by the NPS.

Mr. White stated that he believes it to still be within the VDOT right-of-way but is within the purview of the NPS.

Mr. Medina inquired about the process.

Mr. White stated that he is unaware of the process.

Mr. Newhouse inquired about private roads and how we legal access on these roads.

Mr. White explained that the applicants have an existing easement on the private roads.

Mr. Newhouse encourages wordsmithing on definition of private roads.

He also mentioned Item 9C wide load deliveries, and appreciates staff's definition but believes it better to use the DMV definition of a wide load.

Mr. White agreed.

Mr. Medina inquired about 9B and stated that he knows why but it seems odd to say the first and third Sundays. He asked why we don't just say all Sundays.

Mr. White stated that he believes this to be somewhat of a compromise condition based on feedback from citizens. The noise that is created from pile driving is significant and we thought

it a compromise for the neighbors of the project to have a few Sundays where they don't have to listen to that.

Ms. Maddox agreed. He stated that she had staff investigate this with the Culpeper project and it was found that they had a condition for no Sunday construction. She stated that if they aren't permitted to work on some Sundays however, it could prolong the project but is fine with having a condition that states no Sundays.

There was consensus to eliminate construction of any kind on Sundays.

Mr. Medina stated that he wanted to talk through public liaison. Paragraph ten, understands the intent and is not quite sure about it.

Mr. White stated that this condition came from review of other solar facility applications. The concept was that the applicant would designate a primary point of contact and that person would look to resolve any problems that could arise and working with the County. He explained that it would provide for the County to get a sense of the regular occurring issues onsite, if any.

Mr. Medina stated that the liaison would be employed by the applicant. He inquired if it would cause Mr. Tignor's office more or less work potentially in a zoning violation. Is this a benefit or issue for his office?

Mr. Tignor stated that ultimately, they would have to come to the Zoning office. He believes the calls will be direct to the zoning office or administrator on issues that would have to be addressed. A lot of things can be taken care of with a phone call but the only way to enforce this condition of a special use permit is through his office. It's a significant responsibility with this many facets, the bigger picture is the whole ball of wax. He appreciates the condition but doesn't believe it will resolve a high volume of the potential zoning complaints.

Mr. Medina stated that in the conditions to call out an entity or publication that may or may not exist through the life of the project. He suggested removing the title of the Free Lance Star and stating publication instead.

Mr. Newhouse suggested a website.

Ms. Parrish stated that this condition is only for the construction phase.

Mr. Bullock inquired if #10 would be a burden on Mr. Tignor's office.

Mr. Tignor stated that it wouldn't be a burden on them.

Mr. Newhouse mentioned item #14. He stated that he wanted to be very clear that this should state as related to the project and seems ambiguous. The language should be tightened there.

Mr. Smith inquired if item #14 includes the Sheriff and state police since they are responsible for enforcement on the roads.

The Commissioners agreed.

Moving onto section c, E&S – Mr. Newhouse stated that he discussed with Mr. Street earlier in the day and that he understood that it would be a two phase approach to E&S control.

Mr. Street agreed.

Mr. Newhouse stated that the first phase would be establishment of perimeter controls and it would be for the entire area.

Mr. Street stated yes.

Mr. Newhouse stated that the second phase would be per bay or area that they plan to develop.

Mr. Street stated correct.

Mr. Newhouse moved down to C1C, he doesn't have a problem with the condition but believes we need to strike how we dictate means and methods. He is very cautious but feels we need to strike what we dictate telling them that they need as a crew. He feels that to be up to the applicant.

Mr. White stated that before we move away from E&S control. He stated that he had asked Mr. Street whether the perimeter controls would be in place for the entire site and he stated that he wanted to revisit that and make sure he understands correctly. By the entire site, Site A being 3000 acres, is Mr. Street saying that the perimeter controls of the entire 3000 acres would be set up because he didn't understand it that way.

Mr. Street stated that perimeter controls are the first step. They are proposing this to be done in waves.

Mr. White stated that he understood it to be done in phases of sections of disturbance, not the entire 3000 acres.

Mr. Street agreed.

Mr. Newhouse stated that there was some comments from the public regarding the 400 acres. Once the areas of 400 acres are stabilized, then the applicant can move forward to other areas and begin disturbance and whether that is the intent.

Mr. White agreed and stated that to be the intent, as they stabilize a portion of that 400 acres, then the same portion could be opened up in a new disturbance area.

Mr. Newhouse inquired what the process is for determining it's stabilized.

Mr. Street stated that temporary seeding would be required and then DEQ requires 80% vegetative ground cover.

Mr. Newhouse asked that it be clarified as to what the definition of stabilized is so that we are clear.

Mr. Thompson inquired if stabilized means after seeding or after the grass begins to grow.

Mr. Street stated that the grass has to start showing.

Mr. Newhouse stated that according to DEQ, it's not showing, but a percentage of growth.

Mr. Street agreed and discussed that during the winter months, they can continue construction activity by using the winter mix that would be required and changed in the spring.

Ms. Maddox inquired if rather than the calling it the project, be more specific and call it all three together.

Ms. Parrish stated that it is all three SUPs together and we actually have that defined under general, number 1.

Mr. Medina inquired about 2C and where we are measuring rainfall. Will there be a weather station onsite.

Mr. Street stated that there are two weather stations located in Fawn Lake. One is owned by Fawn Lake and the other is a private residence and we've been monitoring those. He stated that regionally we are finding that the Fawn Lake weather station is actually running lower than Lee's Parke. Lee's Parke registered almost 90 inches of rain this past year where Fawn Lake only registered 70 inches of rain. We can ask the contractor or applicant to put in their own rain gauge because they have to report it to several different agencies, not just us. He stated that Mr. Tignor reported that this is the wettest year since the 1800s and he does have farmers reporting that springs that have not been around for over 60 years are coming back up and they are worried that they will be qualified now as wetlands because they are producing a stream.

Mr. White stated the applicant's GDP does depict a weather station be constructed near entrance 3.

Mr. Newhouse stated that he'd like to move on to Section D, 3. One that struck him is the berm and is this in conflict with the visual berm. The applicant has proposed to use mulching for a berm and wants to be sure it is not in conflict with that.

Mr. White stated he would agree. He stated that if the Commission were to prohibit the use of a mulch berm then this condition would still stay in place.

Mr. Thompson stated that he would agree with that. The mulch will just rot away and be gone.

Mr. Smith inquired about item 11 and how we went from an 8 foot fire break to a 20 foot fire break. He stated that he doesn't believe it to be a bad idea but wondered where it came from

Mr. White stated that it was a recommendation made by the Fire Chief based on further analysis and research.

Ms. Maddox stated that she would really like to see a way where burning wasn't going to occur.

Mr. Smith agreed and stated that it is an SUP and feels we could make that a condition of the project.

Ms. Maddox stated that she has so many students in her classroom that have asthma and knows that it is above and beyond, but this project is above and beyond anything she has seen around here. That is one of the biggest things to stand in the way for this project because she believes it to affect public health.

Ms. Parrish inquired if there is consensus among the Planning Commission related to that.

There was consensus related to eliminating the ability to burn.

Section E – Setbacks & Buffers – Mr. Newhouse stated that he would like to discuss the 350 feet that was being reported, he asked for clarification on that and why 350 feet?

Mr. White stated that it was recommended by the County consultants. He stated that any temperature difference is negligible at 350 feet away and we were thinking that in addition to managing the potential for increase heat, we also help with potential noise during construction and also increasing the distance where natural vegetation could occur and settled on that number.

Mr. Newhouse inquired if it is it related to the heat island effect.

That was a component but it also helps to attenuate noise and serves to allow for vegetation to grow in and form a visual buffer.

Mr. Newhouse inquired if we were to have an earthen berm, 8 feet high with vegetation, what impact does that have on noise.

Mr. White stated that it would have a significant impact on noise and potentially visibility.

Mr. Newhouse stated that the current plan is to install an 8 foot earthen berm and landscaping where there are homes within 350 feet and where there was no established buffer in place.

Mr. Newhouse inquired if there is a sense as to what the positive impact would be in terms of feet.

Mr. White stated that he doesn't have a number for what could be discounted.

Mr. Newhouse stated he would like to look at that because in his line of work, a lot of the studies that they do with earthen berms and landscaping have a tremendous impact on noise and visual barriers. He stated that he also feels that the 350 feet in some cases from the boundary line is

probably very restrictive. He would like for staff to take a look to find out what the positive effect would be if the issue is noise and visibility. He stated what he is proposing is that some jurisdictions have 100 feet but is thinking that if we are looking at 150 feet within the inclusion of a berm and landscaping, he would like that to be evaluated.

Mr. White stated that he can state for the record that the county has existing transitional screening requirements and when using those, when the applicant is to install a wall, they can reduce that by half.

Mr. Newhouse stated that that is his point and feels it to be applicable there.

Ms. Carter stated that recently in Culpeper they approved a project with only 150 foot setback requirement. Was the 350 foot setback recommended by the consultant?

Ms. Robbins stated that the 350 foot setback was a starting point for discussion based on heat island effects; we are in agreement that the setback could vary based on the berms or vegetation installed.

Mr. Newhouse inquired if the berms and vegetation would have a positive impact on the heat island affect?

Ms. Robbins stated that to be correct. She stated that a study could be performed to see those impacts.

Mr. Payne stated what's the effect of the 350 foot setback that staff is proposing and what had we proposed as part of their project. The 350 came from the discussion about the potential heat island effect on adjacent properties. Dr. Fthenakis stated that his conclusion is that there would be no heat island effect on adjacent properties and that there is no need for the 350 foot setback. That large of a setback has a huge impact on the project on all three sites, but especially sites B & C. They proposed a minimum 100 foot setback with berms and vegetation in areas where there has been clearing and visibility. Some of the opposition has stated that the visibility would impact property values as well. He stated that Chris Kaila is present and hopes that the Commission has had a chance to review his comments. There is no impact so long as there is shielding. We aren't against berming and vegetation regrowth and replanting. He displayed a slide showing what it would look like and how far from adjacent properties and the property line versus the actual home. The key is to block and shield the area of the adjoining property owners.

Mr. Newhouse inquired if the vegetation is larger than saplings.

Mr. Payne stated yes, six foot evergreens.

Mr. Thompson stated that he feels the 350 feet property setback is good and we shouldn't be measuring from each house. He still owns the property all the way to property line.

Mr. Smith inquired about the 350 feet and whether that is on the entire piece.

Mr. White stated yes.

Mr. Smith inquired if he has five acres there without a home yet, are we talking 350 for that also.

Mr. White stated no, not unless it is part of a platted neighborhood.

Mr. Smith stated he finds that unfair and everyone should be treated the same.

Mr. Thompson stated that there are plenty of people who own acreage all over and people and relatives may want a piece of the property in the future and they should be treated the same. We aren't fairly considering the future at all.

Mr. White stated that it appears that the condition should be a blanket setback. It should be a masterplanned or divided.

The Commission was concerned about large tracts and them not being considering the future of the land.

Mr. White stated that a blanket setback may be the way to go.

Ms. Parrish clarified that it states, platted or master planned. Platted would include a family division even if no house has been built.

Mr. Thompson stated that the plats may not occur until sometime in the future.

Ms. Parrish stated that is correct.

Mr. Payne stated that what they are asking for is a balance. Why is 350 feet the magic number? In Culpeper County, they thought the 150 feet was reasonable and other localities have 50 feet setbacks. It penalizes the applicant in many ways if you apply the 350 feet buffer to them, some homes are 2000 feet away.

Mr. Thompson stated that the man still owns the whole piece of property not just the house site.

Mr. Payne stated that he appreciates that but a sawmill could be put there byright in the A3 zoning classification with 100 feet away from the property line.

Mr. Thompson stated that is byright and this is an SUP.

Mr. Payne stated that a sawmill is very loud and will occur for a very long time. This is a quiet use once built and safe.

Mr. Thompson feels it should be fair and equal to all.

Ms. Maddox stated that given the size of this project the unknown in this area. To be straight when she first heard about this, she would want it to be 1000 feet away. She stated she likes the 350 feet across the board.

Mr. Payne understands, and other jurisdictions don't have quite this large a setback. He stated it is his job to tell you that it has adverse impacts on his clients. He would like to see a more fair and reasonable setback.

Ms. Parrish stated that for clarification, we provided that position to our consultant and they responded that the 350 feet is consistent with the studies and findings that he is referencing. When the temperature dissipated it was observed at 328 feet and we saw the 350 feet setback as a conservative approach. We don't feel there is a misinterpretation.

Mr. Newhouse stated that he wants to see a fair and consistent application to everyone and even though this is an SUP, we have approved many SUPs in the past where an applicant installs a fence or berm and it reduces their setback requirement. He wants to see fairness across the board. If they are

Mr. Smith stated that he is not in favor and the same setback should be for everyone.

Mr. Newhouse stated that they should be afforded the same reduction of setback. They should be afforded the same courtesy.

Mr. Smith stated that if someone has some land out there and just because they don't have a home on it today, treating them any differently.

Mr. Newhouse completely agrees but when an applicant provides for a berm or fencing, they are allowed to reduce their setback by half and we are saying that cannot. He would like to see analysis on that so we can be fair to everyone.

Mr. Medina inquired if the County has Dewberry on retainer or the ability to do further analysis on the original plan to get this information.

Ms. Parrish stated yes.

Ms. Carter inquired about the drop in property values that has been discussed.

Mr. Payne stated that the applicant has consulted with Chris Kaila and he can speak to property values.

Chris Kaila stated that he has been a real estate broker and appraiser since 1979, almost forty years. He has lived continuously in Spotsylvania County and owns the largest appraisal firm in the Fredericksburg Region and has prepared or supervised the appraisal of approximately 40,000 residential properties and over 5,500 commercial or non-residential properties. He stated that he has testified as an Expert Witness on property value in the Spotsylvania, Stafford, Fredericksburg and other courtrooms. He discussed the process of using match pairs method. He stated that his research is both from primary and secondary sources. Primary sources are his firsthand accounts of actual studies or interviews he has conducted. Secondary sources are studies from other appraisers or those knowledgeable on the subject of solar farms and property

values. He stated that it is his opinion, based on my extensive research and past experience as an expert in property valuation, that there is no consistent negative impact to adjacent property that is attributed to proximity to an adjacent solar farm. There is no evidence that there is any negative impact on neighboring property values, despite unsupported claims to the contrary. The studies that have been done on this issue, and that he finds to be credible, also conclude and agree that there is no negative impact on property value resulting from proximity to solar farms.

There was discussion as to whether he believes there would be a negative impact on property values with only a 100 ft. setback.

Mr. Kaila stated he didn't believe there would be an impact to the values. He stated that he could almost make a determination that the solar farm could increase property values.

Mr. Medina inquired if there was a case, independent of this where a land use decreased the value of properties.

Mr. Kaila stated that it has happened.

Mr. Medina inquired if it only affected those that actually touch the development.

Mr. Kaila stated yes, for the most part it is only those directly adjacent. He discussed research he had done some time ago and whether a cell tower decreased property values. It did decrease the value of the property directly adjacent to the tower. He stated that it had much to do with the visual impacts.

Mr. Newhouse stated that he would like to finish up this section very quickly and wants to confirm that under 7a we are referring to earthen berm not mulch berms.

Mr. White stated correct that staff hasn't recommended any conditions regarding mulch berms.

Mr. Newhouse stated that he would like to add a condition of the establishment of a three year reestablishment period on the landscaping that is meant to address any dead and/or dying plants, shrubs, trees. He would like it to be reflective of the based the VDOT standard.

Mr. Newhouse stated that he doesn't have any comments on F.

Ms. Spaulding inquired about the comments regarding soil testing being moved to biological section and wondered if he meant that he would want to see that as a change he'd like to see.

Mr. Newhouse stated that it's a change he'd like to see but is unrelated to the soil testing described in the previous section and has to do with the use of the panels. This is to strictly establish erosion control as quickly as we can. Whether that's in this section or another applicable section, doesn't matter to him. It's strictly to test the soil to determine the best fertilizer.

Ms. Parrish stated that she believes we can add language to F4 to address that.

Mr. Newhouse stated that to be fine.

He stated that at this point, he would like to recess for a 10 minute break.

Mr. Newhouse thanked everyone for their patience. At this point in the evening, there is much work to be done. This will allow staff time to analyze the comments and respond accordingly.

Mr. Medina inquired if we will pick up with item F.

Mr. Newhouse stated that he is done with F but if the Commissioners have comments or questions, contact staff.

On a motion by Mr. Newhouse and passed 5-2, the Commission voted to continue the meeting to January 16, 2019.

VOTE:

Ayes: 5 Mr. Newhouse, Mr. Medina, Mr. Bullock, Ms. Maddox, and Ms. Carter
Nays: 2 Mr. Smith, Mr. Thompson
Absent: 0
Abstain: 0

SUP18-0002 - RiverOak Timberland Investments, LLC (Sustainable Property Holdings, LLC - sPower Solar Energy Facility Site B): Requests special use permit approval to develop a 30 MW solar energy facility on an Agricultural 3 (A-3) zoned and unaddressed property constituting a site of approximately 245 acres. The property is located in western Spotsylvania County approximately 650 feet south of the intersection of W. Catharpin Road and Post Oak Road. The property is located outside of the Primary Development Boundary. The property is identified for Rural Residential development on the Future Land Use Map of the Comprehensive Plan. Tax Parcel 28-A-58. Livingston Voting District.

Mr. Newhouse stated that the next item on the agenda is SUP18-0002. For the sake of time, he would like for comments and changes to conditions are incorporated for site B.

On a motion by Mr. Newhouse and passed 5-2, the Commission voted for comments and changes to conditions are incorporated in Site B.

VOTE:

Ayes: 5 Mr. Newhouse, Mr. Medina, Mr. Bullock, Ms. Maddox, and Ms. Carter
Nays: 2 Mr. Smith, Mr. Thompson
Absent: 0
Abstain: 0

Mr. Medina inquired if there are any conditions that differ across the applications.

Mr. White stated that there are less environmental conditions and less water related conditions because the applicant has indicated that they will not be using ground water. There is also a specific mention to a property related to a berm and landscape buffer to be added to a particular property. We will update to include that reference.

On a motion by Mr. Newhouse and passed 5-2, the Commission voted to continue the meeting on Site B to January 16, 2019.

VOTE:

Ayes: 5 Mr. Newhouse, Mr. Medina, Mr. Bullock, Ms. Maddox, and Ms. Carter
Nays: 2 Mr. Smith, Mr. Thompson
Absent: 0
Abstain: 0

SUP18-0003 - RiverOak Timberland Investments, LLC (Sustainable Property Holdings, LLC - sPower Solar Energy Facility Site C): Requests special use permit approval on two parcels to develop a 70 MW solar energy facility on Agricultural 3 (A-3) zoned and unaddressed properties together constituting a site of approximately 905 acres. The properties are located in western Spotsylvania County south of W. Catharpin Road, north and east of Post Oak Rd. The properties are located outside of the Primary Development Boundary. The properties are identified for Rural Residential development on the Future Land Use Map of the Comprehensive Plan. Tax Parcels 29-A-7 and 43-A-3. Livingston Voting District.

On a motion by Mr. Newhouse and passed 5-2, the Commission voted for comments and changes to conditions are incorporated for site C.

VOTE:

Ayes: 5 Mr. Newhouse, Mr. Medina, Mr. Bullock, Ms. Maddox, and Ms. Carter
Nays: 2 Mr. Smith, Mr. Thompson
Absent: 0
Abstain: 0

On a motion by Mr. Newhouse and passed 5-2, the Commission voted to continue the meeting on Site C to January 16, 2019.

VOTE:

Ayes: 5 Mr. Newhouse, Mr. Medina, Mr. Bullock, Ms. Maddox, and Ms. Carter
Nays: 2 Mr. Smith, Mr. Thompson
Absent: 0
Abstain: 0

On a motion by Mr. Newhouse and passed 5-2, the Commission voted to continue any action on the Substantially in Accord Review for Sites A, B, & C to January 16, 2019

VOTE:

Ayes: 5 Mr. Newhouse, Mr. Medina, Mr. Bullock, Ms. Maddox, and Ms. Carter
Nays: 2 Mr. Smith, Mr. Thompson
Absent: 0
Abstain: 0

New Business: None

Public Comment:

Moya Doss, Livingston District: She mentioned that she and her husband purchased a dream lot in Fawn Lake and now cannot sell it.

She was advised that she couldn't speak to this under public comment as it relates to sPower applications.

Adjournment:

Motion and vote: Mr. Newhouse made a motion, seconded by Mr. Thompson to adjourn. The motion passed 7-0.

The meeting adjourned at approximately 10:45 p.m.

Paulette L. Mann

Date