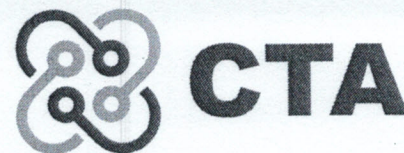


**Southside Electric Cooperative
Report on February Ice Storm**

Countywide Radio System RFP Evaluations
CTA Consultants

DRAFT

Lunenburg County, Virginia – RFP LUN-12-20
P25 UHF Conventional Radio System Proposal Evaluations



Tracy Gee, Lunenburg County Administrator
Lunenburg County
11413 Courthouse Road
Lunenburg, VA 23952

May 3, 2021

Dear Ms. Gee,

Subject: P25 UHF Conventional Radio System Proposal Evaluations
Lunenburg County RFP LUN 12-20

The Lunenburg County proposal evaluation team concluded its evaluation of the P25 UHF conventional radio system proposals submitted by L3Harris Technologies, Inc. (L3Harris) and Mobile Communications America, Inc. (MCA). As a result of the consensus of the evaluation team we are pleased to present this evaluation report.

The evaluation criteria are described in the P25 UHF Conventional Radio System Request for Proposals (RFP LUN 12-20), section 1 evaluation plan (1.11 Technical Proposal Evaluation, 1.12 Technical Proposal Questions, 1.13 Oral Presentations, 1.14 Price Proposal Evaluation, 1.15 Competitive Negotiations), and Appendix A Evaluation Criteria. Throughout the process, CTA acted as the advisor to the evaluation team on technical issues: identified and tabulated points of compliance and non-compliance for each vendor.

During the evaluation process the evaluation team questioned the proposers on multiple issues to resolve technical and pricing discrepancies between each proposal and the RFP. The proposers promptly responded to these questions and their responses are factored into the evaluation.

P25 UHF Conventional Radio System Proposal Evaluation Summary

Both L3Harris and MCA submitted radio system proposals in response to the RFP. The evaluation process and criteria were defined in the RFP and accepted by both proposers.

L3Harris System Design Description:

L3Harris proposes a new UHF 4-site, 6-channel P25 Conventional simulcast radio system. The proposed L3Harris radio system has built-in redundancy so that any RF site can operate the control point (outbound) and voting (inbound) of the new radio system. Their proposal includes the L3Harris XL series mobiles, portables, and control stations for public safety agencies and public service agencies in the Lunenburg County. L3Harris subscribers offer optional features for dual-band and all-band radios, AES multikey encryption, over-the-air program (OTAP), GPS location services, PTT cellular application, Bluetooth, Wi-Fi, and others.

L3Harris proposes four RF sites at the following locations:

- American Tower (commercial tower in the southwestern portion of the County)
- STARS Tower (Commonwealth of Virginia tower, located at the Correctional Center property)
- Mill Pond (Verizon tower and property, located near the eastern County line)
- Nottoway (tower is northeast from Lunenburg County located in Nottoway County)

L3Harris' proposed design guarantees 97% countywide mobile coverage, 97% countywide portable outdoors, and 95% portable indoors light buildings service area (approximately NE portion of the County, about a quarter of the entire County service area).

L3Harris proposes a simulcast radio system that will use the same UHF frequencies at all four sites. L3Harris' traffic analysis concludes that 6 channels provide adequate capacity for the County over the next 15 years.

L3Harris proposal includes two (2) new Symphony IP consoles in the Dispatch Center, and each position includes the transmit foot switch, microphone, headset, 2 auxiliary speakers, paging encoder, and an instant recall recorder (IRR). L3Harris has provided a backup control station at each console position. Their proposal includes an upgrade for the existing logging recorder (RevCord) to record the new UHF P25 Conventional radio system.

MCA System Design Description:

MCA proposes a new UHF 5-site, 6-channel P25 Conventional simulcast radio system. The proposed MCA radio system has built-in redundancy so that any RF site can operate the control point (outbound) and voting (inbound) of the new radio system. Their proposal includes the Motorola APX series mobiles, portables, and control stations for public safety agencies and public service agencies in the Lunenburg County. MCA subscribers offer optional features for dual-band and all-band radios, AES multikey encryption, and PTT cellular application. (Note: MCA did not offer other optional features in the RFP.)

MCA proposes five RF sites at the following locations:

- American Tower (commercial tower in the southwestern portion of the County)
- STARS Tower (Commonwealth of Virginia tower, located at the Correctional Center property)
- Mill Pond (Verizon tower and property, located near the eastern County line)
- Kenbridge Crown Castle (commercial tower and property in the Town of Kenbridge)
- National (National Communications tower located in Prince Edward County)

MCA's proposed design guarantees 97% countywide mobile coverage, 97% countywide portable outdoors, and 95% portable indoors light buildings service area (approximately NE portion of the County, about a quarter of the entire County service area).

MCA proposes a simulcast radio system that will use the same UHF frequencies at all five sites. MCA's traffic analysis concludes that 6 channels provide adequate capacity for the County over the next 15 years.

MCA proposal includes two (2) new Motorola MCC-7500 IP consoles in the Dispatch Center, and each position includes the transmit foot switch, microphone, headset, auxiliary speaker, paging encoder, and an instant recall recorder (IRR). MCA has provided a backup control station at each console position. Their proposal includes an upgrade for the existing logging recorder to record the new UHF P25 Conventional radio system.

Allocation of Points

The Evaluation Plan of the RFP lists two major factors of evaluation with points allocated to each – Pricing (30 points) and Technical Merit (70 points). The total number of points that can be received is 100 points.

The analysis of each factor of evaluation, based on the guidelines in the RFP, resulted in the following:

Pricing

1. Infrastructure Costs (10 points)

Points in this category are awarded based on the base proposed costs and the total added costs as identified by the evaluation team for each proposer, divided by the lowest Infrastructure Cost.

• L3Harris:	
○ Physical Facilities	\$ 1,188,763.74
○ Radio System	\$ 1,656,433.32
○ Dispatch Center	\$ 137,602.66
○ Services	\$ 923,643.00
○ Project Discount – Infrastructure	<u>\$(1,367,829.72)</u>
○ TOTAL	\$ 2,538,613.00
• MCA:	
○ Physical Facilities	\$ 2,860,834.10
○ Radio System	\$ 1,329,460.86
○ Dispatch Center	\$ 333,234.59
○ Services	\$ 646,409.23
○ Project Discount – Infrastructure	<u>\$(385,885.33)</u>
○ TOTAL	\$ 4,784,053.45

Based upon the pricing above, the following are the total points awarded to each vendor:

➤ L3Harris:	10.00
➤ MCA:	5.31

2. Subscriber Costs (10 points)

Points are awarded based on the Subscriber Cost, divided by the Minimum Subscriber Cost.

• L3Harris:		
○ Public Safety Subscriber Equipment		\$1,133,959.37
○ Non-Public Safety Subscriber Equipment		\$ 738,198.37
○ Project Discount – Subscribers		<u>\$(586,212.74)</u>
○ TOTAL		\$1,285,945.00
• MCA:		
○ Public Safety Subscriber Equipment		\$1,314,297.80
○ Non-Public Safety Subscriber Equipment		\$ 529,102.06
○ Project Discount – Subscribers		<u>\$(232,478.67)</u>
○ TOTAL		\$1,610,921.19

Based upon the pricing above, the following are the total points awarded to each vendor:

➤ L3Harris:	10.00
➤ MCA:	7.98

3. Second year through 15-Year Running Costs (Operations & Maintenance) (10 points)

Points are awarded based on the 2nd year through 15-Year Running O & M Cost, divided by the minimum Years 2-15 Running O & M Cost. L3Harris proposed the Years 2-15 Running O & M Cost is \$2,613,446.28. Mobile Communications America proposed the Years 2-15 Running O & M Cost is \$2,788,905.01.

Based upon the pricing above, the following are the total points awarded to each vendor:

➤ L3Harris:	10.00
➤ MCA:	9.37

Total Pricing Evaluation Points:

➤ L3Harris:	30.00
➤ MCA:	22.66

Technical

1. **System Configuration and Design (15 points)**

Points in this category are allocated based on the number of major exceptions found by the technical evaluation team in that Proposal. Two points are deducted for each major exception. Upon the completion of questions and responses, and the oral presentations to the County, the evaluation team assessed no major exceptions to L3Harris.

Upon the completion of questions and responses, and the oral presentations to the County, the evaluation team assessed one major exception to MCA's. MCA expressed concern about the potential high noise floor in Lunenburg County and stated their coverage guarantee may change after noise floor testing. Lunenburg County required proposers to meet the required coverage guarantee without qualification. Changing the coverage guarantee after contract signing does not meet the RFP requirements.

Based upon the results above, the following are the total points awarded to each vendor:

- L3Harris: 15.00
- MCA: 13.00

2. **Coverage Adequacy (20 points)**

Evaluation points are awarded according to coverage guaranteed. Both Proposers meet the coverage specifications (RFP section 6.3.5.3 Service Area Reliability) and receive 100% of the points for this category. Both L3Harris and MCA guarantee 97% portable outdoors service area (both directions – talk-out and talk-in), which exceed the RFP requirement of 95%. Both L3Harris and MCA guarantee 95% indoor light building service area (both directions), which meets the RFP requirement of 95%.

Based upon the results above, the following are the total points awarded to each vendor:

- L3Harris: 20.00
- MCA: 20.00

3. **Responsiveness to the Intent of the Specifications (5 points)**

Half of the points in this category are awarded based on a measure in the quality of the proposals, required clarifications, and responses to the technical evaluation team's questions. L3Harris responded to 24 clarification questions. MCA responded to 38 clarification questions.

Half of the points in this category are deducted for minor exceptions in equipment, system specifications, and other requirements within the RFP found by the technical evaluation team. Note that many of the exceptions in the Compliance Matrix are identified by the Proposer, but the technical evaluation team may have reversed an exception to comply, or vice versa, based upon responses to clarification questions. L3Harris received 4 minor exceptions; MCA received 15 minor exceptions.

Based upon the results above, the following are the total points awarded to each vendor:

- L3Harris: 3.51
- MCA: 1.49

4. Project Manager Experience (5 points)

The technical evaluation team reached out to each of the five (5) references provided on similar projects, regarding the quality and capability of the Proposer's project manager. All responses from references are averaged to calculate the score. If a reference did not respond a value of zero is assessed.

Based upon the description above, the following are the total points awarded to each vendor:

- L3Harris: 4.93
- MCA: 1.83

5. Lead Engineer Experience (5 points)

The technical evaluation team reached out to each of the five (5) references provided on similar projects, regarding the quality and capability of the Proposer's project lead. All responses from references are averaged to calculate the score. If a reference did not respond a value of zero is assessed.

Based upon the description above, the following are the total points awarded to each vendor:

- L3Harris: 3.88
- MCA: 4.68

6. Organization (5 points)

The technical evaluation team reached out to each of the five (5) references provided on similar projects, regarding the quality and capability of the Proposer's organization. All responses from references are averaged to calculate the score. If a reference did not respond a value of zero is assessed.

Based upon the description above, the following are the total points awarded to each vendor:

- L3Harris: 3.92
- MCA: 3.60

7. Warranty and Maintenance Service (5 points)

Points in this category are awarded based upon the Proposer's service meeting the warranty and maintenance requirements of the RFP, including the specified response times. Any Proposer not meeting all warranty specifications have points deducted based on the technical evaluation team's judgment of the severity of the warranty variance.

Based upon the description above, the following is the total points received by each vendor:

- L3Harris: 5.00
- MCA: 5.00

8. Warranty and Maintenance Service Organization Experience (5 points)

The technical evaluation team reached out to each of the five (5) references provided on similar projects, regarding the quality and capability of the Proposer's warranty and maintenance service organization. All responses from references are averaged to calculate the score. If a reference did not respond a value of zero is assessed.

Based upon the description above, the following are the total points awarded to each vendor:

- L3Harris: 1.60
- MCA: 3.80

9. Schedule (5 points)

All points in this category are awarded to each Proposer that submitted a project schedule that is equal to or less than the specified schedule in the RFP. A Proposer that submits a project schedule greater than the RFP specified schedule number of calendar days, the award points are reduced based on the formula in Appendix A. The RFP estimated project schedule is 610 days after notice to proceed (NTP); L3Harris proposes 425 days, and MCA proposes 593 days.

Based upon the results above, the following is the total points received by each vendor:

- L3Harris: 5.00
- MCA: 5.00

Total Technical Evaluation Points:

- L3Harris: 62.84
- MCA: 58.41

Final Results

Based up the evaluation above, the following shows the total points received by each vendor:

- **L3Harris: 92.84**
- **MCA: 81.07**

Using the methodology described in the RFP and the technical team's evaluation process the L3Harris UHF P25 Conventional Radio System proposal has the highest score. The L3Harris P25 Conventional Radio System proposal meets Lunenburg County's requirements considering cost, quality, and suitability to the purpose. A breakdown of the point calculations can be found in the attached the Lunenburg County RFP LUN 12-20 Proposal Evaluation Score Summary.

Conclusion

Based on the evaluation of proposals summarized above, CTA recommends Lunenburg County issue a Notice of Intent to Award L3Harris Technologies, Inc, and begin negotiations on a contract.

**Technical and Pricing Evaluation Summary
P25 UHF Conventional Radio System Proposals
Lunenburg County, VA - L3Harris v. MCA**

Category	Points per Category	Total Points	Proposer		Points	
			L3Harris	MCA	L3Harris	MCA
Pricing (30 Points)		30				
Infrastructure Costs	10		\$ 6,438,004.28	\$ 9,183,879.65	30.00	22.66
Subscriber Costs	10		\$ 2,538,613.00	\$ 4,784,053.45	10.00	5.31
15 Year Running Costs (Operations & Maintenance)	10		\$ 1,285,945.00	\$ 1,610,921.19	10.00	7.98
			\$ 2,613,446.28	\$ 2,786,905.01	10.00	9.37
Technical (70 Points)		70				
System Configuration and Design	15		0	1	15.00	13.00
Coverage Adequacy	20				20.00	20.00
			97%	97%		
			97%	97%		
			95%	95%		
			95%	95%		
			95%	95%		
Responsiveness to the Intent of the Specifications	5		24	38	3.51	1.49
			4	15		
Project Manager Experience	5				4.93	1.83
Lead Engineer Experience	5				3.88	4.68
Organization Experience	5				3.92	3.60
Warranty and Maintenance Service	5				5.00	5.00
Warranty and Maintenance Service Organization Experience	5				1.60	3.80
Schedule	5		425	593	5.00	5.00
SubTotal Cost Evaluation Points		30			30.00	22.66
SubTotal Technical Evaluation Points		70			62.84	58.41
TOTAL COST & TECHNICAL EVALUATION POINTS		100			92.84	81.07

FY2021-22 Draft Budget Presentation

Nominations and Appointments

Nominations for Taylor Newton to serve as the
Planning Commission Clerk & Zoning Administrator
and as a voting member on the following:

VA's Crossroads,
Commonwealth Regional Council (Alternate),
VA's Growth Alliance

Planning Update

EZ Tax Incentive Rebates 2020
16-Apr-21

Global Refining Group

Inception year 2016

Assessed Value	Tax Category	Tax Paid	Taxes Paid	Rebate %	Rebate Amount
\$1,384,800.00	Real Estate	\$5,262.24		0.60	\$3,157.34
\$778,797.00	M and T	\$14,018.35		0.60	\$8,411.01
<i>Inception year 2017</i>					
\$577,400.00	Real Estate	\$2,194.12		0.70	\$1,535.88
<i>Inception year 2018</i>					
\$937,800.00	Real Estate	\$3,563.64		0.70	\$2,494.55
<i>Inception year 2019</i>					
\$425,000.00	Real Estate	\$1,615.00		0.80	\$1,292.00
Total		\$26,653.35			\$16,890.79



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Attorneys

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MAR 26 2021

BY: _____

March 26, 2021

By Hand Delivery, Overnight Delivery and E-mail

The Honorable Charles R. Slayton
Chairman, Board of Supervisors
Lunenburg County
11413 Courthouse Road
Lunenburg, Virginia 23952

Ms. Tracy M. Gee
County Administrator
Lunenburg County
11413 Courthouse Road
Lunenburg, Virginia 23952
tgee@lunenburgva.net

Re: Red Brick Solar, LLC
Petition Appealing Planning Commission Action

Dear Chairman Slayton and Ms. Gee:

On behalf of Red Brick Solar, LLC (the "Applicant") please accept this petition ("Petition") for appeal pursuant to Virginia Code § 15.2-2232(B). The Applicant requests that the Lunenburg County Board of Supervisors (the "Board") make a determination that the Applicant's proposed solar facility and substation is substantially in accord with the Lunenburg – Kenbridge-Victoria Joint Comprehensive Plan 2019-2024 (the "Comprehensive Plan"). The Applicant's reasons for the appeal are enclosed.

The Applicant submitted a revised application for a Conditional Use Permit (C-5-20) on October 8, 2020 (the "Application") for the construction and operation of a utility-scale solar facility and substation as a "Public Utility, Major" (the "Project") under the Lunenburg County Zoning Ordinance. The Project is planned to be located on approximately 21 parcels in the County. The Application included a detailed explanation of how this Project supports the vision, goals, and strategies identified in the Comprehensive Plan. The relevant excerpt from the Application is enclosed.

The Lunenburg County Planning Commission (the "PC") considered the Applicant's Project pursuant to Virginia Code § 15.2-2232 at its meeting on March 16, 2021. The PC was provided the standard of review under Virginia Code § 15.2-2232 and reminded that this review was limited to the determination of whether the Project was "substantially in accord" with the

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Toll Free: 866.983.0866



March 26, 2021

Page 2

Comprehensive Plan. After a presentation by the Applicant, a public hearing, and deliberation, the PC made a motion to find that the Project was substantially in accord with the Comprehensive Plan, specifically referencing the following elements of the Comprehensive Plan in support: (i) Special Policy Area: Solar Facilities and that the County should consider the safe development of solar energy, (ii) the Applicant's detailed explanation of the efforts to protect and preserve the natural resources of the community, land uses, the environment and adjacent properties, and (iii) the rural and secluded nature of the area of the County in which the Project is planned. The PC reached a tie vote of 3-3 on this motion, which resulted in a failed motion.

As a result of the failed PC action and in accordance with Virginia Code § 15.2-2232(B), the Applicant now requests that the Board make a determination that the Applicant's Project is substantially in accord with the Comprehensive Plan for the reasons set forth in the Application and the Grounds of Appeal.

The Applicant respectfully requests that the Board place this request on the agenda for an upcoming meeting within the next 60 days. The Applicant's representatives will be prepared to explain the details of the proposed Project and to provide additional justification to support the finding that the Project is substantially in accord with the Comprehensive Plan.

Regards,

GENTRY LOCKE

Jonathan D. Puvak

Enclosures

cc: Frank Rennie, Esq., County Attorney, Lunenburg County (via E-mail only)

**Grounds of Appeal
Red Brick Solar, LLC
March 26, 2021**

- 1. The Planning Commission failed to reach a decision on the Project and therefore the Board of Supervisors has authority to overrule the Planning Commission.**

Virginia Code § 15.2-2232(B) provides, in relevant part, as follows:

The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership....The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal....

The Lunenburg County Planning Commission (the "PC") considered the Red Brick Solar, LLC (the "Applicant") solar facility project (the "Project") pursuant to Virginia Code § 15.2-2232 at its meeting on March 16, 2021. The PC was provided the standard of review under Virginia Code § 15.2-2232 and reminded that this review was limited to the determination of whether the Project was "substantially in accord" with the Lunenburg – Kenbridge – Victoria Joint Comprehensive Plan 2019-2024 (the "Comprehensive Plan"). After a presentation by the Applicant, a public hearing, and deliberation, the PC made a motion to find that the Project was substantially in accord with the Comprehensive Plan, specifically referencing the following elements of the Comprehensive Plan in support: (i) Special Policy Area: Solar Facilities and that the County should consider the safe development of solar energy, (ii) the Applicant's detailed explanation of the efforts to protect and preserve the natural resources of the community, land uses, the environment and adjacent properties, and (iii) the rural and secluded nature of the area of the County in which the Project is planned. The PC reached a tie vote of 3-3 on this motion, which resulted in a failed motion. The Applicant now has the right to seek a determination from the Board of Supervisors as the governing body.

- 2. The Applicant has demonstrated that the Project is substantially in accord with the Lunenburg – Kenbridge – Victoria Joint Comprehensive Plan 2019-2024.**

The Applicant has reduced the size of the Project based on public and County feedback. The Project has been in the planning for several years. In 2020, the Applicant submitted a revised application that reduced the overall size of the project by several hundred acres. Further, the Applicant has committed that the total acreage within the Project's fenced area will not exceed 1,118 acres. Notably, the Applicant has removed land that was on the northern side of the Project above the CCC Road over concerns that this portion of the Project was the most prolific land used by a local hunting club.

- Fulfills recommendation for safe development of solar energy (*Special Policy; Page 121*).

Lunenburg County adopted its Comprehensive Plan in the summer of 2019. In doing so, the County identified solar energy as a “special policy area” and point of emphasis under the Comprehensive Plan. This is the first Project to come to the County for public review after the adoption of this Comprehensive Plan. This Project is ideally situated and planned to provide alternative energy and minimize impacts to land uses, properties, and the environment. Notably, the Comprehensive Plan also values consideration of this Project “for economic development purposes.” We believe that this is one of the few sites within the County that is ideally suitable for this type of development.

- Protects and preserves the natural resources of the community; maintains a balance between development and preservation (*Special Policy Area; Goal. Pages 116, 130*).

This Project has been planned in a secluded portion of the County and solar energy is a Solar project do not permanently alter the land and the land can be returned to timber or another use at the end of the Project’s useful life. The Applicant’s engineers have analyzed potential impacts to protected natural resources and cultural resources following guidance issued by DEQ. Based on these findings, the Applicant does not anticipate significant adverse impact to protected wildlife or historic/cultural resources.

Solar facilities ensure the planting and maintenance of native grasses on all developed land. Stormwater and runoff management is regulated at the federal, state, and local level. In order for construction to take place, the Project must conform with all state laws and regulations and will have infrastructure in place to protect against potential impacts during construction and operation.

- Promotes the expansion of a diversified economy (*Goal, Page 123*); Attract new industries to the County (*Strategy 2, Page 124*).

Solar energy is among the fastest growing industries in the nation and is especially vibrant in the Commonwealth of Virginia. Many employers are requiring sources of renewable energy when deciding to locate new facilities. In addition to the tax and revenue share revenue over the life of the Project which is estimated to be \$12,100,000, an independent economic analysis of the impacts of the Project have estimated significant opportunities for construction jobs and spending in and around Lunenburg County.

- Promote a clean-living environment (*Objective 6; Page 126*).

Solar energy is a passive use that does not produce pollutants. Instead the solar energy produced by this Project will offset approximately 210,000 metric tons of CO₂ annually, equal to the carbon sequestration of 250,000 acres of trees.

See also attached excerpt from the Applicant’s application materials in support of the goals and strategies of the Comprehensive Plan.

3. The Staff Report prepared by the Office of Planning and Economic Development misstated important characteristics of the Project and the application to Virginia law.

The Office of Planning and Economic Development prepared a staff report that summarized that office's position on the Application. There are some descriptions of the project in the staff report that do not reflect the current design. These points have a significant impact on the conformity with the Comprehensive Plan. These descriptions potentially impacted the PC's evaluation of the applicable goals and strategies of the Comprehensive Plan.

- The staff report states that the Project is located in an area of rural residential and farmland.

The Application property is 100% timber use. There are no current farming operations and historically this area of Lunenburg County (in the vicinity of the County seat) has neither been suitable nor historically attractive for farming operations. As a result, this Project is not anticipated to result in a loss in revenue due to the loss of farming operations. Significant portions of the Application property have already been cleared for timber and are largely open at this time. In other localities in Virginia, the majority of solar facilities are located on timber property and the solar panels can be removed in the future at the end of the Project's life to allow the Application property to be returned to timber or other agricultural purposes. There is no residential development on the Application property and residential neighbors in the close proximity to the Project.

- The staff report concludes that "economic impact is transitory and an inefficient use of land with downside risk for environmental damage to water resources."

The first goals stated in the Comprehensive Plan relate to economy and employment. Goal #1, Objective #1 is the "Promote the expansion of a diversified economy." This Project will have a meaningful impact on the County's commercial tax base. This Project will create \$197,000 in additional tax revenues/revenue share in first year of operations and every year over the life of the Project with 10% increases in this amount every 5 years. This results in a \$12,100,000 cumulative County revenue of the Projects' anticipated 40 year life span. This estimate includes the real estate tax and revenue share and does not account for construction spending or the revenues to participating landowners.

- The staff report states that all areas covered with solar panels are considered impervious areas.

The Virginia Department of Environmental Quality (the "DEQ") does not treat solar panels as impervious areas. Impervious areas are those that must be designed and treated for water runoff and for this Project, such locations include: the substation, foundation pilings for the panels, inverter pads, and roadway surfaces. Based on the DEQ design requirements, the Applicant currently estimates that only 2.3% of the total site or 1,132,560 square feet will be impervious area (not the 8,000,000 to 10,000,000 square feet indicated in the staff report). The DEQ standards, require the Project to treat the final impervious area which will be determined during final engineering and approved by the Southside Soil and Water Conservation District and DEQ. Solar panels are elevated and ground under the solar panels will be stabilized and planted with native

grasses. Largely based on the incorrect amount of impervious area, the staff report concludes that “large scale clearing and future runoff pose significant problems for the area.” The Applicant provided the Planning Commission with a detailed explanation of how this Project will manage water quantity and water quality and mitigate impacts on Couches Creek and Meherrin River basin.

- **Erosion and Sediment Control – During Construction** Prior to construction, the Southside Soil and Water Conservation District will review, approve, and oversee the Project’s soil and erosion control plan. Erosion and sediment control designs and calculations are submitted to the county for approval as part of final permitting, with bonding required before construction.

- **Stormwater Management – During Operations** Stormwater Plans, designed in accordance with Virginia stormwater management program and the Virginia Runoff Reduction Method, will be implemented to capture and treat runoff during project operations. Stormwater design and calculations are reviewed and approved by DEQ prior to construction, with an ongoing maintenance agreement required between the Project owner and DEQ.

- The staff report states that the “interior of the site is strongly sloped” and “the applicant proposes to use the ridge tops for development”.

Page 15 of Comprehensive Plan describes the County as “gently rolling, central piedmont landscape...” and the Application property is similarly situated. Based on the Applicant’s preliminary analysis, the topography is suitable for solar and steep slopes (greater than 20 degrees) will be avoided.

- The staff report states that the types of soils on site are “highly erodible soils.”

The Applicant’s initial evaluations of most of the soils on this site indicate that the soils are not “highly erodible.” Soil assessments conducted by the Applicant’s engineers have identified 25 soil types on site, and only 5 are characterized as poorly well drained, which accounts for 7.8% of the overall Project site. The rest of the soils on the property are moderately to well drained. Only 4 soil types are listed as having a high runoff potential accounting for 9.2 % of the Project. The types of soils will be addressed in the final engineering design to manage water runoff that will mitigate impacts on Couches Creek and Meherrin River basin. Based on the soil types it is possible that the actual development and panels will not be located on any of the soils with high runoff potential.

- The staff report incorrectly states that “Current technology utilizes heavy metal storage batteries requiring specialized equipment for containing electrical fires.”

There will be no batteries or energy storage on this site and that is not part of the Project. The staff report suggested that the batteries and composition of the panels increased the potential fire risk. There are a number independent groups that have analyzed these risks including North Carolina State University. A quote from their 2017 report that specifically reviews fire risks and states:

However, concern over solar fire hazards should be limited because only a small portion of materials in the panels are flammable, and those components cannot self-support a significant fire. Flammable components of PV [solar] panels include the thin layers of polymer encapsulates surrounding the PV [solar] cells, polymer backsheets (framed panels only), plastic junction boxes on rear of panel, and insulation on wiring. The rest of the panel is composed of non-flammable components, notably including one or two layers of protective glass that make up over three quarters of the panel's weight.

The Applicant will commit to educate and train emergency response in the unlikely event that they would need to respond.

The Office of Planning and Economic Development also raised items during the 2232 review that were not germane to the 2232 review, but rather should be evaluated during the conditional use permit review process. These items included, but were not limited to: the Applicant's commitments to local grant funding and public access trails throughout the Project. Based on the language in Virginia Code § 15.2-2232, the review at this stage is limited to the "general location or approximate location, character, and extent thereof..."

all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia, of which Dominion is a member. The Project received a favorable Feasibility Report and System Impact Study and entered into a Facility Study Agreement in June of 2019.

Environmental permitting and associated studies are requirements of the Permit by Rule (PBR) through the Virginia Department of Environmental Quality (DEQ). To date, the Project has completed its preliminary analysis of impacts to the environment and historic resources. No significant issues have resulted from any of these studies. The Applicant estimates that it will submit the completed PBR application to the DEQ in Q1 of 2021.

3.2. Conformity with Lunenburg's Comprehensive Plan

Section 15.2-2232 of the Code of Virginia provides that any *"public utility facility or public service corporation facility ... whether publicly or privately owned, shall [not] be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the [applicable Planning Commission] as being substantially in accord with the adopted comprehensive plan or part thereof."*

The Applicant requests that the Planning Commission determine that the Project is substantially in accord with the Lunenburg/Kenbridge/Victoria Joint Comprehensive Plan, 2019-2024 (the "CP"). The Project supports the County's vision, values, and livability goals, as outlined in the CP.

In short, the Project diversifies the local tax base and provides significant local revenue that are not offset by demand for public services and its passive use promotes and supports Lunenburg's clean-living environment. As a result, we believe that this Project is in concert with the Lunenburg County's Comprehensive Plan.

Chapter 5 on "Special Policy Areas" directly addresses solar facilities (emphasis added):

Policy Area: Solar Facilities

Solar Facilities are acres of raw farmland covered with solar panels which enable the owner of the solar facilities to capture sunlight, convert that sunlight into electrical energy and then sell that electricity to the utility company.

Solar facilities are located in areas with availability of large tracts of land at low costs as well as available infrastructure (transmission lines) to support additional capacity. The existing land use of Lunenburg County could make the county's open areas an option for Solar Facilities. **The County and the Towns should consider the development of alternative energy production while protecting agriculture, forestry lands and watersheds that the county enjoys.**

Alternative energy production may be considered by the County and Towns as an attraction to expand employment opportunities and for companies interested in supporting solar development in communities where they are located.

Recommendations:

The County and Town Planning Commissions should consider safe development of solar energy that minimizes impacts to land uses, properties, and the environment, particularly for economic development purposes. They should develop reasonable conditions for the development of Solar Facilities which will protect the character of surrounding properties and will not limit future property development. Any County or Town planning measures which address Solar Facilities siting should also have an effective decommissioning plan developed and funded by the Solar developer before installation.

The above "Recommendations" provide four key themes that the Project responds to and satisfies:

1. **Develop solar projects in a way that minimizes impact to land uses, properties and the environment:**

The Project location and design, in particular buffers and setbacks, minimize and/or eliminate the impact to and adjacent land uses and properties. Through the conditions proposed in this Conditional Use Permit and the requirements of the Permit By Rule process administered by the Department of Environmental Quality, the Project will protect environmental resources and mitigate and prevent any impact to the environment.

2. **Solar should support and not interfere with other economic development opportunities:**

The Property is located in a rural, secluded area that is not well suited for other types of economic development. As a result, there is little "opportunity cost" for the County associated with use of the Property as a solar facility. Furthermore, the Project provides significant economic benefit to the County while requiring little if any public services. Revenue from solar facilities has been used in other jurisdictions to support economic development initiatives including telework centers, EMS communications and the deployment of broadband internet.

3. **Develop conditions "to protect the character of surrounding properties and not limit future property development:"**

The Applicant proposes a comprehensive set of Conditional Use Permit conditions responding to the potential impacts on surrounding properties. The location of this project is well suited for a solar facility, as adjacent uses are compatible with the passive nature of a solar facility.

4. **Ensure solar facilities will be decommissioned and that the developer is responsible for decommissioning:**

The Conditional Use Permit Conditions directly address decommissioning and the security provided by the Applicant. This protects the County and its taxpayers from having to fund decommissioning at the end of the Project's usable lifetime.

Key Themes Relating to Solar Land Use in the Comprehensive Plan:

Protecting Natural Resources:

A major theme of the CP is to “protect and preserve the natural resources of the community” (Item F, page 130) Embracing projects like Red Brick Solar over higher-polluting alternatives helps to ensure a better quality of essential resources such as air and water. Solar facilities conform to the physical characteristics (including wetlands and topography) of the land. While they may displace agricultural or silviculture uses in their immediate footprint, they do not permanently alter the land in a way that would preclude it from returning to its current use at the end of the solar facility’s life.

Part of protecting natural resources may also involve striking a balance between the economic benefits and environmental destructiveness that can come with harvesting merchantable resources such as timber and minerals. While often not considered, sunlight is a merchantable natural resource available to the County. Projects like Red Brick Solar harvest sunlight while significantly reducing harmful impacts associated with other resource cultivation, and Red Brick Solar will increase the county’s tax revenues by an estimated amount of \$ 7.8 million over the life of the Project.

Maintain Access to Outdoor Recreation and Historic Resources:

Maintaining the quality of recreational activity in the general project area is an important aspect of the Project. As a part of that commitment, we are committing to not modifying the CCC road and it will continue to be used only for access. There will be no changes or impact to Little Rock Bridge or Big Rock Bridge, as these areas have been identified as important to our neighbors. We are actively pursuing options that could leave a large portion of the proposed land available to hunters. Additionally, studies have found that not only will this project not harm the North Meherrin River and remaining Albemarle Sound watershed, it could even have even less effect on that resource than if the Property remains in its current use. (See Section 3.5.2 for additional information regarding water management.)

Preserving Agricultural Land and Open Space:

As further explained on page 116 of the CP, a primary driver of preserving open space is that “future residential, commercial and industrial development should be encouraged to locate in areas where adequate public services are available or planned.” This concern is not applicable to solar development; Unlike other forms of development, solar does not require significant, if any, public services.

Preserving Water Resources:

Solar panels contain no materials or substances that are volatile or soluble. Under no practical circumstance, will any part of the panel evaporate into gas or become dissolvable in water. All the materials used are solids, leaving no reasonable risk that they will leach into soil or contaminate water. Sunlight is an easily harvested, non-invasive “crop” which requires no herbicides, insecticides, fungicides, or chemical preservatives to generate revenue for the county and sustainable energy for all. For these reasons, this development type is in accord with the concerns listed on page 117 and 118 of the CP (Protection of Water Resources).

Diversify the Local Economy and Tax Base:

Finally, a primary goal of the CP is to “promote the expansion of a diversified economy” (CP p. 123) by “attracting new industries to the locality” and “Improve[ing] employment opportunities for all residents; capitalize on technology as a means to create high-paying, sustainable jobs (CP, Page 124). Red Brick Solar will provide a significant boost to the local economy as evidenced by the construction of solar projects in nearby counties including Mecklenburg, Halifax, Greensville, Sussex, Southampton. Solar energy is among the fastest growing industries in the nation and is especially vibrant in the Commonwealth of Virginia. Further, a majority of employers require access to non-fossil, renewable energy when deciding as to where to locate facilities.

As described in Section 3.6: Benefits to the Local Community, the adoption of this growing field can lead to direct economic boosts during construction and long-term economic gains by the local economy and may serve to attract further business development to the region. Also, outlined in Section 3.6, the Project will directly generate significant tax revenue. Funds raised from tax revenue would be enough to finance several of the items listed in the CP “wish list”, on pages 140 and 141 of the CP.

3.3. Equipment Used

3.3.1. Racking and Panels

Racking: The Project is expected use single-axis racking technology that allows the PV panels to track the sun throughout the day. Measurements for this system type are included on the Preliminary Site Plan, with system specifications included in Section 5.4: *Representative Single Axis Tracking System*. A row of PV panels will be attached in a linear fashion to each of these racking systems. Other versions of tracking or fixed technology will be considered for the Project.

Panels: Based on current technology, the Project’s site could contain between 410,000 and 475,000 solar panels, in total. It is possible that increases in the output per panel may reduce the number of panels needed for the Project. A preliminary solar layout is included in the Preliminary Site Plan. For more details on these types of panels, see Section 5.5: *Representative Solar Panel Specification Sheet*.

3.3.2. Inverter Pads

The Project’s preliminary design includes between 26 and 52 inverter pads. Inverters convert the direct-current energy generated by the panels to alternating-current energy that is ready to be transmitted onto the electrical grid (transmission system). The specifications for a representative pad are provided in Section 5.7: *Representative Inverter Pad Spec Sheet*. These pads contain the following: 3 to 5 inverters, a transformer, and other accessory equipment, as needed. These pads are expected to be the tallest equipment on site and, based on the current design, these inverters will be 10-12 feet in height.

The preliminary design uses Power Electronics FS1475CU15 inverters. Specifications for these inverters can be found in the “Frame 7” column of the Specification Sheet shown in Section 5.7. Depending on final engineering, this may be modified slightly, and the final site plan will be available to the County as part of the building permitting process.



CRC March 2021 Items of Interest

New Ventures

- Blackstone Volunteer Fire Department was awarded \$4,378.68 in AFG-S Funds to purchase COVID PPE. The CRC assisted in submitting the application.
- South Central Virginia Nonprofit Network received \$1,000 from the Prince Edward United Way to assist the group with marketing the SCVNN website. The CRC assisted in submitting the application.
- CRC staff assisted Cumberland County Fire & EMS in submitting a RFA application to purchase equipment.
- CRC staff assisted STEPS in submitting a USDA Application for Community Facilities Technical Assistance and Training Grant for the proposed regional Tiny Home Emergency Shelter facility.
- CRC staff are assisting Blackstone, Amelia and STEPS in pursuing Congressional Community Funding Project funds for various projects.
- CRC staff are assisting the Town of Crewe and Drakes Branch Volunteer Fire Department in applying for AARP Community Challenge Grant funds.
- CRC staff are assisting Prince Edward, Cumberland and Lunenburg Counties in partnership with Kinex to seek Tobacco Commission funding for broadband fiber buildout.
- CRC staff are assisting Cumberland County in pursuing VDOT Economic Development Access funds.
- **Next CRC Meeting, Wednesday, April 21, 2021 at 9:30 a.m., Heartland Business Park, 200 Heartland Drive Keysville, Virginia.**

Activity

- Dillwyn CDBG Housing Rehabilitation Project – Construction work on 84 White should be completed in the coming days. This is the final house for the project. The CRC is working with the Town and Southeast RCAP to seek funds for 112 Culberth Street as not enough funds were available to complete this house.
- Dillwyn VDOT Streetscape Project – Construction work is complete. The CRC is assisting the Town in closing out the project.
- Phenix Water System Project – The Town is working with the well driller to frack an existing well and are currently running a flow test to find out if it produces enough gpm to be acceptable for Town use. The CRC is still coordinating the environmental review process.
- Regional Emergency Planning – The CRC has completed the Regional Joint Information Center Plan and is incorporating county staff input. Staff are working with county emergency managers to gather feedback before finalizing the Regional Resource Inventory.
- Lunenburg/Kenbridge/Victoria VHDA Housing Study – The CRC will assist the County in closing out the project.
- DEQ Watershed Implementation Plan (WIP) III Assistance: The CRC has notified localities of grant opportunities.
- Prince Edward County Access Road Project Administration: The CRC participated in a Project Scoping meeting with VDOT, County officials and the Project Engineer on March 26th.
- Nottoway County Comprehensive Plan: CRC staff will be holding a Kick-Off Meeting with the Nottoway Planning Commission Comp Plan Team on April 19th.
- CRC Regional Hazard Mitigation Plan Update: The CRC have put together the project management team and will be planning a kick-off meeting in the coming months.
- CRC Regional Hazard Mitigation Plan:
- Update on CRC Economic Development District Designation: EDA has indicated the CRC's EDD Submission package has made it through review at the Regional office and is now at the EDA headquarters office for final review. Lauren Stuhldreher indicated it may take up to 6 months for the final review process.



**Response from Planning and Economic Development to the Request to
Overrule the Decision of the Lunenburg Planning Commission Action
March 16, 2021**

CUP-5-20

Red Brick LLC

Mr. John Puvak of Gentry Locke Attorneys has requested that the Lunenburg Board of Supervisors overrule the action of the Lunenburg Planning Commission in the above referenced case and presented his clients contention that the Red Brick Project is "in substantial accord" with the county's comprehensive plan. A number of positions taken by Mr. Puvak are incorrect or substantially debatable. *(Please refer to the Comprehensive Plan; the action of the Planning Commission including the reasons for their vote; the definition of substantial accord; and the Planning staff report.)*

Item 1.

This statement is correct

Item 2.

This is not the first project to come before the county for consideration. The project location is not ideally suited to the property chosen and represents an undesirable land use decision to some members of the Planning Commission. The applicant claims that soils are suitable and geotechnical studies have been completed that support that position. The applicant has never submitted any studies or data to support this position. Studies performed by the U.S. Corps of Engineers, while general in nature, bring this position into question. The Commission cannot use unsupported contentions as evidence in making decisions.

As of this writing no data supporting this contention has been submitted by the applicant.

The contention that solar installations promote expansion of a diversified economy has yet to be proven. At present they have essentially the same effect in rural localities as a major electric substation.

The applicant has provided no data to support this claim.

The projected revenue share has yet to be determined, and does little for economic development. Tax payments are not and should not be confused with economic development. Electrical power is a fungible commodity, not necessarily a catalyst for development.

The applicant statement is conjecture.

Item 3

Bullet point 1

The general area is rural residential; the exact site is timberland.

Bullet point 2.

The economic effect is transitory. The construction spending is short lived. Economic development depends on money changing hands multiple times within a specified area. Such a monetary flow is measured by the number of times it changes hands and is termed in economics as the 'velocity of money'. Monetary velocity drives economic development. Increases in real estate tax collections generate little velocity and therefore do little for economic development. The applicant cites a study in their application that supports the position that there is a little or no economic multiplier effect from passive activity that creates no ancillary development.

Bullet point 3

Glass panels are impervious and concentrate runoff at the drip edge. There was no mention of area under the panels. Without quality surface vegetation the clayey soils can and will develop a hardpan condition.

Erosion and Sediment Control

The applicant statement that Southside Soil and Water Conservation will review, approve, and oversee the erosion and sediment control plan is false.

Soil Types

The USCE mapping indicates erodible soils. The applicant has not submitted any data to the contrary.

Battery Storage

Current technology does use lithium in storage batteries and the solar industry is pushing the Virginia legislature to allow some form of battery storage for solar facilities.

Page 9 Item 2

Opportunity Cost

Micro economic theory defines opportunity cost as the loss of potential gains from other alternatives when one alternative is chosen.

Opportunity costs for this project include environmental cost, an industrial operation of 2500 acres that produces no jobs, little if any economic development, and potential negative impact in a current forested area. The application also implies that the project will save the area from a more objectionable use if left undeveloped, *(page 10 of application)*

The applicant further states that a question on grants which were proposed by the applicant initially for Lunenburg and later changed to donations to national organizations was inappropriate. Absent any proposal by the applicant relating to community involvement which is a foundational issue in the Comprehensive Plan, it was entirely appropriate to ask how will your company support and add value to the community.

The staff recommendation concluded that the proposal only added tax payments and a share of the revenue based on the amount of power produced and sold, which cannot be determined at present. It does not add community value. It provides little in the way of economic development, community involvement, environmental sustainability, local infrastructure, or support of local forestry and agricultural industry.

The Planning Commission reviewed the application in a thorough, fair and conscientious manner. A tie vote occurred. Commissioners voted as follows:

Ayes: In Substantial Conformance

Commissioner Thompson:

'The project would be beneficial to the county and would stabilize the area'.

Commissioner Trent:

'I trust the engineers and the Comprehensive Plan says we should consider solar'.

Commissioner Shell:

'I believe the developer is in conformance if they perform as indicated'.

Nays: Not in Substantial Conformance

Commissioner Tharpe

'When evaluating the application as a whole, the project does not rise to the level of substantial conformance in the areas of environmental protection and community involvement'.

Commissioner Dayton:

'I have serious concerns regarding the environmental impact – especially drainage'.

Commissioner Daniel:

'The proposal is not in compliance with the Comprehensive Plan – it is not the intent of the Plan and I have concerns over the environmental impact.'

Office of Planning and Economic Development

Report on Conditional Use Permit C – 5 – 20 Red Brick, LLC with Respect to Article 15.2 – 2232 of the Code of Virginia

Purpose: To determine if the application of Red Brick, LLC is Substantially in Accord with the Lunenburg – Kenbridge – Victoria Comprehensive Plan 2019-2024.

Scope of Hearing: This hearing is limited in scope to the determination of whether the request made in the application file number CUP-5-20 is *'Substantially In Accord'* with the Comprehensive Plan. During this hearing phase only those facts that pertain to the broader issues of the Comprehensive Plan will be discussed. Should the request be found to be in accord, detailed examination of the site proposal will be addressed in additional hearings before the Planning Commission, with a subsequent hearing before the Board of Supervisors. Should the request be found not to be in accord with the Comprehensive Plan, the application will be dismissed, and no further hearing nor consideration of the request will be conducted. The case will not receive approval or permission to build. The applicant may appeal the finding to the Board of Supervisors.

For the purpose of this report the definition of Substantially in Accord shown below has been used:

Substantially in Accord

Substantial:

Consisting of / or relating to the substance, not imaginary or illusory, being largely, but not wholly that which is specified and in agreement thereto, as determined by fact or data, and/or by code, policy, or to any approved plans or projects, especially a localities Comprehensive Plan.

Accord:

Concurrence of opinion, will, or agreement; harmony of purpose(s) between or among multiple choices, propositions, positions, or definitions. In determining such agreement consideration will be given to authoritative sources, approved and adopted plans, approved drawings and engineered plans, or lawful agreements. Such determination may leave a modest or small margin for adjustment in the physical

layout of a development or proposal due to final engineering data which clearly proves necessity, provided the adjustment does not alter or adversely impact the scope, intent, or character of the existing regulatory controls, the density of a proposed project, or reduces any provision intended to mitigate the impact of the development or project on adjacent properties, or the community.

Description and Existing Conditions

Description: CUP-5-20 is a Utility Scale Solar facility. It is arguably the largest single development project in the 265-year history of Lunenburg County. Located in an area of the county characterized as a mixture of rural residential, forestry, and farming activity, the project will consist of 2,510 acres of current timberland, with approximately 1,000 +/- acres within a security fence. The current zoning on the property is A-1 Agricultural. The 2,510 acres is comprised of 21 parcels with various ownerships (see Appendix 1 for locational and ownership detail). The project estimates the installation of 410,000 to 475,000 solar panels (79 in x 39in x 1.5 in). This equates to 8,772,291 to 10,163,020 +/- square feet of impervious area in the solar panels.

Topography and vegetation: The site is slightly rolling to level on some sections of the perimeter adjacent to Route 49 and Route 40. The interior of the site is strongly sloped. USGS topographic maps illustrate slopes along Couches Creek are in the realm of 20 degrees to 30 degrees. This slope severity is prevalent throughout the property. While the applicant proposes to use the ridge tops for development, water runoff can only be handled by Couches Creek and other unnamed creeks and drainage ravines on the site. (Please refer to the enclosed 'Lunenburg Topographic Quad Sheet'). Large scale clearing and future runoff pose significant problems for the area. Industrial scale solar projects are often 'pitched' as just another way of farming and have little or no impact on land use, yet they are located on tracts that have never been in agricultural crop use due in part to unsuitable soil slope and soil quality. This is the case with this proposal. The site vegetation consists of several species of pines and mixed hardwoods. The area is one of the largest contiguous timber stands in the county served primarily by dirt and gravel roadways. Large tract clear cutting and grubbing of stumps will present a stormwater management problem. One must view this tract as a holistic development, not dissect it into micro areas where there may be limited suitability. Stormwater will seek the downward slope into the Meherrin

Soils: On site soils are moderately heavy and clayey, including soil categories of Georgeville, Tatum, Mecklenburg, and Iredell. Slopes generally range between 2% and 30%.

Soil Quality and Topography

Soil types found on the property include the following classifications:

8B2 Georgeville – clay - to clay silty loam – may include slightly plastic soils. Slopes range 2% to 15%. **

21D2 Tatum – deep well drained – sticky, plastic, red clay. Some mica flakes found.**

16B2 Mecklenburg – ridgetop soils. Generally reddish brown, sticky and plastic. **

16C2 Mecklenburg – clayey **

12B Iredell – severe wetness – shrink swell. **

* Please refer to Exhibit 1 – *Table 1 Runoff Coefficient C Soil Texture*

** Soil Survey of Lunenburg County Virginia, United States Department of Agriculture, Soil Conservation Service in cooperation with the Virginia Polytechnic Institute and State University and the Lunenburg Board of Supervisors. *Section "Classification of Soils, pages 47-66: General Soil Map; Map Sheet 16.*

While this is not a complete list of all soil types it provides a general representation of what can be found on the site and in the western area of Lunenburg.

Transportation: Limited primarily by narrow dirt and gravel roads. Residential development is limited to nonexistent. There are two notable access points- Route 49 and Crimes Road. In its present condition, Crimes Road is not suitable for construction traffic of this magnitude.

Air Quality: Given the sparseness of development and traffic air quality should be acceptable. While no sampling has been done, one can expect low levels of degradation in this area due to its limited accessibility and use.

Economic issues of current land use: The economic issues of the current land use are generally confined to the forestry and farming pursuits in the area. The economic returns from active and passive activities are low and existing real estate taxes more than cover the cost of services. While farming and forestry analyzed on an individual parcel by parcel basis may be low, when taken as a county wide economic base it is significant. These issues will be discussed in another section of this report.

Area Demand for Emergency Services: The existing land use poses no unique demands on emergency services at present.

Comparison of the Comprehensive Plan to the Proposed Project

Comprehensive Plan Policy 1: Solar Energy

(Page 121) *“The County and Town Planning Commissions should consider safe development of solar energy that minimizes impacts to land uses, properties, and the environment, particularly for economic development purposes.”*

This policy position is being administered through the Article 15.2-2232 hearing process.

(Page 120) *“The existing land use of Lunenburg County could make the county’s open areas an option for Solar Facilities.”*

(Page 121) *“The County and Town Planning Commissions should consider safe development of solar energy that minimizes impacts to land uses, properties, and the environment, particularly for economic development purposes”.*

(Page 116) *“Environmental impacts of any newly planned development area should be considered.”*

(Page 117) *“Commercial and/or industrial developments that are approved in rural portions of the County should be consistent with the best interest of the community.”*

Applicant Proposal Conformance to the Comprehensive Plan

The applicant proposes siting the facility on 2510 acres of woodland of which 1000 +/- acres would be cleared for development. The project is a largescale industrial operation. It is not a farm nor a benign, pastoral, rural operation. It is a non-fossil fuel electrical generating plant that has the capacity to power 26,000 homes. It needs to be evaluated as that and determine if this a best use of the land and in substantial accord with Lunenburg’s Comprehensive Plan.

Comprehensive Plan Policy 2: Land Use and Natural Resources

(Page 117) *“Policy Area: Protection of Water Resources” ... “These water sources provide recreational opportunities and are a critical component of the County’s infrastructure and quality of life. As such, protection and enhancement of these water resources should be a primary object of the County and the Towns.”*

The North Meherrin River is a designated scenic river from the Route 712 (Wallace Bridge Road) to the junction of the South Meherrin River and as such should be protected from encroachment.

(Page 118) Section F, Objective 1, Strategy 1,2,5

- *“Restrict development in areas of critical environmental importance.”*
- *“Restrict development in flood plains, swamps and drainage ways.”*
- *“promote the preservation and planting of trees, shrubs, and other natural foliage.”*

Applicant Proposal:

The proposed project drains from the site to Couches Creek and into the North Meherrin River. Given the soil conditions presented above, the drainage of eight to ten million square feet of impervious area with a runoff coefficient of .72 o .82 which flows directly into Couches Creek poses significant erosion and flooding potential that is generated by this development. The application contains no concept plan other than detention or retention basins for containing for post construction stormwater. There is no proposal set forth for soil stabilization pre-construction and the proposed time- line is insufficient for a vegetative cover to be established. The applicant has not set forth methods to contain silt post clear cutting or transportation of construction crews and material transportation to work sites on the property. Flooding of offsite property is not addressed in the application. No concept plan is evident. Given the 10 million square feet of glass panel in the project the applicant only states that the minimum standards of the Virginia Department of Environmental Quality will be incorporated in the design. Standards are set by DEQ as to the quality and quantity of stormwater runoff allowed based on specific design standards (Permit by Rule). DEQ works with project developers through the plan approval process to ensure coordination in design, however DEQ staff does not have jurisdiction to implement or interpret a localities Comprehensive Plan. That is the responsibility of the governing body. Mitigation does not eliminate impact. The application in its current form does not meet the criteria for development, conservation of natural resources, or environmental impact set forth in the Comprehensive Plan ((Page 118) Section F, Objective 1, Strategy 1,2,5).

Not included in the application document are:

- Conceptual plans for maintaining healthy buffer areas.
- Mitigation of wind, water, and snow blowing across Route 49.
- Wildlife management and movement corridors.

- Wildlife food sources and hard mast timber.
- Land management and successional growth of the buffer area.

Comprehensive Plan criteria are not in accord with the proposed project and should be deemed a poor to unacceptable use of land.

Historic Features

Only a 'desktop' review has been performed regarding archeological and historical located on the property. Per the applicant's presentation to the community on January 12, 2021, none were found. The study mentioned in the application was performed by Kimley-Horn, however no copies of the report were submitted for review by the Planning Commission or the staff.

Air Quality

The application proposes burning of the slash and stumps from the 900 acres of clear cut that will produce considerable smoke during the construction phase. There is no mention of smoke or dust abatement from onsite burning or traffic.

Emergency and Miscellaneous County Services

Current technology utilizes heavy metal storage batteries requiring specialized equipment for containing electrical fires, requiring equipment that is not available in rural localities due to cost of training and limited professional responders. Emergency responses are not ascertained.

Medical services in the county are also extremely limited.

Comprehensive Plan Policy 3: Economy and Employment

(Page 123-124) Section B, Objective, Strategy 4 *“County Government, and other parties, to promote the area to environmentally friendly industries.*

Section B, Goal: Encourage and promote tourism. Develop, enhance and promote activities and attractions that will better utilize the tourism potential of the County and Towns.

As in many areas, economic development and environmental issues have many intersections. Industries have environmental impact based on what they produce (product), how they produce (operations), what raw materials they use, and where they are sited. Current thought focuses on the need for sustainable energy and the reduction in greenhouse gasses. Solar development aids in that goal.

Economic effects of this application are not supportive of outdoor recreation, primarily the maintaining of wood production and outdoor recreation. At present consideration must be given to the economic base provided by forestry operations and outdoor activities. Southside Virginia has experienced increases in both resident and nonresident hunting. The Meherrin River Basin is a significant habitat area for both game and non-game animals. Our black bear population has grown substantially over the last two decades with increases in population numbers and weight of the animals. The Meherrin basin is a quality bear, deer, and turkey habitat. Pristine in certain factors, it has allowed wildlife and timber operations to coexist in a desirable fashion. Large scale projects in sparsely populated areas that are environmentally suited for outdoor recreation, forestry, farming, and are rich game habitats add to the attractiveness for outdoor tourism. To encroach on these areas threatens the economies that have developed because of these areas in pursuit of what may be a short-term gain. The Red Brick application has proposed no wildlife corridors through the property.

Employment and the Economics of Solar Development

Labor costs for construction are a short-term enhancement and in a locality that has no short-term living accommodations provides little if any economic benefits. There are no post construction jobs derived from the project. No set aside contracts for local employment and local business has been proposed. If construction spending was to include the local workforce it would boost the local economy. This is not evident in the proposal in any substantial manner. Purchase money for the properties goes primarily to a few large timber companies and institutional investment funds, not to our local landowners. The reality of the situation is contra to the position espoused by the applicant during the public presentation on January 12, 2021 (*Please refer to the attached list of land owners in the application packet*). The references made as to local economic benefits are moot. Lunenburg has no lodging facilities available for extended stay; few food establishments within driving distance; no commercial laundry services; and few hardware and industrial electrical and building supply vendors. Fuel sales may be the only local business sector to benefit from this project.

While tax revenue is important, it does not lead to the development of an economic base unless it is spent for tangible infrastructure in support of business and industry. The economic concepts of velocity of money (how fast money changes hands) and the economic multiplier effect (how many hand does the money pass thru - from materials supply, to transportation, to manufacturer (construction materials and labor), to labor payrolls, to end user) are vital components of business cycles that

build economic bases. (See applicant footnote- Moretti, Enrico. Local multipliers American Economic Review, Papers and Proceedings (May 2010): 1-7 <http://www.aeaweb.org/articles.php?doi=10.1257/aer.100.2.1>)

Solar projects do not perform as development magnets. The generated power is fed into the national electrical grid, not an adjacent local user. They are passive electrical producers that do not require a staff to operate and do not increase local payrolls.

Community Development

The Red Brick has established grant funding to the community that is appreciated. Community support involves more than just financial support. Large scale projects should fit into the fabric of the community. Easements for walking and bike trails, access to natural features such as rivers and scenic areas, convenient community service sites are all part of that fabric. The concept for the project does not include this integrative strategy.

Impacts of the Application and the Comprehensive Plan

Setting a precedent of injecting utility scale energy plants into remote undeveloped forest locations is not in accord with the goals and objectives of the Comprehensive Plan. It is disruptive to the environment and the community.

The themes of the Comprehensive Plan are ones of small-scale development, environmentally responsible growth, creation of well-paying jobs, revitalization of the Towns, and improvements in education. The Comprehensive Plan emphasizes conservation, preservation of natural resources and maintaining the rural agricultural environment and keeping community groupings thriving.

This compliance report will not delve into the specifics of revenue sharing payments, host agreements, and financial benefits of the application as this hearing concerns itself only with accordance to the Comprehensive Plan as adopted. Such items should not be a material factor in an SIA procedure.

While this report acknowledges the attributes of renewal energy as a part of the mix in providing power and is aware of Virginia legislative mandates for suppliers to develop renewal energy sources, a project of this scope, located in an environmentally sensitive area, must be carefully considered.

In conclusion the application does speak to the goals of the Comprehensive Plan. It does not meet the Comprehensive Plan criteria for small scale rural development; protection of sensitive environmental areas; prevention of commercial and industrial areas encroaching on residential and agricultural areas; providing sustainable emergency services for accident and fire job creation, community development, or economic development.

Under Section 15.2-2232 of the Code of Virginia, this application does not rise to the level of Substantially In Accord with the Comprehensive Plan.

Administrator's Update

Board of Supervisors May Meeting - 5/13/21

County Administrator's Monthly Report

Events in April:

- April 5 - Tracy - 8hrs - Daycare closed
- April 6 - Team meeting
- April 6 - Vaccine POD planning call VDH
- April 7 - Piedmont Health District weekly call on COVID-19
- April 8 - Poorhouse Road Solar Call
- April 8 - Finance Committee meeting
- April 8 - Board of Supervisors meeting
- April 9 - VDH Vaccine Event at CHS
- April 12 - Nicole PTO
- April 16 - Radio System RFP presentations at Victoria Community Center
- April 19 - Taylor Newton's first day
- April 20 - Team meeting
- April 20 - Planning Commission meeting
- April 21 - CRC Board meeting - Heartland, Keysville, VA
- April 21 - Piedmont Regional Jail Authority Board meeting
- April 22 - Call to discuss CODE Red services
- April 23 - Contact Team meeting (including Town Mayors)
- April 23 - Glenn's last day in the office
- April 27 - Juvenile Detention Board virtual meeting
- April 27 - VA's Heartland Regional Authority Board meeting
- April 28 - Community Policy & Management Team meeting
- April 30 - Workforce Innovation Board - CLEO virtual meeting

Administration

- Held two team meetings since it was a busy month, will get back to weekly.
- Submitted multiple DCJS grant progress reports and financial reporting.

Airport

- Danny Bond has increased the traffic and we have now rented two of the T-hangars for one of his customers locating his aircraft to be restored to working condition. We also had interest from another pilot, but he could not present proof of insurance for his operable aircraft.
- Larry Way has been actively pursuing improvements at the Airport.
- Larry also worked with DOAV to submit grant request for engineering for the paving project.

Budget & Finance-

- The draft budget will be presented at the meeting.
- I have reached out to Davenport & Co. regarding financing for the Radio System Project.

Building Official and Building & Grounds -

- Jamie has been procuring the generator needed for the complex that will run the pumphouse so toilets and water can be used in a power outage and the HVAC at the Health Department bldg. to maintain continuity of operations and safety of vaccine storage.
- Jamie participated in a total of five days of online training to update his Certified Building Official certification.

Community/Economic Development/Planning -

- Taylor's first day was April 19th. She has tackled her new duties head-on!

- Returned more information to Project Pork Chop. They are still in contact.
- Participated in call for Poorhouse Road Solar w/ Glenn and Buck.
- Attended Planning Commission meeting w/ Glenn and Taylor.
- Took Taylor to her first Commonwealth Regional Council meeting.
- Taylor and I met with both Town Managers and Mayors in Kenbridge to discuss priorities.
- Attended Heartland Authority Board meeting. They will have a new business in the Park; Eastern Engineered Wood Products (aka Project Peanut) will locate their business at Heartland! The ribbon-cutting is attached. Let me know if you'd like to attend.
- Participated in the virtual Workforce Innovation Board CLEO meeting. Director Debra Crowder will be retiring in July. She has a lot of knowledge and will be hard to replace!

COVID-19 Updates -

- Lunenburg County hosted our last mass vaccination point of distribution (POD) with VDH and local partners on Friday, April 9, 2021 at Central High School. The event went well, over 500 were vaccinated, and the School was an excellent partner.
- First Lunenburg COVID-19 case was April 6th, the *cumulative* VDH count as of 5/5/21 is seven hundred sixty-one (761). We have had 26 hospitalizations and 13 deaths. Currently, there are 60 active cases in the County.
- I participate in calls with Piedmont Health District and the School Superintendents on some Wednesdays.
- Submitted quarterly reporting for CARES funds.

Elections -

- Filed for annual reimbursement of 69% of Registrar's salary and Election Officers from the State Office of Elections.
- The Registrar's salary for FY22 will increase from \$49,000 to \$82,000, per the State, which equates to another \$17,000 in local funding for match and fringes.
- The electronic poll books arrived on April 9th and are ready to be used.

Emergency Management & Public Safety -

- CTA Consultants will make their presentation following our full day of proposal presentations from L3Harris and MCA for the Countywide Radio System Project.
- Discussed contract amounts with both Hyper Reach and OnSolve for emergency notification services. We will remain with OnSolve and use CodeRed notifications at a lower contract price than the prior three-year contract.
- Rodney submitted a SHSP application for \$150,000 for assistance to complete the award process and project management for the Radio System Project.

Piedmont Regional Jail Authority and Juvenile Detention Center Board -

- Our Jail budget committee met on 5-6 and need to further discuss the budget with the Superintendent before moving forward. Lunenburg's population percentage is up two points and our cost is increased.
- Piedmont Juvenile Detention Center Director Johnson is proposing increased rates for juveniles because the income is not covering their expenses.

Schools

- Schools are administering SOL tests and awaiting word from the Board on the budget before issuing contracts.

Social Services and Children's Services -

- Social Services now has four vacancies in their office.
- The interim CSA Coordinator, Hope Hodgson, who also works for Nottoway County, is making progress with the program.
- Met with Dotty and Hope to discuss CSA and we will exchange some historical documents for Hope to assure we have necessary documentation.
- Attended CPMT meeting.

Solid Waste -

- We are still seeking land to build another site in Beaver Creek District.
- Recycling event took place April 17th and they had about 8 visitors.

UPCOMING dates of interest:

May 13 – Board of Supervisors meeting

May 17 – Ribbon-cutting Heartland Park

May 17-19 – RFCA Audit Fieldwork

May 18 – Planning Commission – 2232 Hearing “Poorhouse Road Solar”

May 27 – Last Day of School

May 28 – Tracy PTO – son’s 8th grade graduation

ROTARY Four-Way Test:

1. Is it the TRUTH?
2. Is it FAIR to all concerned?
3. Will it BUILD GOODWILL and BETTER FRIENDSHIPS?
4. Will it be BENEFICIAL to all concerned?

“Arrogance needs to give answers. Humility stays curious.”

--Dan Rockwell

 You are attending [VIEW RSVP](#)

DETAILS

LOCATION

Heartland Industrial Park

230 Heartland Drive, Keysville, VA 23947


3:00 PM - 4:00 PM Monday, May 17, 2021


We are pleased to invite you to the ground breaking of our newest engineered wood products (EWP) distribution center, located in the Heartland Industrial Park. When completed the property will be home to a 30 acre, rail served, EWP order fulfillment center, serving customers throughout Virginia and North Carolina. There will be a brief ground breaking ceremony followed by visiting, weather permitting.

Current COVID guidelines in Virginia require masks at outdoor gatherings when within 6 feet of a person not within your household. As a result we are asking all guests to remain masked throughout the event.

Parking will be along Heartland Drive.

In the event of bad weather we will cancel the event, offer our gratitude to the many great partners who helped bring the project to this point, and look forward to seeing you at the grand opening.

 [View Map](#)

 [Add to calendar](#)

 **RSVP Submitted Successfully**

1 Attending in Your Group

[VIEW RSVP](#)

6-5 Annual Vacation; General policies

A. All eligible full-time employees shall earn annual vacation leave on a pay period (monthly) basis as follows:

(1) A full-time employee earns annual vacation leave based upon years of service.

(2) The following chart sets forth the amounts of annual vacation leave that may be accrued during each month based on years of service. A full day equates to eight hours and a full week equates to forty hours.

<u>Years of Service</u>	<u>Monthly Accrual Rate</u>
Up to 5 years	1 day
5 years	1 ¼ days
10 years	1 ½ days
15 years	1 ¾ days
20 years	2 days
25 years	2 ¼ days

B. The following limits apply to the amount of annual vacation leave that is permitted to be carried over to the next year as well as the amount that will be paid at termination. Any annual vacation leave earned in excess of the maximum yearly carryover limit shall be lost for the pay period in which it accrues. All employees are encouraged to take annual leave in sufficient amounts so as to prevent it being lost by exceeding the maximum.

<u>Years of Service</u>	<u>Maximum Yearly Carryover</u>
Up to 5 years	24 days
5 years	27 days
10 years	30 days
15 years	33 days
20 years	36 days
25 years	39 days

C. Temporary full-time and part-time employees do not accrue annual vacation.

D. Annual vacation shall be earned during an employee's initial probationary period but shall not be taken until the probationary period is satisfactorily completed, unless approved by special exception by the County Administrator.

E. Except as otherwise provided herein, upon leaving the County's service, an employee is entitled to be paid at his or her current rate of pay for all accrued annual leave, but not above

the maximum accrual limit. In the event of death, the employee's estate shall be entitled to payment for any unused annual leave balances.

F. The County Administrator reserves the right to deny or reduce pay for accumulated but unused annual leave at his or her sole discretion when there is a dismissal for violation of County policy or the separation from service is without proper notice.

G. The provisions of this policy shall not be applicable to the elected officials serving as Constitutional Officers. The County shall not, under any circumstances, grant such Constitutional Officers any annual leave, nor shall it make any annual leave accrual payment to such Constitutional Officers.

H. If an approved holiday falls within a period of annual leave, it shall not be counted as an annual leave day.

6-6 Sick Leave

A. All eligible full-time Virginia Retirement System Plan 1 & Plan 2 employees shall earn sick leave at the rate of one (1) day each calendar month of employment or twelve (12) days per calendar year. Each VRS Plan 1 & Plan 2 employee shall be allowed to accumulate and carry-forward up to 120 days of sick leave. Employees will not be compensated for unused sick leave upon separation from County service.

B. All eligible full-time Virginia Retirement System Hybrid Plan employees shall be provided sick leave credits upon employment or the first day of the first full payroll period in January according to the tables below. VRS Hybrid Plan employees will participate in the Hybrid Short-term and Long-term Disability Plan (see separate manual) as required by VRS. This plan provides leave for longer periods of absence due to illness. Upon participation in the short and/or long-term disability plan, the sick leave balances of eligible employee will be frozen.

(1) At the discretion of the County Administrator or his/her designee, frozen sick leave balances may be used to (a) supplement income during period when an employee is receiving short or long-term disability benefits, or (b) for any allowable use of sick leave credit during the one year waiting period prior to disability benefits.

Eligible full-time employees hired from January 1st through June 30th and subsequent years thereafter:

<u>Years of Service</u>	<u>Sick Leave Credit in Days</u>	<u>Sick Leave Credit in hours</u>
0 to 4	12	96
5 to 9	13	104
10 and beyond	14	112

Sick leave credits will not accumulate and may not be carried over. Employees will not be compensated for unused sick leave credits upon separation from County service.

Eligible full-time employees hired from July 1st through December 31st, subsequent years see table above:

<u>Sick Leave Credit in Days</u>	<u>Sick Leave Credit in hours</u>
6	48

Sick leave credits will not accumulate and may not be carried over. Employees will not be compensated for unused sick leave credits upon separation from County service.

- C. Temporary full-time and part-time employees do not earn or accrue sick leave.
- D. Purpose of sick leave - Paid sick leave is not a right that an employee may use at his or her discretion. It is used only for the following reasons:
 - (1) Personal illness or injury that prevents the employee from performing his or her actual duties.
 - (2) Personal medical, dental or optical consultations or treatments.
 - (3) Exposure to contagious disease when there is reason to believe there exists actual danger that the disease may be transmitted through the exposed employee to others during the course of his or her official duties.
 - (4) Maternity leave.
 - (5) Illness or incapacity of the employee's immediate family, which shall not exceed 32 hours per calendar year. "Immediate family" is defined as the employee's spouse, children, parents, grandparents, brother, sister, or any relative living in the employee's household.
 - (6) Other legitimate causes which, in the discretion of the County Administrator, may be classified as warranting use of sick leave.
- E. An employee shall directly notify the appropriate supervisor when the use of sick leave is needed for one of the aforementioned reasons.
- F. While the County Administrator has sole discretion concerning whether an employee shall document his or her illness or injury, generally employees will be asked for a written statement by a licensed health care professional in the following cases:
 - (1) An injury, illness, or medical condition that results in an absence during assigned public safety or on-call shifts, and emergency schedules.
 - (2) An employee demonstrates excessive or habitual absences. The County Administrator or Constitutional Officer shall notify the employee that excessive or habitual absences have occurred in the past prior to requiring a written statement.

(3) An injury, illness, or medical condition that results in an absence of three or more consecutive workdays. An employee absent for a third consecutive workday should consult with his or her supervisor to determine if a written statement is likely to be requested.

(4) Nothing herein shall be construed to mean that an employee may take sick leave solely because an accumulated balance exists.

(5) Sick leave is charged against employees in 30-minute increments or more.

(6) Sick Leave does not accumulate while an employee is out of work using sick leave when said use exceeds forty (40) consecutive hours.

(7) Obvious and flagrant misuse of sick leave may constitute grounds for dismissal.

G. In order to be eligible for sick leave with pay, an employee must:

(1) Daily report promptly to his or her supervisor the reason for his or her absence.

(2) Keep his or her supervisor informed of his or her condition.

(3) Notify his or her supervisor promptly upon return to work.

(4) Permit the County to have made such medical examinations, as it deems desirable.

H. Additional sick leave.

(1) In extended periods of necessary absence caused by injury or illness and exceeding the employee's accrued annual vacation, compensatory and sick leave balances, the County Administrator may approve additional sick leave, provided that:

(a) It is requested in writing by the employee and endorsed by his or her supervisor, if applicable.

(b) The total period of absence on such leave does not exceed 20 working days.

(c) The County Administrator in each instance bases his or her decision on a careful study of the likelihood of the employee's eventual return to duty and the likelihood that the additional sick leave can be repaid.

(2) Such additional sick leave shall be charged against annual vacation, compensatory or sick leave accrued by the employee upon return to duty so the County is repaid at the earliest possible date. After repayment is completed, the employee shall accumulate annual, compensatory and sick leave at normal rates.

I. The County Administrator reserves the right to deny or reduce pay for accumulated but unused sick leave at his or her sole discretion when there is a dismissal for violation of County policy or the separation from service is without proper notice.

J. The provisions of this policy shall not be applicable to the elected officials serving as Constitutional Officers. The County shall not, under any circumstances, grant such Constitutional Officers any sick leave, nor shall it make any sick leave accrual payment to such Constitutional Officers.

8

County Attorney Update

Southern Dominion Health System, Inc.

April 27, 2021

County of Lunenburg
ATTN: Tracy Gee
11413 Courthouse Road
Lunenburg, VA 23952

Dear Tracy,

This letter is to verify that Southern Dominion Health System, Inc is still being used as a medical center to serve the residents of Lunenburg County and surrounding counties.

According to the Deed of Trust Note dated March 20, 2000, the debt of \$700,000 would be released if the facility was used for a community health center for at least 20 years.

When the name changed from Lunenburg County Community Health Center to Southern Dominion Health System, Inc., our services did not change and we continue to serve all patients, regardless of ability to pay. During 2020, SDHS served over 11,000 patients within our service communities, with over 2,000 residing in Lunenburg County.

Please accept this letter as a request to release the debt of \$700,000 without payment being as we have satisfied the 20 year commitment.

Sincerely,

Jill Seamans
CEO

Lunenburg Medical Center
1508 K-V Road
PO Box 70
Victoria, VA 23974
434.696.2165
434.696.1557 (Fax)

Dinwiddie Medical Center
13855 Courthouse Road
Dinwiddie, VA 23841
804.469.3731
804.469.5307 (Fax)

Emporia Medical Center
510 N. Main Street
PO Box 267
Emporia, VA 23847
434.634.7723
434.634.7725 (Fax)

Amelia Healthcare Center
8920 Otterburn Road
Amelia, VA 23002
804.561.5150
804.561.6643 (Fax)

SDHS Family Dentistry
1685 K-V Road
PO Box 70
Victoria, VA 23974
434.696.4180
434.696.4182 (Fax)

**SDHS Counseling and
Behavioral Services**
1685 K-V Road
PO Box 70
Victoria, VA 23974
434.696.2319
434.696.2326 (Fax)



www.sdhsinc.com

CERTIFICATE AND AFFIDAVIT OF SATISFACTION
 COMMONWEALTH OF VIRGINIA VA. CODE §§ 55.1-339 to 55.1-345

..... Lunenburg County Circuit Court
 is the location of the following record referenced by this certificate:

03/20/2000	255	097	000000414
DATE, <input checked="" type="checkbox"/> DEED OF TRUST [] OTHER LIEN	DEED BOOK NO.	PAGE NO.	INSTRUMENT NUMBER
034 0A 0 49B			
PARCEL IDENTIFICATION NUMBER/TAX MAP NUMBER			
Lunenburg County Community Health Center, Inc.			
NAME(S) OF GRANTOR(S)/MAKER(S)			
Robert E. Hawthorne and Robert E. Hawthorne, Jr.			
NAME(S) OF TRUSTEE(S)			
			\$ 700,000.00
			AMOUNTS AND TOTAL OF NOTE(S)

I/WE, lien creditor, settlement agent, or title insurance company, who made payment in satisfaction of the above-mentioned note(s) secured by the above-mentioned deed of trust or other lien, do hereby certify that the same has/have been paid in full, and the lien therein created and retained is hereby released.

LUNENBURG COUNTY, VIRGINIA

By: _____

DATE _____

Charles R. Slayton, AUTHORIZED SIGNER
Chairman of the Board of Supervisors,
who is authorized to sign pursuant to a resolution approved on May 13, 2021

LIEN CREDITOR
 SETTLEMENT AGENT (RESA Registration No.)
 (Settlement Agent's AFFIDAVIT and NOTICE OF INTENT is attached.)
 Pursuant to authority granted by Virginia Code § 55.1-339(E)
 TITLE INSURANCE COMPANY (Title Insurance Company's Affidavit and Notice of
 Intent is attached.)
 Pursuant to authority granted by Virginia Code § 55.1-339(E)

State/Commonwealth of [] City [] County of

Acknowledged, subscribed and sworn to before me this day of, 20

by
 LIEN CREDITOR, SETTLEMENT AGENT OR TITLE INSURANCE COMPANY

..... PRINTED NAME OF NOTARY PUBLIC SIGNATURE OF NOTARY PUBLIC (My commission expires) Registration No.
--	--

VIRGINIA:
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT

This certificate and affidavit of satisfaction was presented and, with the Certificate annexed, admitted to record on

..... at m.
 DATE TIME

Clerk's fee of \$ have been paid.

....., Clerk by Deputy Clerk

Nicole Clark

From: Tracy Gee <tgee@lunenburgva.net>
Sent: Friday, May 7, 2021 9:54 AM
To: Frank Rennie
Cc: Nicole Clark
Subject: FW: Waiver

Good morning! We will need to add this to our Board meeting for next week. I do not think we need a public hearing, but if we do, this would require a special called public hearing (at which, we could also hold our budget PH).

From: Carolyn Parsons
Sent: Friday, May 7, 2021 9:49 AM
To: 'Tracy Gee' <tgee@lunenburgva.net>
Subject: Waiver

Tracy,

Please see the attached guidance from the Virginia Department of Elections.

Under the provisions of 24.2-307, localities are required to comply with the following

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city. In each year ending in one, the governing body of each county and city shall establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. If congressional districts, Senate districts, House of Delegates districts, or local election districts have not been adopted by the appropriate authority by June 15 of a year ending in one, the governing body may use the congressional districts, Senate districts, House of Delegates districts, or local election districts as such districts existed on June 15 of that year as the basis for establishing the precinct boundaries to be used for the elections to be held in November of that year. Such governing body shall establish precinct boundaries to be consistent with any subsequent changes to the congressional districts, Senate districts, House of Delegates districts, or local election districts. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309. A governing body granted a waiver to administer a split precinct or directed to establish a precinct with fewer than the minimum number of registered voters may use such a precinct for any election held that year.

Given the delay in Redistricting activities due to delayed Census data, the state will be granting waivers for the curing of the split precincts, as detailed above.

Under the provisions 24.2-307, Lunenburg County has the following split precincts in need of a waiver.

201 Browns Store
301 Rosebud
302 Flat Rock
502 Peoples Community Center
702 Victoria Library

In order to request this waiver, I will need to provide the Department of Elections with a copy of the Minutes from a Board of Supervisors meeting, in which the governing body formally requests a waiver until such a time as redistricting can be completed.

Please add this item to the next available BOS meeting.

Please let me know if you have any questions.

Thank you,

Carolyn A Parsons

General Registrar
160 Courthouse Rd
Lunenburg, VA 23952
T: 434-696-3071
F: 434-696-3952

#414

THIS DEED OF TRUST, made and entered into this 20th day of March, 2000, by and between LUNENBURG COUNTY COMMUNITY HEALTH CENTER, INC, party of the first part, Grantor; and ROBERT E. HAWTHORNE, of Lunenburg County, Virginia, and ROBERT E. HAWTHORNE JR., of 110 South Broad Street, Kenbridge, Lunenburg County, Virginia, Trustees, parties of the second part, Grantees;

W I T N E S S E T H :

THAT for and in consideration of the provisions of this deed and of TEN DOLLARS (\$10.00) cash in hand paid, the receipt of which is hereby acknowledged, the party of the first part does hereby grant and convey with GENERAL WARRANTY and ENGLISH COVENANTS and TITLE unto the said Robert E. Hawthorne and Robert E. Hawthorne Jr., Trustees, parties of the second part, the following described real estate, to-wit:

All that certain tract or parcel of land, situate in Plymouth District, Lunenburg County, Virginia, containing 8.16 acres, more or less, as indicated on a plat drawn by D. L. Bowman, CLS, May 19, 1972 and revised May 8, 1973, entitled "Plat of a parcel of land in Plymouth District of Lunenburg County, Virginia surveyed by Norman Neblett", and recorded in the Clerk's Office of the Circuit Court of Lunenburg County, Virginia. Said property is described thereon as commencing at an iron pipe in the Northern edge of Route 635 corner with VFW Post 9954; thence along the northern edge of said Route 635 S 63° 54' W. 206.3 feet to a point; thence S 56° 44' W. 116.19 feet to a point; and S 38° 00' W. 146.36 feet to an iron pin in the northern edge of Route 635; thence N 65° 45' W. 437 feet to an iron pin on a property line; thence N. 45° 31' E 632 feet across a branch to the southern edge of state Route 40; thence S 71° 27' E. 359 feet along the southern edge of State Route 40 to a point; thence S 4° 19' E. 349 feet to a pipe on the northern edge of Route 635 to the point of beginning.

Being the same property conveyed to Lunenburg County Community Health Center, Inc. by deed from Ann R. Ashby, dated September 30, 1998, of record in the Clerk's Office aforesaid in

IN TRUST, HOWEVER, to secure the holder of the her described Note the payment of the principal sum of SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00) with no interest, evidenced by promissory note of even date herewith made, signed, sealed and executed by Lunenburg County Community Health Center, Inc., payable to the order of Lunenburg County, Virginia, such principal interest to be payable in accordance with the terms and conditions contained and set forth in said note.

This deed of trust is given and will be construed to implement and confer upon the parties hereto and the beneficiaries hereunder the duties, rights and obligations provided for in Section 55-59 of the Code of Virginia (1950), as amended, and in addition, the provisions set forth in short form in Section 55-60 of said Code and herein as follows:

Deferred purchase money.

Exemptions waived.

Subject to all (call) upon default.

Right of anticipation reserved.

Renewal or extension permitted.

Substitution of trustees permitted.

Any trustee may act.

Trustee's commission of 5% of gross proceeds of sale.

Insurance required:

Advertisement required: Sale to be for cash on the premises or at such other place as the Trustees shall select after first advertising the time, place and terms of sale once a week for four successive weeks in a newspaper having general circulation in Lunenburg County, Virginia.

IT IS FURTHER COVENANTED AND AGREED that if all or any part of the real estate conveyed herein is sold or transferred by the parties

of the first part of its use changes within twenty (20) years,
excluding (a) the creation of a lien or encumbrance subordinate to
this Deed of Trust, or (b) a transfer by devise, descent or by
operation of law upon the death of a joint tenant, Noteholder may,
at Noteholder's option, declare all the sums secured by this Deed
of Trust to be immediately due and payable.

NOTICE - THE DEBT SECURED HEREBY IS SUBJECT TO CALL IN FULL OR
THE TERMS THEREOF BEING MODIFIED IN THE EVENT OF SALE OR CONVEYANCE
OF THE PROPERTY HEREBY SECURED.

IF NO DEFAULT SHALL BE MADE in the payment of the note
aforesaid, principal or interest, or in the taxes and insurance,
then, upon the request of the party of the first part, a good and
sufficient release shall be executed to them at its own proper
costs and charges.

WITNESS the following signature and seal:

LUNENBURG COUNTY COMMUNITY
HEALTH CENTER, INC.

By E. H. Jeter (SEAL)
E. H. Jeter, Chairman
Lunenburg County Community Health
Center, Inc., Board

STATE OF VIRGINIA

COUNTY OF LUNENBURG, to-wit:

The foregoing instrument was acknowledged before me on the
20th day of March, 2000, by E. H. Jeter, Chairman of the Board of
Lunenburg County Community Health Center, Inc., on behalf of said
Board and Corporation.

My commission expires February 29, 2004.

Elizabeth R. Williams
Notary Public

This instrument is exempt from recordation tax
under 58.1-811 (B)(3). of the Code of VA.

THORNE & HAWTHORNE, P.C.
ATTORNEYS AT LAW
ENBRIDGE, VIRGINIA 23944

DEED OF TRUST NOTE

\$700,000.00

Kenbridge, Virginia
March 20, 2000

FOR VALUE RECEIVED, the undersigned promises to pay to the order of LUNENBURG COUNTY, VIRGINIA, the principal sum of SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00), with no interest, in the event the real property, including all appurtenances and improvements thereon, secured by said deed of trust is sold or conveyed, or is primarily utilized for any purpose other than that specified by the Virginia Department of Housing and Community Development, namely a community medical care facility, and all activities incidental thereto, within a period of twenty (20) years from the date hereof, which said sum shall then be due and payable in such event on demand.

The foregoing repayment schedule may be waived or modified by the Lunenburg County, Virginia Board of Supervisors at its own and sole discretion.

In the event the real property, including all appurtenances and improvements thereon, secured by said deed of trust is not sold or conveyed, or remains primarily utilized for the purpose of a community medical care facility, and all activities incidental thereto, for a period of twenty (20) years from the date hereof, the said indebtedness shall then be waived, and the indebtedness secured by this note declared paid and satisfied in full, the lien of the deed of trust securing this note released, and this note cancelled.

The right is reserved to repay this note in whole or in part at any time without penalty.

In the event of default hereunder or the breach of any of the covenants in the deed of trust securing this note, then the unpaid principal balance may, at the option of the holder of this note, and without notice, be declared and become at once due and payable. Any failure by the noteholder to exercise such option shall not be deemed a waiver of the right to exercise the same in the event of any subsequent default or breach.

Presentation, demand, protest, notices of dishonor and of protest, and all defenses and pleas on the grounds of any extension or extensions of the time of payment or of the due dates of this note, in whole or in part, before or after maturity, with or without notice, are hereby waived by the makers and by any and all endorsers, sureties, guarantors and obligors hereof, it being further agreed by them that they will pay any collection expense, court costs, and reasonable attorney's fees which may be incurred in the collection or enforcement of this note or of any part hereof.

This note is secured by a deed of trust of even date herewith given by the Maker to Robert E. Hawthorne and Robert E. Hawthorne, Jr., Trustees, conveying property located in Lunenburg County, Virginia.

WITNESS the following signature and seal:

LUNENBURG COUNTY COMMUNITY
HEALTH CENTER, INC.

By E. H. Jeter (SEAL)

E. H. Jeter, Chairman
Lunenburg County Community Health
Center Board Inc., Board

DEED OF TRUST NOTE

\$700,000.00

Kenbridge, Virginia
March 20, 2000

FOR VALUE RECEIVED, the undersigned promises to pay to the order of LUNENBURG COUNTY, VIRGINIA, the principal sum of SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00), with no interest, in the event the real property, including all appurtenances and improvements thereon, secured by said deed of trust is sold or conveyed, or is primarily utilized for any purpose other than that specified by the Virginia Department of Housing and Community Development, namely a community medical care facility, and all activities incidental thereto, within a period of twenty (20) years from the date hereof, which said sum shall then be due and payable in such event on demand.

The foregoing repayment schedule may be waived or modified by the Lunenburg County, Virginia Board of Supervisors at its own and sole discretion.

In the event the real property, including all appurtenances and improvements thereon, secured by said deed of trust is not sold or conveyed, or remains primarily utilized for the purpose of a community medical care facility, and all activities incidental thereto, for a period of twenty (20) years from the date hereof, the said indebtedness shall then be waived, and the indebtedness secured by this note declared paid and satisfied in full, the lien of the deed of trust securing this note released, and this note cancelled.

The right is reserved to repay this note in whole or in part at any time without penalty.

In the event of default hereunder or the breach of any of the covenants in the deed of trust securing this note, then the unpaid principal balance may, at the option of the holder of this note, and without notice, be declared and become at once due and payable. Any failure by the noteholder to exercise such option shall not be deemed a waiver of the right to exercise the same in the event of any subsequent default or breach.

Presentation, demand, protest, notices of dishonor and of protest, and all defenses and pleas on the grounds of any extension or extensions of the time of payment or of the due dates of this note, in whole or in part, before or after maturity, with or without notice, are hereby waived by the makers and by any and all endorsers, sureties, guarantors and obligors hereof, it being further agreed by them that they will pay any collection expense, court costs, and reasonable attorney's fees which may be incurred in the collection or enforcement of this note or of any part hereof.

This note is secured by a deed of trust of even date herewith given by the Maker to Robert E. Hawthorne and Robert E. Hawthorne, Jr., Trustees, conveying property located in Lunenburg County, Virginia.

WITNESS the following signature and seal:

LUNENBURG COUNTY COMMUNITY
HEALTH CENTER, INC.

By E. H. Jeter (SEAL)
E. H. Jeter, Chairman
Lunenburg County Community Health
Center Board Inc., Board