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Sent: Friday, January 11, 2019 2:41 PM

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Cc: Thomas G. Benton; Paul D. Trampe; Gary Skinner; Chris Yakabouski; Kevin Marshall; Timothy J. McLaughlin; David Ross; Aimee Mann; Wanda Parrish; Paulette Mann; Patrick White; concernedcitizensspotsylvania@gmail.com

Subject: sPower special use permits

To the planning Commissioners regarding the sPower special use permits.

as your goal and mission is to successfully achieving the Vision for the County established in the Comprehensive Plan.

The Planning Department mission and justification to exist is to provide excellent customer service while educating citizens and developers on land use and development regulations, policies, and procedures. To do so, the department reviews development proposals for compliance with the Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance, and Design Standards Manual.

The department is responsible for the development of plans and ordinances addressing land use, environmental protection, transportation, housing, public facilities, and historic preservation. Planning staff provide guidance to the Board of Supervisors and several appointed commissions and committees in order to accomplish these duties.

In summary, the Planning Commission serves the citizens and residents at large of the county, not organizations and companies outside the County.

In mid-2018, I spoke to you as a citizen and resident of Spotsylvania County regarding what I saw and continue to see as a deficient process and documentation presented by sPower for special use permits related to the establishment of the largest solar power facility in the East of the United States, and the only such facility in the USA with immediate proximity to residential areas. Specifically, the lack of a Risk Analysis Plan and the subsequent Risk Mitigation Plan. These two documents are essential in the planning and management of large endeavors such as the one in question. The Spotsylvania Planning Staff is responsible for ensuring that these two

documents are presented to the Commission for analysis and either approval or rejection. In absence of any of these two documents and or a rejection of either one of these two documents, the Program Manager representing the Planning Commission must reject any further petitions and or continuation of consideration.

To date, sPower has not produced any of these documents and has simply addressed issues with partial and bias answers to concerns expressed by a large percentage of the Spotsylvania County residents.

As the Planning Commission is due to produce the final decision regarding the sPower special use permits request without ever producing a Risk Analysis Plan and a Risk Mitigation Plan which should also include a total financial bond as a warranty of restoration and damages, it is the duty of the Planning Commission to deny any further consideration for the the sPower special use permits request.

These opinions are based on over 30 years of experience working for the US Federal Government at Agencies such as the Department of Justice, NASA, Homeland Security, the Central Intelligence Agency, the National Security Agency, the Department of Veterans Affairs and the Executive Office of The President of the United States. This experience shows that County Executives have potential civil liability in the performance of their duties under Virginia and federal law; when a county is not immune from liability on an implied contract theory when it wrongfully takes, damages, or converts to its use the property of the plaintiff. Bell Atlantic-Virginia, Inc. v. Arlington County, 254 Va. 60, 486 S.E.2d 297 (1997) (company adequately alleged inverse condemnation against county resulting from damage to company's underground utility facilities resulting from county's installation and maintenance of its waterworks and sewage disposal systems); Nelson County v. Coleman, 126 Va. 275, 101 S.E. 413 (1919) (county took plaintiff's land without just compensation where it condemned portion of plaintiff's land for public road, but the road was mistakenly constructed on portion of plaintiff's land that was not condemned); Kitchen v. City of Newport News, 275 Va. 378, 657 S.E.2d 132 (2008) (inverse condemnation claim against city resulting from flooding). For example, a county may be liable under this theory where it fails to maintain its own drainage easement, resulting in damage to private property caused by flooding. Jenkins v. County of Shenandoah, 246 Va. 467, 436 S.E.2d 607 (1993). It is further exacerbated as the citizens at large has made it clear to County Executives that the process delivered by sPower is flawed and it represents a real and large potential damage to the Spotsylvania residents in numerous occasions.

It is the duty and mission of the Planning Department and the Planning Commission and County Executives is to provide excellent customer service while educating citizens and developers on land use and development regulations, policies, and procedures. To do so, the department reviews development proposals for compliance with the Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance, and Design Standards Manual.

The department is responsible for the development of plans and ordinances addressing land use, environmental protection, transportation, housing, public facilities, and historic preservation. Planning staff provide guidance to the Board of Supervisors and several appointed commissions and committees in order to accomplish these duties.

In summary, the Planning Commission and the Board of Supervisors serve the citizens and residents of the county, not organizations and companies outside the County.

For sPower to quote as justification, the potential tax revenue to be generated is infantile and fruitless as the current tax revenue derived from the adjacent residential area where sPower is proposing building its facilities is many times larger and supports more jobs than the very few jobs sPower is promising to produce.

So don't forget, you work for us, not for sPower, and a wrongful decision carries responsibilities and liabilities.

Respectfully,

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