

Spotsylvania County Planning Commission

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

MINUTES: December 19, 2018

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
Jane Reeve, Director of Information Services

Announcements: None

Review & Approval of minutes:

Motion and vote: Ms. Carter made a motion, seconded by Mr. Thompson to approve the minutes of December 5, 2018. The motion passed 7-0.

Unfinished Business: None

Special Use(s):

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. White presented the case. He stated that the overall project contains 5,200 acres and that 2,800 will be disturbed acres. The use will provide 400 MW of power.

Mr. White explained Photovoltaic panels and that they are pre-assembled collections of integrated photovoltaic cells. They are produced from a number of manufacturers which use different materials. The applicant has indentified that they plan to use two panel manufactureres: Jinko panels and FirstSolar Series 5 panels. The panels are strung together into strings which are reacked into rows. The rows are equipped with hardware allowing them to automatically rotate in order to maximize sun exposure. Rows are supported by stell pilings which are driven into the ground. The applicant's GDP depicts an Array, which consists of 6 Sub-Arrays. Each Sub-Array is a collection of 32+/-rows. Each row is a collection of 90 PV panes. These feed two inverters wich collect the energy in DC form and convert it to AC power. This electricity is then transferred via underground conduit to an sPower substation, proposed near the existing Dominion substation, which increases the voltage, measurers it, and transfers it for connection to the power grid via the Dominion substation.

Mr. White stated that the inverters can easily be identified on the GDP as small black rectangles which sit slightly apart from panel rows or blocks. They're locations may change through final site design. They are proposed to be setback a minimum of 400 feet because they produce a small electronic hum and they are often accompanied by small generators. The GDP depicts the general plan of the proposal and is not a final design. If the Special Use is approved, detailed engineering is submitted to the County for Site Plan review. The Site Plan Review process verfies compliance with County Codes, lasws, and any conditions of the SUP. The Building Permit Review process would verify compliance with building and electrical codes. The GDP is also used to depict access points, setbacks, buffers, resource protection areas (RPA's), Stormwater collection features, and designates other significant points of interest.

He advised that Site B is proposed to be accessed from one location labeled Entrance 4 on Post Oak Road approximately 1,950 feet SE of the intersection of Post Oak Rd and W. Catharpin Rd. The access is via a new easement through a private property. The current Construction Access and Access Evaluation also provides estimated new trips due to construction which County Traffic Engineering used to estimate level of service impacts on major road segments. Staff found generally that through the construction period levels of service would decrease on all major roads providing access to the site. Following construction these should return to normal operating levels. Estimated daily trips are 137 (133 from employees, without revising for staff's recommend shuttling condition of 70% of workforce).

Staff has requested that the applicant provied further details regarding the construction traffic impacts, and supply a final Traffic Mitigation Plan which shall include:

- A school bus avoidance plan to limit construction and employee traffic accessing the property during the ours of 6:10-8:40 a.m. and 2:45-4:30 during the Spotsylvania County Public Schools instructional year;
- A plan for on-site parking areas, off-site shuttle parking areas, and for shuttling at least 70% of the workforce to and from the site during construction;

- A plan coordinated with VDOT for video documentation of construction haul routes including pavement conditions along said routes, driveway corners, and aprons of any roads used for access to the site; and
- Details of temporary traffic control measures.

The applicant has submitted a draft of this document which is under staff review.

Site B is proposed to be linked to Site C through a new 100 +/- foot electrical transmission line.

Spotsylvania is a local VSMP authority, meaning that the County regulates Stormwater management in accordance with Virginia laws, rather than the Virginia Department of Environmental Quality. A conceptual, but more detailed design of the applicant's first phase was provided to E&S staff for consideration, it identifies a Zone E in the SE corner of the overall site. It presently includes details on resource protection areas, perimeter controls, silt fencing, sediment traps, ponds and basins, etc. If this special use permit is approved, this plan will be further developed to a fully designed site plan for Phase 1 of the project. The concept plan provides a template for how the rest of the site will be constructed. There are additionally a significant number of E&S conditions provided in the staff report which allow the County to confidently mitigate the substantial erosion and sediment control concerns resulting from a project of this magnitude. Example slides were displayed showing silt fence & pond construction.

Mr. Tignor stated that the proposed E&S and stormwater management plans are in technical compliance with code requirements and the County is using a 3rd party engineer for the review. There will be a limit of 400 acres land disturbance in aggregate which is manageable area for mandated inspections given staffing levels. Inspections will occur during construction by county staff and three engineering firms under procurement contract. The inspection costs to the county will be addressed with recent adoption of new fee schedule for erosion inspections and large scale projects like this. Mr Tignor displayed a slide showing the minimum required by code and the sPower Plan Zone template for the environmental construction concerns that have been raised. The applicant intends to provide the following:

- Adding super silt fencing and filtering barriers
- sPower will clean at 25% capacity
- Upslope siltation socks – left or cut
- Basins to be converted to permanent facilities
- On site ready response force for ESC
- RLD on site
- Additional windrow barrier to direct to basins
- Drill seeding for quicker seed ESC germination
- Soil testing before drill seeding
- On site equipment for ESC controls/repairs
- Use of drone technology points to focus area.

Mr. White discussed protected species and that no protected species were identified as likely to be impacted through this proposal. The Plentiful Creek Stream Conservation Unit does lie onsite and is deemed to contribute to high biological integrity. The same expanded E & S conditions proposed for Site A are proposed for this subject site to reduce potential risks to this stream. Forestal fragmentation remains a concern; staff has recommended a condition to improve connectivity onsite.

Mr. White advised the Commission that Archeological and Architectural Surveys were conducted with cooperation of the Virginia Department of Historic Resources. The surveys examined above and below ground resources for potential inclusions in the Virginia Landmarks Register or the National Register of Historic Resources. Although a number of resources were identified, there were no above or below ground findings warranting additional study. No impacts are expected to cultural resources on Site B.

The applicant's current GDP depicts 50 foot setbacks with two options for screening homes along a select segment of Post Oak Road near the entrance point. The landscaping treatment proposed included:

- Preserved 50' buffer
- Replanted buffer with saplings
- Natural regrowth buffer
- Planted buffer
 - Evergreen trees every 20' on center, or
 - Evergreen trees every 30 feet on center with shrubs between.

Staff has recommended increased setbacks and buffering for the site which exceeds that proposed in the GDP and depicted in the viewsheds.

Prescribed setbacks are 50 feet except that:

- Fencing, berms, landscaping, roads, bridges, utility poles are exempt.
- No trees shall be removed from any of 50 setback or 50 buffer except for exotic species removal, hand-clearing of dead or dying trees, or any clearing for ingress/egress or infrastructure connections.
- Inverters and generators shall be setback 400 feet.
- Any property adjacent to the site containing a home triggers a 350 foot setback of solar arrays and supporting structures along the shared property line.

Staff has recommended conditions to extend setbacks and improve buffering for the site which exceeds that proposed in the GDP and depicted in the viewsheds. Buffer plantings are as proposed on the GDP except that:

Residential structures within 300 feet which are not separated by and existing 40 preserved buffer will be screened with a bermed buffer.

- The berm shall be 8 feet in height, shall have a minimum 6 foot planting area atop the berm.

- The berm shall not exceed a slope of 1 foot of vertical rise to 2 feet of vertical run.
- Plantings shall be atop and outside of the berm.
- The berm shall be outside of any fencing.
- The berms shall be installed coincident with each phase of construction and before any pile driving within 1,000 feet of the berm.

Residential structures within 300 feet which are separated by an existing 40 preserved buffer and any adjacent residential structures within 600 and any VDOT maintained right-of-way shall be screened with a supplemental buffer which shall consist of a minimum of:

- One evergreen tree with a minimum height of six feet every fifteen feet
- One large deciduous tree with a minimum trunk caliper of two inches measured six inches from the ground every ten feet.

Plantings on and outside the bermed buffer:

- Shall be designed by certified landscape designer or landscape architect to minimize visibility, maximize survivability, and minimize losses from deer or other wildlife consumption.
- Existing landscaping is expected to provide a significant contribution to screening.

The applicant has submitted a Landscape, Revegetation and Management Plan for conditioning, which is under review.

For lots with residences:

- An 8 foot tall logging mulch berm with supplemental plantings of large evergreens 20 feet on center in front of berm and natural regrowth behind the berm for 75 feet. -OR-
- Install a double staggered row of supplemental trees within a 30 foot wide area and a natural regrowth area behind. (Either would be 100' wide) These buffers shall also be designed by a certified landscape designer or landscape architect to minimize visibility, maximize survivability, and minimize losses from deer or other wildlife consumption.

For lots without residences:

- Maintained 50' buffer where existing trees remain.
- 50' natural growth buffer where existing trees do not remain.
- This proposal also includes proposed seed mixes and some additional pollinator support information. The plan is under staff review.

The construction of the proposed facility will generate construction noise from onsite vehicles and activities. Construction noise will reach its highest point when the support pilings are being driven into the ground near residential homes. This activity should last approximately 4 days and then lessen substantially as the pile driving is completed in proximity to the homes. The applicant's submitted noise map should be substantially improved by the new conditions related to setbacks and buffering.

Construction activities are exempt from County noise ordinances, but staff has proposed

conditions to mitigate noise on neighboring residents. Exclusive of additional setbacks or buffers, other conditions include:

- All clearing, grading, and construction of the Property shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday and Sunday;
- Pile driving within 500 feet of any residence shall cease at 5:00 p.m. daily and shall be prohibited all day on every first and third Sunday of the month
- Advance notice shall be mailed by first class mail to properties within 1,000 feet of a pile driving location no less than seven (7) days prior to the start of such activities and shall include the estimated start date, estimated end date, and the liaison's contact information. The notice and a list of recipient addresses shall also be mailed to the Zoning Administrator.
- The following noise-reducing practices shall be followed to reduce construction noise:
 - Trucks and engine-powered equipment shall include mufflers and engine shrouds no less effective than those originally installed by the manufacturer;
 - Trucks and engine-powered equipment shall be maintained in proper tune according to manufacturers' specifications;
 - Truck engine exhaust braking shall be limited to emergencies; and
 - The use of noise-producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only.

Solar energy facilities are known to be relatively safe land uses with respect to electric shock, fire, toxicity and EMF fields. The proposed facility will also be monitored via Supervisor Control and Data Acquisition (SCADA) systems. Additionally, the applicant's supplied Emergency Operations Plan – Construction and Emergency Operations Plan – Operations are proposed to be conditioned. These documents were created with the collaboration of County FREM and Planning staff and provide information on varying topics including but not limited to:

- Employee roles, training, and communication procedures
- Unique concerns from PV systems
- Fire prevention and response
- Storms and natural disasters
- Spills
- Hazardous materials

Presently, staff has not recommended a condition to completely prohibit burning of timber wastes onsite, but has conditioned limitations on burning.

Additional burning conditions exist within the Emergency Management Plan – Construction which apply expressly to burning of timber waste, those include:

- A permit shall be acquired from Spotsylvania County.
- All combustible materials shall be removed within 35 feet of trench burning.

- A water truck shall be on standby.
- Trench burners shall be equipped with fire extinguishers.
- Check wind forecasts for the day and do not burn on high wind days (sustained winds more than 25 mph) or when prohibited by Spotsylvania County Fire Department.
- Burning shall take into consideration sensitive receptors and prevailing wind direction at lower speeds (<25 mph).
- Burning shall cease 2 hours prior to end of work day.
- A Fire Watch Person will be designated to monitor all trench burning activities.
- The Fire Watch Person shall remain within the immediate area of the trench burning at all times and shall not be assigned any other duties.
- If the burn area is still producing smoke, it is technically still burning and must be attended.

The County requested input from Dewberry consulting regarding the safety of PV panels containing Cadmium Telluride. They responded:

- “Cadmium Telluride (CdTe) is a compound that contains cadmium and tellurium. It is a black crystalline powder that is odorless, not water soluble and non-flammable. It has a melting point of above 1000 °C and the boiling point is above 1100 °C. Cadmium by itself is a highly toxic material, however, based on research cadmium telluride is much less toxic than pure cadmium. CdTe can be toxic if it is ingested, inhaled or comes in direct contact with skin.”
- “If they are handled properly during all phases of construction and disposal, they will not emit any toxicity into the environment.”

The applicant has submitted a plan for conditioning for the testing and remediation of any soils affected by heavy metals, which is under review.

Staff has requested further information from the applicant regarding their plans to test and remediate any affected soils and has modified their recommended conditions accordingly.

The County requested input from Dewberry consulting regarding any potential heat island effect. They acknowledged the presence of a heat island effect, though difficult to measure and recommended:

- Enhanced setbacks of 350 from residences
- Buffers and berms should include shade trees and shrubs to create dense screens to absorb radiative heat and should be maintained.
- Vegetative coverage must be maximized with grasses to assist in evapotranspiration and soil heat absorption.

Staff has modified their recommended conditions accordingly.

The County requested input from Dewberry consulting regarding the Decommissioning documentation. They provided a number of suggestions, including but not limited to:

- The Decommissioning Plan does not address restoration of compacted soils, resulting from construction traffic and activities during decommissioning of the site.
- Additional information/detail shall be provided on the restoration of the ground after the existing underground conduits and lines are removed
- Clarification should be provided regarding the restoration of the proposed gravel access roads and stormwater management facilities.
- That the County require bonding the actual cost of the decommissioning before the recycling amounts are figured in.

The applicant has submitted a revised Decommissioning Plan for conditioning, which is under review.

No hydrologic impacts are expected from this proposal. The applicant has confirmed with staff that no onsite wells will be sued to extract groundwater from this site.

The following project fiscal impacts were discussed:

- Rollback tax is approximately \$40,500 (one time payment)
- Code of Virginia provides tax exemptions from local property taxes.
- For the sPower project (500 MW) the exemption is 80%.
 - The County collects taxes at the real estate tax rate on 20% of the assessed value of the facility.
 - This project will be assessed by the SCC.

There was discussion on a fiscal and economic impact analysis based on value of \$554.5M at buildout & at current tax rate.

Comprehensive Plan Analysis:

A preliminary Comprehensive Plan analysis is included within the staff report covering the various elements of the Comprehensive Plan:

- Introduction & Vision
- Land Use
- Transportation
- Historic & Cultural Resources
- Natural Resources

Staff cannot recommend that the application is in conformance with the Comprehensive Plan at this time.

Staff's analysis of the subject case with respect to the 8 Standards of Special Use Permit approval is contained within the staff report though subject to change. At this time, staff cannot find the project consistent with all 8 standards.

Staff recommends continuation of the Planning Commission's vote so that staff may review the four plans from the applicant for integration into staff's recommended conditions.

Those include:

1. Landscape Cover and Buffer Maintenance Plan as recommended by the County's consultant to mitigate any negative impacts of any heat island effect from the Facility and to establish procedures for the planting and maintenance of vegetation. This plan shall include the recommendations from Dewberry in Appendix D and further shall:
 - a. Include a general plan for management of the property's internal access roads, firebreaks, panel rows, required buffers, preserved vegetative buffers, and growth underneath of solar panels;
 - b. Describe the seed mix proposed for use on the property. The mix shall be selected based on their abilities to quickly germinate to stabilize soils and attract pollinators;
 - c. Include a Pollinator Support strategy which shall provide details on the pollinator attractive seeds proposed for use during construction or operation of the facility.
 - d. Include an Invasive Species Management strategy to prevent noxious and invasive growth of weeds and species on the property; and
 - e. Identify herbicides and pesticides proposed for use.
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 (appendix D.).
3. Decommissioning Plan revisions as recommended by the County's consultant to address the full breadth of decommissioning a SEF (Appendix D).
4. A final Traffic Mitigation Plan that shall include, at a minimum:
 - a. A school bus avoidance plan to limit construction and employee traffic accessing the property during the hours of 6:10-8:40 a.m. and 2:45-4:40 p.m. during the Spotsylvania County Public Schools instructional year;
 - b. A plan for on-site parking areas, off-site shuttle parking areas, and for shuttling at least seventy percent of the workforce to and from the site during construction;
 - c. A plan coordinated with VDOT for video documentation of construction haul routes including pavement conditions along said routes, driveway corners, and aprons of any roads used for access to the site; and
 - d. Details of temporary traffic control measures.

The applicant has provided drafts of these documents which are under staff review. Staff's further recommended conditions are contained within the staff report and may be read or displayed into the record pursuant to the Planning Commission's request.

Applicant, Charlie Payne representing sPower: Mr. Payne stated that sPower is a leading independent power producer that owns and operates more than 150 utility and commercial distributed electric generation systems in 12 states. sPower is owned by two major investors, AES Corp., headquartered in Virginia and is a Fortune 500 company and Alberta Investment Management Investment Corp, one of the world's largest institutional investment companies. He discussed the SCC Approval process and that they were issued a certificate of public

convenience and necessity on August 8, 2018. Mr. Payne gave an overview of the proposed project and that it will only utilize 3,500 acres and 2,800 acres will be preserved. The property was selected due to its rural location, contiguous area of vacant land and proximity to the existing adjacent Dominion Substation, which eliminates the need for further transmission lines spanning across the County. He discussed the economic development benefits that the proposal provides and the environmental impacts and how they will be addressed and handled. He discussed cultural resources and open space and buffering. If approved, construction could begin in early 2019 and be completed by the summer of 2020. He discussed construction traffic and how it will be handled. Mr. Payne stated that they will have an Emergency Response Plan during construction and operations. The property is consistent with the comprehensive plan and is designed in a manner to mitigate any impacts to our neighbors. The project is anticipated to employ 25-30 full-time positions at the project site once construction is complete. The project will also include a traffic management plan to address and mitigate construction traffic impacts on peak hour and school traffic. Mr. Payne stated that the Decommissioning Plan includes all costs to remove solar equipment and return the site to its pre-existing condition and will be updated every two years. It included bonding requirements adjusted according to aforesaid update. In approximately 35 years, the project will be decommissioned and returned to its previous land use. Lastly, Mr. Payne summarized the benefits to the County. He stated that over \$600 million investment in the county to develop a 21st century innovative and clean energy generating facility. Creation of over 700-800 local new jobs that will immediately pump approximately \$54 million in the local and regional economy. New and expanded County tax revenue generation exceeding \$10 million over the life of the project vs. approximately \$700,000 under current use during the same period or approximately a 1,328% greater return. Payment of \$575,000 in County rollback taxes upon approval of the SUP, etc.

Mr. Newhouse reviewed the public hearing procedures and opened the public hearing.

Speaking in favor or opposition:

Vic Meadows, Livingston District: He urged the Commission to support the proposal.

Sara Meadows, Chancellor District: She stated that she hopes the Commission does the right thing. She stated that there are so any half truths out there. She discussed how development has continued to occur even near the most controversial case she can remember, Luck Stone. She stated that the Lidl warehouse built adjacent to the quarry, along with Lee's Parke and Courtland Parke. She stated that the proposal is in the right place.

Sean Fogarty, Livingston District: He stated that the 2232 review of the Comprehensive Plan should be independent of the review of the proposal since it's a separate process. He stated that this proposal violates #1 of the Virginia Code. He urged the Commission to vote no.

Mike Mikolosko, Livingston District: He stated that the three sites consume nearly ¼ of all agricultural zoned land. He stated that the proposal is not a complimentary land use.

Mike Anastasio, Livingston District: He stated that that the buffers should be applied to all sites and that what is proposed is inadequate.

Kevin McCarthy, Livingston District: He discussed that this is number five out of 10 of the largest solar farms in the nation. He raised many concerns about the proposal.

Brenda O'Bier, Livingston District: She discussed that when it rains, she has a river in her back yard. She also discussed a weed that has been planted on the property and that one of her grandchildren is highly allergic. She stated that this development shouldn't cost anyone any money.

Robin Sutton, Livingston District: She stated that she expected that the PC firm up the water conditions. She also discussed fears of her children being run off the roads by tractor trailers.

Russ Mueller, Livingston District, Speaking on behalf of the Concerned Citizens of Fawn Lake: He stated that he could re-read Clark Leming's letter. He urged the Commission to consider reopening the public hearing so that they are able to speak on the four new submissions. He also stated that he hasn't heard from the Commission whether the conditions that their group has suggested will be included.

Lester Leamer, Livingston District: He stated that the proposed land will no perk. He also advised that the pilings will be damaged by soils and that the roads are insufficient.

Moya Doss, speaking on behalf of DeDe Balut: She has had experience with sPower previously out west and suggested that this will go into litigation. She stated that the good that they represent is too good to be true.

Michael O'Bier, Livingston District: He stated he resides right at 'ground zero.' He stated that the land will be destroyed of history and heritage and that the Commission faces a moral dilemma. He also raised concerns about sPower staff neglecting to answer questions.

Kathleen Hayden, Livingston District: She stated that she is a realtor and that this proposal will reduce housing values. She advised that the berms and setbacks from adjacent properties is insufficient and should be a minimum of 350 for all properties.

David Hammond, Livingston District: He suggested that a 700 feet setback is necessary and believes the setbacks should be on all properties, not just Fawn Lake properties. He also discussed that one report excluded summers on a PowerPoint he showed from Ontario, Canada.

Irv Boyles, Livingston District: He stated that he feels like the Board and Planning Commission are not taking the proposal seriously and that the proposal makes the county vulnerable to terrorist and cyber attacks.

Kirk Byers, Livingston District: He stated that the Commission needs to know who they are dealing with before they strike a deal with them. He discussed employees being forced out of companies and lawsuits that have risen from them.

Judy Genaille, Livingston District: She discussed burning and that it should be prohibited. She displayed a video of benefits of chipping timber waste as opposed to burning. The CDC warns

of burning and the health risks associated. It is highly toxic to lung tissue.

Dick Genaille, Livingston District: He stated that 24/7 firefighting capability and support will be needed for the site. He discussed the potential for devastating lightening strikes and the ability to de-energize the site.

Vivian Stanley, Livingston District, representing We the People: She stated that there has been some outcry assocted with her “death camp” comparison and stated that she said it and she means it. She is very unhappy about the possibility of the proposal being approved.

Dorothy Miller, Livingston District: She inquired about what the county is getting from this and that it should stand on its own merits.

Senator Bryce Reeves: He discussed that he is trying to pass legislation in regarding to performance bond requirements and decommissioning so that the citizens are not stuck with that bill. He stated that devil is in the details.

Danny Pemberton, Chancellor District, representing Spotsylvania Landowners Association: He stated that he is in full support of the proposed project and green energy. He stated that this is a property rights issue and that his group supports this project. He discussed all the issues that arose when Fawn Lake was first beginning to build.

Sharon Brill, Livingston District: She stated that the Commission members have a tough job. She discussed that there are two fault lines under the proposed development. She stated that it is imperative that the Commission members read everything and that there is still a lot of work left undone.

Mike Aytes, Livingston District: He discussed his concerns in regard to setback, water usage, open burning, Cad tel, fertilizer usage, and adequate performance bonds.

Alan Branfman, Livingston District: He stated that he has concerns about the LLC usage and that they can close up and walk away at any time. He stated that perception is reality.

John Goodrich, Livingston District: He stated that he has concerns about the DOD Clearinghouse recommendation has been ignored by sPower.

Kendra Zurawski, Livingston District: She stated that she is a realtor and mother and has concerns about property values. She stated that she has recently lost two sales because of the proposal. She stated that the two lane, curvy road is a recipe for disaster.

Rusty Foley, Richmond, Va: He stated that he was speaking on his own behalf after being questioned about his affiliation with RiverOak Timberland Investment, LLC. He stated that this is a wonderful project and that they will be a long term good neighbor. He stated that home values willnot be affected and that the proposal will be a great advertisement for the County.

Scott King, Livingston District: He stated that he lives near site A and that he has concerns

about the aquifer, as well as E & S concerns. He stated that the original report is out of date.

Dave Hofmiester, Livingston District: He discussed the size of the proposal and that Culpeper listened to their citizens. He stated that no one seems to be listening to the voices of the citizens and encouraged the Commission to deny the proposal.

Nancy McNamara, Livingston District: She stated that the citizens have studied and that they have reports from a NC professor that supports solar if done correctly. She suggested that smaller meetings and town meeting, more mailings should occur and that everyone needs to be involved.

Augustus Cotera, Chancellor District: He stated that he supports solar power usage and that there is no planet better than the Earth and that we must protect our Earth by eliminating the usage of fossil fuels.

Kathy Lovello, Livingston District: She urged the Commission to please vote no. She stated that there is likely to be muddy runoff due to rains. The decommissioning plan has no solution for getting rid of the panels and doesn't want to be the laughing stock of the nation. She stated that the location is her biggest concern and that the Commission needs to rely on the comprehensive plan. She stated that they need to honor the plan and do no harm.

Al Palmer, Livingston District: He stated that five new plans have been submitted and that the public hearings should be kept open so that staff and the citizens have time to review and make comments to the new materials. He discussed decommissioning and that money should be held in a cash escrow.

Suzanne Zimmerman, Livingston District: She stated that we are stewards of the land and that we should honor god by not scaring our land.

Justin Dayney, Livingston District: He stated that he is a real estate attorney and that he has heard arguments from both sides. He discussed how appraisals can be worlds apart.

Tim Tarzier, Livingston District: He stated that we need to make Virginia an example. He discussed 20 foot berms.

Scott Hanken, Livingston District: He is an airforce veteran and used to fly over solar fields out west. He stated that there was at least 100 miles between these and everything else and doesn't feel this location is adequate.

Keri McHugh, Livingston District: She stated that she is concerned about emergency response times as well as the loss of forestry. She stated that solar power is great but not at this magnitude.

Richard Toyne, Courtland District: He stated that there are far too many unanswered questions and that the magnitude is huge and is the largest on the east coast.

Alfred King, Livingston District: He discussed the calendar and how the clock is ticking for the board to respond to sPower. He stated that he feels the time line to be impossible.

Lew Sherman, Livingston District: He stated his concerns about decommissioning and the amount of funds necessary.

Peggy Brewer, Livingston District: She discussed that her home burned to the ground and that there wasn't enough water to put out the fire as her home burned. She stated that we cannot support what we already have. She discussed how her foundation was damaged from earthquake.

Scott Jensen, Orange County: He stated that he lives within 3 miles of the proposal and that this is bigger than just Fawn Lake. He stated that he is for clean energy, just not the scale of this proposal.

Kevin McCarthy, Livingston District: He stated that he is speaking on his own behalf now and that a previous speaker who was in favor, failed to mention that he is now employed by sPower. He stated that they keep discussing that this will provide 700 jobs. What they fail to mention is that these are temporary jobs.

Melissa Watson, Livingston District: She stated that she has a special needs son who is autistic and that he will not survive the decibels of the pile driving and open burning.

Bill Betts, Livingston District: He stated that he and his wife moved into Fawn Lake and that this is not about what's right for Fawn Lake, it's about what's right for the County. The roads are very narrow and questioned whether the Commissioner's would want this in their backyard.

Applicant, Charlie Payne, representing sPower: He stated that he appreciates all of the comments. He suggested that the citizens refrain from the hysteria and focus on the facts and analysis. He stated that the proposal includes 98 conditions, which may be a world record. He stated that the proposal will put Spotsylvania County on the map and that this type of energy is encouraged by the government. He stated that people need to stick to facts and not provide misleading data.

Mr. Newhouse stated that given the hour, much work still needs to occur. It will give the Commissioners time to formulate questions and comments.

Mr. Newhouse closed the public hearing.

Motion and vote: Mr. Newhouse made a motion, seconded by Ms. Carter to continue the discussion and vote on SUP18-0002 to January 2, 2019 to provide an opportunity for the applicant to supply the Plans recommended by staff and respond to any other noted deficiencies and so Planning Commissioners can continue to review the application and consider the input received during the public hearing. The motion passed 6-1, with Ms. Maddox voting no.

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.

Mr. White presented the case. He stated that the overall project contains 5,200 acres and that 2,800 will be disturbed acres. The use will provide 400 MW of power.

Mr. White explained Photovoltaic panels and that they are pre-assembled collections of integrated photovoltaic cells. They are produced from a number of manufacturers which use different materials. The applicant has indentified that they plan to use two panel manufactureres: Jinko panels and FirstSolar Series 5 panels. The panels are strung together into strings which are racked into rows. The rows are equipped with hardware allowing them to automatically rotate in order to maximize sun exposure. Rows are supported by stell pilings which are driven into the ground. The applicant's GDP depicts an Array, which consists of 6 Sub-Arrays. Each Sub-Array is a collection of 32+/-rows. Each row is a collection of 90 PV panes. These feed two inverters wich collect the energy in DC form and convert it to AC power. This electricity is then transferred via underground conduit to an sPower substation, proposed near the existing Dominion substation, which increases the voltage, measurers it, and transfers it for connection to the power grid via the Dominion substation.

Mr. White stated that the inverters can easily be identified on the GDP as small black rectangles which sit slightly apart from panel rows or blocks. They're locations may change through final site design. They are proposed to be setback a minimum of 400 feet because they produce a small electronic hum and they are often accompanied by small generators. The GDP depicts the general plan of the proposal and is not a final design. If the Special Use is approved, detailed engineering is submitted to the County for Site Plan review. The Site Plan Review process verfies compliance with County Codes, lasws, and any conditions of the SUP. The Building Permit Review process would verify compliance with building and electrical codes. The GDP is also used to depict access points, setbacks, buffers, resource protection areas (RPA's), Stormwater collection features, and designates other significant points of interest.

Site C is proposed to be accessed from three locations. Entrance 5 provides access to the northern portion of Site C. Entrance 5 is proposed via an existing easement from the site to W. Catharpin Road. Entrance 5 is in close proximity to neighboring homes. (70 feet +/-) A left turn lane is expected at this location based on current estimates. The entrance would require a design exception waiver for inadequate sight distance. This segment of roadway has a higher than normal rate of accidents. Site C is proposed to be accessed from two locatios on Post Oak Road. Entrance 6 is proposed straddling a property line between parcels and is an existing easement. A 200-foot right turn taper is warranted based on current trip estimates. The entrance would require a design exception waiver for inadequate sight distance. Entrance 7 is proposed via an existing gravel road called Chewing Place. A 200-foot right turn taper is warranted based on current trip estimates.

The current Construction Access and Access Evaluation also provides estimated new trips due to construction which County Traffic Engineering used to estimate level of service impacts on major road segments. Staff found generally that through the construction period levels of service would decrease on all major roads providing access to the site. Following construction these should return to normal operating levels. Estimated daily trips are 420 (400 from employees, without revising for staff's recommended shuttling condition of 70% of workforce).

Staff has requested that the applicant provide further details regarding the construction traffic impacts, and supply a final Traffic Mitigation Plan for conditioning which shall include:

- a) A school bus avoidance plan to limit construction and employee traffic accessing the property during the hours of 6:10-8:40 a.m. and 2:45-4:30 p.m. during the Spotsylvania County Public Schools instructional year;
- b) A plan for on-site parking areas, off-site shuttle parking areas, and for shuttling at least seventy (70) percent of the workforce to and from the site during construction;
- c) A plan coordinated with VDOT for video documentation of construction haul routes including pavement conditions along said routes, driveway corners, and aprons of any roads used for access to the site; and
- d) Details of temporary traffic control measures.

*The applicant has submitted a draft of this document which is under staff review.

Spotsylvania is a local VSMP authority, meaning that the County regulates Stormwater management in accordance with Virginia laws, rather than the Virginia Department of Environmental Quality. A conceptual, but more detailed design of the applicant's first phase was provided to E&S staff for consideration, it identifies a Zone E in the SE corner of the overall site. It presently includes details on resource protection areas, perimeter controls, silt fencing, sediment traps, ponds and basins, etc. If this special use permit is approved, this plan will be further developed to a fully designed site plan for Phase 1 of the project. The concept plan provides a template for how the rest of the site will be constructed. There are additionally a significant number of E&S conditions provided in the staff report which allow the County to confidently mitigate the substantial erosion and sediment control concerns resulting from a project of this magnitude. Example slides were displayed showing silt fence & pond construction.

Mr. Tignor stated that the proposed E&S and stormwater management plans are in technical compliance with code requirements and the County is using a 3rd party engineer for the review. There will be a limit of 400 acres land disturbance in aggregate which is manageable area for mandated inspections given staffing levels. Inspections will occur during construction by county staff and three engineering firms under procurement contract. The inspection costs to the county will be addressed with recent adoption of new fee schedule for erosion inspections and large scale projects like this. Mr Tignor displayed a slide showing the minimum required by code and the sPower Plan Zone template for the environmental construction concerns that have been raised. The applicant intends to provide the following:

- Adding super silt fencing and filtering barriers
- sPower will clean at 25% capacity

- Upslope siltation socks – left or cut
- Basins to be converted to permanent facilities
- On site ready response force for ESC
- RLD on site
- Additional windrow barrier to direct to basins
- Drill seeding for quicker seed ESC germination
- Soil testing before drill seeding
- On site equipment for ESC controls/repairs
- Use of drone technology points to focus area.

Mr. White advised that no protected species were identified as likely to be impacted through this proposal. The same expanded E&S conditions proposed for Site A are proposed for this subject site which contains a large mass of Catharpin Run. Wildlife compatible fencing is proposed by the applicant every 2,000 feet. Staff has no further recommended conditions pursuant to environmental protections specific to this Site C.

Archeological and Architectural Surveys were conducted with cooperation of the Virginia Department of Historic Resources (VDHR). The surveys examined above and below ground resources for potential inclusions in the Virginia Landmarks Register or the National Register of Historic Resources. Although a number of archeological resources were identified there were no above or below ground findings warranting additional study. No impacts are expected to cultural resources on Site C.

The applicant's current GDP depicts 50 foot setbacks with two options for screening homes along a select segment of Post Oak Road near the entrance point. The landscaping treatment proposed included:

- Preserved 50' buffer
- Replanted buffer with saplings
- Natural regrowth buffer
- Planted buffer
 - Evergreen trees every 20' on center, or
 - Evergreen trees every 30 feet on center with shrubs between.

Staff has recommended increased setbacks and buffering for the site which exceeds that proposed in the GDP and depicted in the viewsheds.

Prescribed setbacks are 50 feet except that:

- Fencing, berms, landscaping, roads, bridges, utility poles are exempt.
- No trees shall be removed from any of 50 setback or 50 buffer except for exotic species removal, hand-clearing of dead or dying trees, or any clearing for ingress/egress or infrastructure connections.
- Inverters and generators shall be setback 400 feet.

- Any property adjacent to the site containing a home triggers a 350 foot setback of solar arrays and supporting structures along the shared property line.

Staff has recommended conditions to extend setbacks and improve buffering for the site which exceeds that proposed in the GDP and depicted in the viewsheds. Buffer plantings are as proposed on the GDP except that:

Residential structures within 300 feet which are not separated by an existing 40 preserved buffer will be screened with a bermed buffer.

- The berm shall be 8 feet in height, shall have a minimum 6 foot planting area atop the berm.
- The berm shall not exceed a slope of 1 foot of vertical rise to 2 feet of vertical run.
- Plantings shall be atop and outside of the berm.
- The berm shall be outside of any fencing.
- The berms shall be installed coincident with each phase of construction and before any pile driving within 1,000 feet of the berm.
- Shall be designed by certified landscape designer or landscape architect to minimize visibility, maximize survivability, and minimize losses from deer or other wildlife consumption.
- Shall consist of a minimum of:
 - One evergreen tree with a minimum height of six feet every ten feet
 - One large deciduous tree with a minimum trunk caliper of two inches measured six inches from ground every fifteen feet.
 - One understory deciduous tree with a minimum height of four feet every ten feet.

Residential structures within 300 feet which are separated by an existing 40 preserved buffer and any adjacent residential structures within 600 and any VDOT maintained right-of-way shall be screened with a supplemental buffer which shall consist of a minimum of:

- One evergreen tree with a minimum height of six feet every fifteen feet
- One large deciduous tree with a minimum trunk caliper of two inches measured six inches from the ground every ten feet.

These buffers shall also be designed by a certified landscape designer or landscape architect to minimize visibility, maximize survivability, and minimize losses from deer or other wildlife consumption. Existing landscaping is expected to provide a significant contribution to screening. The applicant has submitted a Landscape, Revegetation and Management Plan for conditioning, which is under review.

For lots with residences:

- An 8 foot tall logging mulch berm with supplemental plantings of large evergreens 20 feet on center in front of berm and natural regrowth behind the berm for 75 feet. –OR–

- Install a double staggered row of supplemental trees within a 30 foot wide area and a natural regrowth area behind. (Either would be 100' wide)

For lots without residences:

- Maintained 50' Buffer where existing trees remain.
- 50' natural growth buffer where existing trees do not remain.

This proposal also includes proposed seed mixes and some additional pollinator support information. The plan is under staff review.

The construction of the proposed facility will generate construction noise from onsite vehicles and activities. Construction noise will reach its highest point when the support pilings are being driven into the ground near residential homes. This activity should last approximately 4 days and then lessen substantially as the pile driving is completed in proximity to the homes. The applicant's submitted noise map should be substantially improved by the new conditions related to setbacks and buffering.

Construction activities are exempt from County noise ordinances, but staff has proposed conditions to mitigate noise on neighboring residents. Exclusive of additional setbacks or buffers, other conditions include:

- All clearing, grading, and construction of the Property shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday and Sunday;
- Pile driving within 500 feet of any residence shall cease at 5:00 p.m. daily and shall be prohibited all day on every first and third Sunday of the month;

Advance notice shall be mailed by first class mail to properties within 1,000 feet of a pile driving location no less than seven (7) days prior to the start of such activities and shall include the estimated start date, estimated end date, and the liaison's contact information. The notice and a list of recipient addresses shall also be mailed to the Zoning Administrator.

The following noise-reducing practices shall be followed to reduce construction noise:

- Trucks and engine-powered equipment shall include mufflers and engine shrouds no less effective than those originally installed by the manufacturer;
- Trucks and engine-powered equipment shall be maintained in proper tune according to manufacturers' specifications;
- Truck engine exhaust braking shall be limited to emergencies; and
- The use of noise-producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only

Solar energy facilities are known to be relatively safe land uses with respect to electric shock, fire, toxicity and EMF fields. The proposed facility will also be monitored via Supervisor Control and Data Acquisition (SCADA) systems. Additionally, the applicant's supplied Emergency Operations Plan – Construction and Emergency Operations Plan – Operations are

proposed to be conditioned. These documents were created with the collaboration of County FREM and Planning staff and provide information on varying topics including but not limited to:

- Employee roles, training, and communication procedures
- Unique concerns from PV systems
- Fire prevention and response
- Storms and natural disasters
- Spills
- Hazardous materials

Presently, staff has not recommended a condition to completely prohibit burning of timber wastes onsite, but has conditioned limitations on burning.

Additional burning conditions exist within the Emergency Management Plan – Construction which apply expressly to burning of timber waste, those include:

- A permit shall be acquired from Spotsylvania County.
- All combustible materials shall be removed within 35 feet of trench burning.
- A water truck shall be on standby.
- Trench burners shall be equipped with fire extinguishers.
- Check wind forecasts for the day and do not burn on high wind days (sustained winds more than 25 mph) or when prohibited by Spotsylvania County Fire Department.
- Burning shall take into consideration sensitive receptors and prevailing wind direction at lower speeds (<25 mph).
- Burning shall cease 2 hours prior to end of work day.
- A Fire Watch Person will be designated to monitor all trench burning activities.
- The Fire Watch Person shall remain within the immediate area of the trench burning at all times and shall not be assigned any other duties.
- If the burn area is still producing smoke, it is technically still burning and must be attended.

The County requested input from Dewberry consulting regarding the safety of PV panels containing Cadmium Telluride. They responded:

- “Cadmium Telluride (CdTe) is a compound that contains cadmium and tellurium. It is a black crystalline powder that is odorless, not water soluble and non-flammable. It has a melting point of above 1000 °C and the boiling point is above 1100 °C. Cadmium by itself is a highly toxic material, however, based on research cadmium telluride is much less toxic than pure cadmium. CdTe can be toxic if it is ingested, inhaled or comes in direct contact with skin.”
- “If they are handled properly during all phases of construction and disposal, they will not emit any toxicity into the environment.”

The County requested input from Dewberry consulting regarding any potential heat island effect.

They recommended:

- Enhanced setbacks of 350 from residences
- Buffers and berms should include shade trees and shrubs to create dense screens to absorb radiative heat and should be maintained.
- Vegetative coverage must be maximized with grasses to assist in evapotranspiration and soil heat absorption

The County requested input from Dewberry consulting regarding the Decommissioning documentation. They provided a number of suggestions, including but not limited to:

- The Decommissioning Plan does not address restoration of compacted soils, resulting from construction traffic and activities during decommissioning of the site.
- Additional information/detail shall be provided on the restoration of the ground after the existing underground conduits and lines are removed
- Clarification should be provided regarding the restoration of the proposed gravel access roads and stormwater management facilities.
- That the County require bonding the actual cost of the decommissioning before the recycling amounts are figured in.
-

The applicant has submitted a revised Decommissioning Plan for conditioning, which is under review.

No hydrologic impacts are expected from this proposal. The applicant has confirmed with staff that no onsite wells will be used to extract groundwater from this site.

The following project fiscal impacts were discussed:

- Rollback tax is approximately \$40,500 (one time payment)
- Code of Virginia provides tax exemptions from local property taxes.
- For the sPower project (500 MW) the exemption is 80%.
 - The County collects taxes at the real estate tax rate on 20% of the assessed value of the facility.
 - This project will be assessed by the SCC.

There was discussion on a fiscal and economic impact analysis based on value of \$554.5M at buildout & at current tax rate.

Comprehensive Plan Analysis:

A preliminary Comprehensive Plan analysis is included within the staff report covering the various elements of the Comprehensive Plan:

- Introduction & Vision
- Land Use
- Transportation
- Historic & Cultural Resources
- Natural Resources

Staff cannot recommend that the application is in conformance with the Comprehensive Plan at this time.

Comprehensive Plan Analysis:

A preliminary Comprehensive Plan analysis is included within the staff report covering the various elements of the Comprehensive Plan:

- Introduction & Vision
- Land Use
- Transportation
- Historic & Cultural Resources
- Natural Resources

Staff cannot recommend that the application is in conformance with the Comprehensive Plan at this time.

Staff's analysis of the subject case with respect to the 8 Standards of Special Use Permit approval is contained within the staff report though subject to change. At this time, staff cannot find the project consistent with all 8 standards.

Staff recommends continuation of the Planning Commission's vote so that staff may review the four plans from the applicant for integration into staff's recommended conditions.

Those include:

5. Landscape Cover and Buffer Maintenance Plan as recommended by the County's consultant to mitigate any negative impacts of any heat island effect from the Facility and to establish procedures for the planting and maintenance of vegetation. This plan shall include the recommendations from Dewberry in Appendix D and further shall:
 - a. Include a general plan for management of the property's internal access roads, firebreaks, panel rows, required buffers, preserved vegetative buffers, and growth underneath of solar panels;
 - b. Describe the seed mix proposed for use on the property. The mix shall be selected based on their abilities to quickly germinate to stabilize soils and attract pollinators;
 - c. Include a Pollinator Support strategy which shall provide details on the pollinator attractive seeds proposed for use during construction or operation of the facility.
 - d. Include an Invasive Species Management strategy to prevent noxious and invasive growth of weeds and species on the property; and
 - e. Identify herbicides and pesticides proposed for use.
6. 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 (appendix D).
7. Decommissioning Plan revisions as recommended by the County's consultant to address the full breadth of decommissioning a SEF (Appendix D).
8. A final Traffic Mitigation Plan that shall include, at a minimum:

- a. A school bus avoidance plan to limit construction and employee traffic accessing the property during the hours of 6:10-8:40 a.m. and 2:45-4:40 p.m. during the Spotsylvania County Public Schools instructional year;
- b. A plan for on-site parking areas, off-site shuttle parking areas, and for shuttling at least seventy percent of the workforce to and from the site during constructions;
- c. A plan coordinated with VDOT for video documentation of construction haul routes including pavement conditions along said routes, driveway corners, and aprons of any roads used for access to the site; and
- d. Details of temporary traffic control measures.

The applicant has provided drafts of these documents which are under staff review. Staff's further recommended conditions are contained within the staff report and may be read or displayed into the record pursuant to the Planning Commission's request.

Applicant, Charlie Payne representing sPower: Mr. Payne briefly discussed setbacks and stated that they have revised their plan and that they will have a minimum 100 foot setback from any adjacent property. He discussed that there is one resident that resides in Fawn Lake who will have a 350 foot setback and others are 460 foot setback. He discussed that Dr. Thenakis will be present for the Planning Commission discussion. He discussed that there is no heat island effect and that the decommissioning plan includes bonding following the standards. He stated that you cannot ignore the value of the asset. Mr. Payne also discussed that they will be removing debris in one of three ways. He stated that they have had many conversations with Fire/Rescue and that they are consistent with OSHA and all county ordinances. There will be very little impact once constructed and during construction they have measures in place to reduce impacts. He mentioned that permitting and bonding is governed by VDOT and the County and they will not be degrading the level of service.

Speaking in favor or opposition:

Lester Leamer, Livingston District: He stated that he has read the plans from start to finish and that there are a lot of contradictions as to entrance locations. He stated that he is concerned about potential accidents as a result of this development.

Kirk Byers, Livingston District: He stated that the County is entering into a business relationship with people that we don't know. He stated that he has spent 200 hours reading about the bankruptcies and corruption that has happened with these people.

John Goodrich, Livingston District: He stated that he has concerns about the DOD Clearinghouse recommendation has been ignored by sPower.

Sean Fogarty, Livingston District: He stated that he finds Mr. Payne's comment about hysteria insulting. He stated that he and his neighbors have been researching and working on this for 10-11 months. He stated that he and others would like an opportunity to review the new documents submitted by sPower.

Al Palmer, Livingston District: He stated that he has concerns about the expert being permitted to testify on January 2, 2019 and questioned why he wasn't present this evening.

Russ Mueller, Livingston District: He stated that the Commission has the ability to re-open the public hearing so that others are able to comment on the revised plans that have been submitted by sPower.

Dave Hammond, Livingston District: He stated that he hopes the Commission will take the time to read the documents submitted by Eckerland from North Carolina. He stated that the applicant is stonewalling the county.

Charles Buchanan, Livingston District: He stated that he is concerned about the mulch berm that he has heard is being proposed. He stated that the funny thing about mulch is that you lay it down each year and it disappears. That's what will happen if they choose to do a mulch berm. He stated that he could've retired from the Army and lived anywhere. He choose here. He stated that the trees will not hide a solar panel. He discussed that he has a daughter who just turned 16 and will be driving and he has concerns about her safety on the roadway.

Teresa Baxter, Livingston: She stated that she lives right in the middle of all three sites and that she her family has lived on this property for generations and generations. She inquired if the panels will end up in the Livingston landfill once decommissioned.

Richard Toye, He stated that he has seen a petition of those who are in favor of the proposal. He advised that the Commission should completely disregard such petition because those who have signed it are not present to plead their case.

Sharon Brill, Lee Hill District: She raised concerns about the roads being impacted as supplies and materials are hauled to the site.

Kerri McHugh, Livingston District: She strongly encouraged the Commission to reopen the hearings and give people the opportunity to comment on the revisions.

Melissa Watson, Livingston District: She stated that the Commission has heard from a long list of people to include doctors, lawyers, moms, veterans, etc. No one is against solar power but they are against the size and proximity. She advised that it is too big, too close and that due diligence by the Commission is necessary.

Kevin McCarthy, Livingston District: He stated he finds it laughable that people are saying solar is the future. He stated that this is a really big bet the county will be undertaking considering it would be the fifth largest in the United States.

Applicant, Charlie Payne: He stated that he apologizes for his use of the word hysteria. They have nothing to hide and they are excited to have the consultant present at the January 2, 2019 meeting. He wished the Commission a Merry Christmas and Happy New Year.

Mr. Newhouse closed the public hearing.

He stated that although he is closing the public hearing, he encouraged folks to continue to submit their comments and information to staff and the Commission. He stated that it's now time for the Commission to be able to comment and ask questions of the staff and applicant.

Mr. Thompson stated that he feels it necessary to go back and re-open all three hearings so that the public may have a voice on the revisions submitted by the applicant.

Ms. Maddox stated that she too would like to keep the hearing open. She informed the public that if the hearings aren't reopened, she encourages folks to continue emailing and submitting information to staff and the Commissioners. She stated that she reads them all and she hears what they are all saying.

Mr. Medina stated that if the hearing was to remain open, those who have already spoken would not be permitted to speak again.

Ms. Carter stated that it is 11:30 and advised that citizens can call their Commissioners and staff and have their questions answered. She stated that the Commission has heard their voices and now needs time to process and sort through the cases by asking questions of staff and the applicant.

Motion and vote: Mr. Newhouse moved to continue the discussion and vote on SUP18-0002 and SUP18-0003 to January 2, 2019 to provide an opportunity for the applicant to supply the Plans recommended by staff and respond to any other noted deficiencies and so Planning Commissioners can continue to review the application and consider the input received during the public hearing. The motion was seconded by Ms. Carter.

Roll call vote:

Mr. Medina, aye;
Mr. Smith, aye;
Mr. Thompson, nay;
Ms. Carter, aye;
Mr. Bullock, aye;
Ms. Maddox, nay;
Mr. Newhouse, aye;

Motion and vote: 5-2, with Mr. Thompson and Ms. Maddox voting no.

New Business: None

Public Comment: None

Adjournment:

Motion and vote: Ms. Carter made a motion, seconded by Mr. Smith to adjourn. The motion passed 7-0.

The meeting adjourned at approximately 11:40 p.m.

Paulette Mann _____

Paulette L. Mann

_1/2/2019 _____

Date