

Red Brick Solar, LLC

Due to the length of the application, the Red Brick Solar, LLC application has not been included in your packet. Numerous comments have been received in regard to the Red Brick Solar, LLC Conditional Use Permit Application, as well. Due to the length of the application and comments, they are not included in the packet; however, are available at the County Administration Office or via email if you would like to review them. You can call the office at 434.696.2142 or via email: taylor@lunenburgva.net

Synopsis of Comments Received in Regard to Red Brick Solar, LLC CUP

1. Trudy Berry—May 11, 2021
 - a. Opposition due to environmental concerns
2. Friends of Meherrin—April 26, 2021
 - a. Not opposed to solar development, but want the environment to be taken into consideration
 - b. Opposed to Red Brick Solar, LLC due to environmental concerns
3. Mitty Crymes—April 21, 2021
 - a. More appealing than the landfill bringing everyone else's trash into the County
4. R. Leonard Vance—March 16, 2021
 - a. Environmental damage from water and soil erosion
 - b. Suggest third-part independent consulting engineers to evaluate plans submitted
5. Randy Buchanan—March 16, 2021
 - a. Due to there not being a consensus of opinion for support or opposition, County officials should ensure that they have all the pertinent information
6. Trudy Berry—March 9, 2021
 - a. Approve Red Brick Solar's request and that any Planning Commission member that have an interest, relative, stock, etc. involved in solar should declare a conflict of interest.
7. W. Vern Buchanan—March 9, 2021
 - a. Support of the application
8. Bobby Marshall—March 8, 2021
 - a. Opposition to the project for the following reasons:
 - i. Environmental impact
 - ii. Economic impact
 - b. Planning Commission members with interest in solar should abstain from voting
9. John M. Janson—October 31, 2020
 - a. Opposed to Red Brick Solar, LLC due to environmental concerns

From: Annamay Gambino <Annamay.Gambino.450990788@p2a.co>
Sent: Wednesday, August 25, 2021 3:13 PM
To: Taylor Newton
Subject: Red Brick CUP

Dear Economic Development Director Taylor Newton,

I am writing to applaud the Lunenburg County Planning Commission for recommending the Red Brick Solar Conditional Use Permit to the Board of Supervisors, and would like the comment below to be read aloud during the Red Brick CUP hearing before the Board of Supervisors:

Supporting the development of solar projects right here in Lunenburg is key to investment in the county's future economic growth. Maintaining a business-friendly environment will ensure developers continue to maintain an interest in investing in Lunenburg, rather than simply venturing to a nearby county. I am excited about the opportunity Lunenburg has to contribute to the growth of this new industry in Virginia.

Red Brick Solar would provide Lunenburg County \$12.7 million in additional tax revenue over the assumed 40-year life of the Project. During construction, the project will spend \$70 million in local labor, goods, and services. During operations, the project will annually support \$170,000 in local labor and \$589,00 in local goods and services. I would like to see this project come to fruition so that the residents of Lunenburg County can enjoy these benefits!

Thank you for your time and consideration,
Annamay Gambino
209 E 4th Ave
Kenbridge, VA 23944

Staff Report
Red Brick Solar, LLC
CUP C-5-20
Lunenburg County, Virginia

Report Date: August 31, 2021
Planning Commission Meeting Date: August 17, 2021

APPLICATION SUMMARY

Project: Red Brick Solar

Location: The project is along HWY 49 - Courthouse Road, approximately 2.35 miles west/southwest of the Town of Victoria and intersects HWY 49 approximately 0.72 miles west/southwest of the intersection of Lunenburg County Road and Courthouse Road next to the County Courthouse in Lunenburg County, Virginia.

Parcel Record Numbers: The Project will be sited on 19 parcels 031-0A-0-33A, 031-0A-0-33B, 031-0A-0-33C, 031-0A-0-33D, 032-0A-0-38, 032-0A-0-39, 032-0A-0-40, 032-0A-0-40A, 032-0A-0-40B, 043-01-0-1, 043-01-0-2, 043-01-0-3, 043-01-0-4, 043-01-0-5, 043-01-0-6, 043-0A-0-27, 043-0A-0-28, 044-0A-0-1, and 044-0A-0-2 (collectively, the "Property").

Proposal: 130 MW alternating current utility-scale solar facility and substation

Application Submitted: Original submission March 2020
Revised submission October 8, 2020
Last revised June 17, 2021

Applicant: Charlie Johnson
310 4th St. NE, Suite 300
Charlottesville, VA 22903

Representative: Charlie Johnson
(434) 220-3712
charlie.johnson@apexcleanenergy.com

Owners:

Cherry Tree Timber LLC
Grenshaw, David
Edmonds, William Edward or Sharon S,
Hancock Timberland XII Inc. (two separate Option to Purchase agreements) Jamestown Forestlands LLC
Kloc, George or Rose Marie
Martin, Raymond M or Ann D,
Nowlin, James S or Deborah W
Slayton, Charles R or Melanie A
Wenyon, Keith Allen

STAFF ANALYSIS

Description: CUP C-5-20 is a 130 MW utility-scale solar facility, one of the largest development projects in the 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 up to 1,400 acres within a security fence. The current zoning on the property is A-1 Agricultural. The 2,510 acres is comprised of 19 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. The project also involves the installation of a substation, switchyard, inverters, and other ancillary items. They did not propose battery storage.

The Applicant submitted the application on October 8, 2020, and a revised application on June 17, 2021. The Applicant amended the application on July 19, 2021, by adding a Phase 1A Cultural Resource Assessment and on July 22, 2021, by adding a Geotechnical Report.

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 significantly sloped. USGS topographic maps illustrate slopes along Couches Creek ranging from 20 degrees to 30 degrees. These slopes are present throughout the property. The 'Lunenburg Topographic Quad Sheet' was provided for the 2232 review. Large scale clearing and future runoff may pose significant problems for the area. 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 may present stormwater management issues. 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. Stormwater will run along 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%.

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. **

** 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 very limited. Primary access points are proposed from Route 49 (4) with secondary access points off Route 40 (2). Secondary access points are not clearly defined in the application and the exact points of ingress/egress need to be clarified and confirmed

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.

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

COMPREHENSIVE PLAN ANALYSIS

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."*

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

(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

The Applicant proposes a 130 MW non-fossil fuel electrical generating plant that has the capacity to power 26,000 homes. The proposed project includes a Decommission Plan to restore the parcel to its' original character at the end of the Solar Facility's 40-year life span, which includes replanting following decommissioning.

Impacts of Applicant Proposal

Due to the steep slopes and poor soil quality, the site is not ideal for agriculture but is suitable for timber. Aside from timber uses, this is an open area in a rural portion of the County.

The steep slopes also make it not ideal for a Solar Facility. The slopes and the poor soil quality will create environmental challenges once the timber is cleared. Mitigating negative impacts to the environment will require more measures than for a flatter area. Mitigation techniques are proposed in the permit conditions.

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.”*

(Page 118) Section F, Objective 1, Strategy 1, 2, and 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. The Applicant points to the minimum standards of the Virginia Department of Environmental Quality for mitigating negative impacts to waterways. There are no areas of critical environmental importance, development will not occur in flood plains or wetlands, and preservation and planting of vegetation is proposed in the project buffer. The Applicant provided a Geotechnical Report with site development recommendations.

Impacts of Applicant Proposal

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.

The Applicant proposes siting the Facility on 2,510 acres of woodland of which 1,400 +/- acres would be cleared for development. Given the soil conditions presented above, the drainage of eight to ten million square feet of impervious area with a runoff coefficient of .72 to .82 which flows directly into Couches Creek, a DEQ impaired waterway, poses significant erosion and flooding potential that is generated by this development. Flooding of offsite property is not addressed in the application.

Review of the ConserveVirginia database (<https://vanhde.org/content/map>) indicated unique features that exist at the site. There are floodplains around the creeks and rivers (Figure 1). In addition, the entire area is identified as

- a Natural Habitat and Ecosystem Diversity area (Figure 2),
- outstanding under Ecological Cores (Figure 3),

- in the Natural Land Network (Figure 4),
- high, very high, and outstanding Forest Conservation Values (Figure 5), and
- medium Watershed Conservation Priority (Figure 6).

The application does not indicate the location of wildlife corridors.

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.

The application does not include detailed Construction Management, Construction Mitigation, Traffic Management, Erosion and Sediment Control, Stormwater Management, Landscaping, or Decommissioning Plans.

Detailed plans and mitigation techniques are proposed in the permit conditions.

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 an environmental impact based on what they produce, how they operate, 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.

There are, however, other environmentally friendly industries to consider. Converting land uses to solar is not supportive of natural resource industries and outdoor activities, primarily the maintaining of wood production and outdoor recreation. 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. The black bear population has grown substantially over the last two decades, with increases in both population numbers and the weight of the animals. The Meherrin River 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 which are also rich game habitats add to the attractiveness for outdoor tourism. To trade one industry for another threatens the economic benefits that have developed because of these areas in pursuit of what may be a short-term gain. In addition, the Red Brick application has proposed no wildlife corridors through the property to protect these interests.

Employment and the Economics of Solar Development

Solar facilities are passive electrical producers that do not require staff to operate and do not permanently increase local payrolls. Labor costs for construction are a short-term enhancement to the local economy, and, in a locality that has no short-term living accommodations, provide few economic benefits. There are no post-construction jobs derived from the project. No set-aside

contracts for local employment and local business have been proposed. If construction spending was to include the local workforce it could boost the local economy. This is not evident in the proposal.

Purchase money for the properties goes primarily to a few large timber companies and institutional investment funds, not to our local landowners. Little local economic benefit will be realized as 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 to support the construction phase. Fuel sales is a local business sector that will 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. Utility-scale solar projects are not typically development magnets in that they do not generate tangential business growth besides other Solar Facilities.

There are no direct benefits of renewable electricity to the surrounding community. The generated power is fed into the general electrical grid and is not delivered directly to an adjacent local user.

Community Development

The Red Brick application has established grant funding to the community. However, 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 such an integrative strategy.

Historic Features

The Applicant submitted a Phase 1A Cultural Resource Assessment identifying areas with high potential for cultural resources. The report recommended further investigation including, but not limited to, conducting a Phase 1 survey, pedestrian survey, and shovel test pits.

Emergency and Miscellaneous County Services

The application states that "The Applicant shall coordinate with the County's emergency services personnel as requested (but no more than once per year) to provide materials, education, or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies."

2232 REVIEW

The Planning Commission did not find this project to be substantially in accord with the Comprehensive Plan at its March 16, 2021, public hearing (a motion to approve failed on a tied vote). The applicant appealed the Planning Commission's finding to the Board of Supervisors. On June 10, 2021, the Board of Supervisors overturned the Planning Commission's determination and found that the Red Brick Solar, LLC project, as proposed, is substantially in accord with the Lunenburg/Kenbridge/Victoria Joint Comprehensive Plan, 2019-2024.

ZONING ORDINANCE ANALYSIS

County Code. Appendix A. Zoning Ordinance. Article 4. District Regulations. Division 1. A-1 Agricultural District states “the intent of the A-1 Agricultural District is to preserve and maintain the predominantly rural character of portions of the county by encouraging agricultural, forestry, open space, recreational and conservation activities as the primary uses in the district. The district is also intended to provide opportunities for residential use, including manufactured homes, on large lots within a rural environment, together with limited commercial uses, support uses and other uses that require large land areas, subject to specific review and approval to ensure compatibility.”

In A-1, “major public utilities” (including but not limited to a generating plant, transmission line, substation, a building housing electrical switching equipment, transfer station, utility storage or maintenance yard or similar use) are permitted by Conditional Use Permit. The yard requirements are:

- (a) *Front yard.* There shall be a front yard of not less than 100 feet.
- (b) *Side yard.* There shall be side yards of not less than 30 feet.
- (c) *Rear yard.* There shall be a rear yard of not less than 70 feet.

The building and structure height limit is 35 feet (excluding solar energy equipment).

Article 8. Conditional Use Permits. Sec. 8-1. Intent of Conditional Use procedure states “The Conditional Use Permit procedure is intended as a means for the Board of Supervisors, after review and recommendation by the Planning Commission, to authorize certain uses which, although generally appropriate in the district in which they are permitted, have potentially greater impacts on neighboring properties or on the community in general than uses which are permitted by right. The Conditional Use Permit procedure provides the opportunity for the Board of Supervisors to review each proposed Conditional Use and impose such conditions as reasonably necessary to ensure the use will be compatible with the surrounding area and will be consistent with the purposes of this ordinance.”

Sec. 8-5. General requirements for approval of Conditional Use Permits states “A Conditional Use Permit shall be approved by the Board of Supervisors only if it finds that the proposed Conditional Use and related plans:

- a) Will not be contrary to the purposes of this ordinance as stated in section 2-3;
- b) Will not be in conflict with the objectives of the Comprehensive Plan for the County;
- c) Conform with all applicable provisions of this article, all other applicable requirements of the district in which such use is located and any specific conditions applicable to the proposed Conditional Use specified elsewhere in this ordinance; and
- d) Include satisfactory provision for or arrangement of the following, where applicable:
 - 1) Sewer, water and other public utilities;
 - 2) Ingress and egress, including access for fire and other emergency vehicles;
 - 3) Off-street parking, loading and vehicle circulation, including adequate consideration of the safety of motorists and pedestrians;

- 4) Yards, open spaces, relationship among buildings and other elements of the site;
- 5) Retention of natural vegetation and topographic features; and
- 6) Landscaping, buffers, screening, fences and other features or means of separation to protect adjacent properties from potential adverse effects of the conditional use.

County Code. Chapter 70. Taxation. Article 6. Revenue Share for Solar Energy Projects and Energy Storage Systems. Sec. 70-157 Applicability states: "This Article shall apply to all solar photovoltaic (electric energy) systems except those: ... (iii) Five megawatts or less.

Applicant Proposal

The project is proposed on parcels in the A-1 district where energy generating plants, substations, and electrical switching equipment are allowed by CUP. The site is currently vacant with open space and forests.

The Applicant proposed 100-foot setbacks along public rights-of-way and 50-foot setbacks elsewhere. Retention of existing trees and vegetation is proposed for half the distance of the setbacks. Where existing trees and vegetation do not provide adequate screening, planting two rows of three-foot tall trees in staggered rows at 10 feet on center is proposed. Native seed for groundcover is proposed.

The Preliminary Site Plan dated January 24, 2020 notes six different project entrance points- four are located on Hwy 49 (Courthouse Road) and two on Route 40 (Lunenburg County Road). The two access points on Lunenburg County Road are not at the immediate road and the exact points of ingress/egress need to be clarified and confirmed.

The proposed Facility is over 5 MW and therefore is subject to the Revenue Share Ordinance and eligible for a Siting Agreement (Code of Virginia § 15.2-2288.8 and § 15.2-2316.7). In addition, the locality can negotiate with the Applicant to receive a "reasonable" cash payment, real property, or construction of public improvements as a condition in a CUP (Code of Virginia § 15.2-2288.8).

Impacts of Applicant Proposal

The Applicant proposed 50-foot setbacks from exterior parcel lines not adjacent to public rights-of-way. This amount is inadequate for providing a riparian buffer zone along waterways. However, the floodplain boundary and steep slopes surrounding the waterways result in a larger setback. In addition, there is no discussion or indication of buffers around internal waterways. For clarity, 100-foot setbacks from bordering waterways and 50 foot buffers from internal waterways shall be required in the conditions.

The Decommissioning Plan calls for removal of roads to 18-inch depth and removal of other facilities to 36-inch depth. This is inadequate. Complete removal of all project materials shall be required in the conditions.

PROPOSED CONDITIONS

The Planning Commission recommends the following conditions to mitigate the adverse impacts of this Utility-Scale Solar Generation Facility with any recommendation for approval.

1. The Applicant will develop the Project Site in substantial accord with the Conceptual Site Plan dated June 17, 2021, included with the application (Attachment A) and these conditions as determined by the Zoning Administrator. Significant deviations or additions including any enclosed building structures to the Preliminary Site Plan will require review and approval by the Planning Commission and Board of Supervisors. As used in these conditions, the "Project Site" shall include the "Solar Facilities." The "Solar Facilities" shall mean the area(s) shown on the Conceptual Site Plan containing racking, panels, inverters, breakers, switches, cabling, transmission lines, and fencing.
2. Site Plan Requirements. In addition to all Virginia site plan requirements and site plan requirements of the Zoning Administrator, the Applicant shall provide the following plans for review and approval for the Solar Facility prior to the issuance of a building permit:
 - a. *Construction Management Plan.* The Applicant shall prepare a Construction Management Plan for each applicable site plan for the Solar Facility, and each plan shall address the following:
 - i. Construction traffic shall be limited to 7:00 A.M. to 7:00 P.M. Monday through Saturday.
 - ii. Deliveries by three-axle trucks or larger shall be limited to Monday through Friday and shall not occur during a one-hour period surrounding school pick-up and drop-off on school days.
 - iii. Additional safety precautions to be considered in the plan may include flagging, speed limit restrictions, and other measures reasonably necessary to ensure the safety of the residential community.
 - iv. Traffic Control Methods (in coordination with the Virginia Department of Transportation [VDOT] prior to initiation of construction):
 1. Lane closures,
 2. Signage, and
 3. Flagging procedures.
 - v. Site Access Planning. Directing employee and delivery traffic to minimize conflicts with local traffic.
 - vi. Site Security. The Applicant shall implement security measures prior to the commencement of construction of Solar Facilities on the Project Site.
 - vii. Lighting. During construction of the Solar Facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and/or safety lighting shall be exempt from this construction lighting condition.
 - viii. Water Supply. In the event that on-site wells are used during construction of the Solar Energy Facility, the Applicant shall prepare and submit for review to the County hydrogeologic information necessary for the County to determine the potential impact to pre-existing users for the same aquifer proposed to be used for the Solar Energy

Facility and a plan to mitigate impacts to pre-existing users within the area of impact of the Project. If the County, in consultation with the Department of Environmental Quality, determines that the installation of a well will not adversely affect existing users, the Applicant may proceed with well construction in compliance with approval by the Department of Environmental Quality. At the end of the construction of the Solar Energy Facility, the well shall not thereafter be used except only for personal toilet and lavatory facilities as required by the Uniform Statewide Building Code for operations and maintenance buildings.

- b. *Construction Mitigation Plan.* The Applicant shall prepare a Construction Mitigation Plan for each applicable site plan for the Solar Facility, and each plan shall address the effective mitigation of dust, burning operations, hours of construction activity, access and road improvements, and handling of general construction complaints as set forth and described in the application materials and to the satisfaction of the Zoning Administrator. Damage to public roads related to construction activities shall be repaired as soon as possible and not postponed until construction completion. The Applicant shall provide written notice to the Zoning Administrator of the plans for making such repairs, including time within which repairs will be commenced and completed, within thirty (30) days of any written notice received from the Zoning Administrator.
- i. Driving of posts and blasting shall be limited to 7:00 am to 6:00 pm, Monday through Saturday. Driving of posts shall be prohibited on state and federal holidays. The Applicant may request permission from the County Administrator to conduct post driving activity on Sunday, but such permission will be granted or denied at the sole discretion of the County Administrator.
 - ii. Other construction activity on-site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.
 - iii. During construction, the setbacks may be used for staging of materials and parking. No material and equipment laydown area, construction staging area, or construction trailer shall be located within 400 feet of any property containing a residential dwelling.
 - iv. Construction lighting shall be minimized and shall be directed downward.
- c. *Grading plan.* The Applicant will submit a final Grading Plan for review and approval by the Zoning Administrator. The Project shall be constructed in compliance with the Grading Plan as determined and approved by the Zoning Administrator or his designee prior to the commencement of any construction activities and a bond or other security will be posted for the grading operations. The Grading Plan shall:
- i. Clearly show existing and proposed contours;
 - ii. Note the locations and amount of topsoil to be removed (if any) and the percent of the site to be graded;
 - iii. Limit grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms;
 - iv. An earthwork balance will be achieved on-site with no import or export of soil;
 - v. In areas proposed to be permanent access roads which will receive gravel or in any areas where more than a few inches of cut are required, topsoil will first be stripped and stockpiled on-site to be used to increase the fertility of areas intended to be seeded;

- vi. Take advantage of natural flow patterns in drainage design and keep the amount of impervious surface as low as possible to reduce storm water storage needs.
- vii. Provide for the installation of all Stormwater and Erosion and Sediment Control infrastructure at the outset of the project to ensure protection of water quality. Once infrastructure is complete and approved by the VESCP authority, no more than 50 percent of the land disturbance areas as reflected on the Site Plan shall be disturbed without soil stabilization at any one time. Stabilization, for purposes of Erosion and Sediment Control, shall mean the application of seed and straw to disturbed areas, which shall be determined by the VESCP authority.
- d. *Erosion and Sediment Control Plan.* The Applicant will submit a final Erosion and Sediment Control Plan for review and approval by the Zoning Administrator. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. An E&S bond (or other security) will be posted for the construction portion of the project.
 - i. The Applicant shall either retain a forested riparian buffer of no less than 200 feet along the Meherrin River or shall provide other erosion control best management practices to prevent erosion into the Meherrin River.
 - ii. Only 300 total acres of land may be disturbed at any one time. Disturbed land will be stabilized before further clearing and construction on additional acres can proceed.
- e. *Stormwater Management Plan.* The Applicant will submit a final Stormwater Management Plan for review and approval by the Virginia Department of Environmental Quality and County prior to any land disturbing activity. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. A Stormwater Control Bond (or other security) will be posted for the project for both construction and post construction as applicable and determined by the Zoning Administrator.
- f. *Landscaping and Screening Plan.*
 - i. The Applicant will submit a final Landscaping and Screening Plan for review and approval by the Zoning Administrator. The owner or operator shall construct, maintain, and operate the Facility in compliance with the approved plan. A separate security shall be posted for the ongoing maintenance of the project's land cover and vegetative buffers in an amount deemed sufficient by the Zoning Administrator. Failure to maintain the landscaping in accordance with the plan may result in the issuance of a notice of violation by the Zoning Administrator.
 - ii. Pollinator habitats. The project area will be seeded with appropriate pollinator-friendly plants, shrubs, trees, forbs, and wildflowers native to the County where compatible with site conditions and, in all cases, shall be approved by the Zoning Administrator. The project area will be seeded immediately following completion of construction, in an approved section, in such a manner as to reduce invasive weed growth and sediment in the project area.
 - iii. Screening vegetation shall include appropriate pollinator-friendly plants, shrubs, trees, forbs, and wildflowers native to the County where compatible with site conditions and, in all cases, shall be approved by the Zoning Administrator.
 - iv. Only EPA approved herbicides shall be used for vegetative and weed control at the Solar Energy Facility by a Licensed Applicator. No herbicides shall be used within 150 feet of the location of an approved groundwater well. The Applicant shall submit an

Herbicide Land Application Plan prior to approval of the Certificate of Occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams, and other bodies of water. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

g. *Decommissioning and Reclamation Plan.*

- i. The Applicant will submit a final Decommissioning and Reclamation Plan for review and approval by the Zoning Administrator. The plan will provide procedures and requirements for removal of all parts of the Solar Energy Generation Facility and its various structures at the end of the useful life of the Facility or if it is deemed abandoned. The plan shall include the anticipated life of the Facility, the estimated overall cost of decommissioning the Facility in current dollars excluding salvage value, the methodology for determining such estimate, and the process by which the project will be decommissioned.
 - ii. Prior to operation, the Applicant must provide security in the amount of the estimated cost of the decommissioning. Options for security include a cash escrow, a performance surety bond, a certified check, or other security acceptable to the County in an amount equal to the estimated decommissioning cost developed and updated in accordance with the Decommissioning Plan acceptable to the County.
 - iii. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down, by the County, if the estimated cost of decommissioning the Facility changes. The security must be renewed or replaced, if necessary, to account for any changes in the total estimated overall decommissioning cost in accordance with the periodic updated estimates required by the Decommissioning Plan. Obtaining and maintaining the requisite security will be a mandatory condition of the Conditional Use Permit. The security shall be in favor of the county and shall be obtained and delivered to the County before any construction commences.
 - iv. The Decommissioning Plan and the estimated decommissioning cost will be reviewed and updated once every five years. Failure of the applicant, owner, occupant, or other responsible party to provide updated decommissioning costs shall be grounds for suspension or revocation of the Conditional Use Permit.
- h. The Applicant shall reimburse the County its costs in obtaining independent third-party reviews and inspections as required by these conditions and all applicable laws and regulations.
- i. The design, installation, maintenance, and repair of the Solar Facility in accordance with the most current National Electrical Code (NFPA 70) available (2014 version or later as applicable).
3. Height. The maximum height of the lowest edge of photovoltaic panels shall be ten feet as measured from the finished grade. Solar Energy Generation Facilities shall not exceed a height of 15 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid.

4. Setbacks.

- a. The project area shall be set back a distance of at least 200 feet from the centerline of all adjoining public rights-of-way, 400 feet from residential structures on adjoining parcels, and 200 feet from adjacent property lines.
- b. Set backs at least 100 feet from the edge or the 100 year floodplain, whichever is more restrictive, of all waterways exterior to the project area shall be maintained.
- c. Riparian buffers of a minimum of 50 feet from the edge of all waterways interior to the project area shall be maintained.
- d. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.
- e. The Applicant shall either retain a forested riparian buffer of no less than 200 feet along the Meherrin River or shall provide other erosion control best management practices including riparian buffers to prevent erosion into the Meherrin River.
- f. The Applicant shall retain a forested riparian buffer of no less than 100 feet along Couches Creek.

5. Vegetative buffer. A vegetated buffer sufficient to mitigate the visual impact of the Facility is required.

- a. The buffer shall consist of a landscaped strip at least 50 feet wide, shall be located within the setbacks and outside of security fencing, and shall run around the entire perimeter of the property, excluding gates in the security fencing for facility entrances.
- b. The buffer shall consist of existing non-invasive vegetation and an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting, and that are expected to grow to a minimum height of eight feet within three years.
- c. Pollinator-friendly and wildlife-friendly plants, shrubs, trees, grasses, forbs, and wildflowers native to the County must be used in the vegetative buffer. If sufficient quantities of native plants can not be secured, non-invasive plants may be used. No plants on the DCR Virginia Invasive Plants Species List may be used.
- d. Views of the facility from Virginia State Route 49 must be screened and buffered according to these criteria. The screening and buffer plan along Route 49 must be approved by the County prior to facility construction.
- e. The buffer shall be maintained for the life of the Facility.

6. Wildlife corridors. Corridors allowing wildlife to traverse the property from east to west and north to south shall be provided at multiple locations. Wildlife corridors shall be indicated on the site plan.

- a. The width and proposed paths of wildlife corridors shall be especially designed to permit the useful and safe passage of black bears (*Ursus americanus*) in the area.

7. Traffic.

- a. The applicant shall comply with all Virginia Department of Transportation recommendations for traffic management during construction and decommissioning of the Solar Facility.
- b. The roads shall be maintained in a safe operating condition during the construction phase and be brought back to the original condition, or improved, upon completion of the construction and decommissioning phases.
- c. Construction traffic shall be limited to 7:00 A.M. to 7:00 P.M. Monday through Saturday.
- d. Deliveries by three-axle trucks or larger shall be limited to Monday through Friday and shall not occur during a one-hour period surrounding school pick-up and drop-off on school days.
- e. Additional safety precautions to be considered in the plan may include flagging, speed limit restrictions, and other measures reasonably necessary to ensure the safety of the residential community.

8. Operations.

- a. Fencing. The project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anticlimbing device such as strands of barbed wire on top of the fence. Fencing must be installed on the interior of the vegetative screen. The fencing shall be maintained while the facility is in operation.
- b. Signage. All signage on the site shall comply with the County Sign Ordinance, as adopted and, from time to time, amended.
- c. Noise. Noise levels from the Facility shall comply with the County Noise Ordinance, as adopted and, from time to time, amended.
- d. Lighting. Lighting shall be limited to the minimum necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall comply with any Dark Skies Ordinance the Board of Supervisors may adopt or, from time to time, amend.
- e. Ingress/Egress. Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.
- f. Water Supply. After completion of construction, water may be purchased for the purpose of washing panels if the Applicant and the Sussex Service Authority enter into a mutually acceptable agreement.

9. Entry and inspection.

- a. For inspections and other requirements, all solar applicants, property owners, and solar facility owners shall grant to the County a non-exclusive, perpetual easement for pedestrian, vehicular and equipment access to the Solar Facility, and an easement across or through applicant's remaining property, which is necessary or convenient for ingress and egress to the Facility. The County will adhere to all safety requirements in gaining access to the Solar Facility.
- b. The Applicant shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

10. Coordination of local emergency services. The Applicant shall coordinate with the County's emergency services providers to provide materials, education, and/or training on how to safely respond to on-site emergencies.

- a. Emergency personnel will be given a key or code to access the property in case of an on-site emergency.

11. Compliance. The Solar Facilities shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
12. Decommissioning and reclamation.
 - a. If a Solar Energy Facility has been determined to be unsafe by a County, state, or Federal Building Official, the Facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owner(s) or operator. The owner(s) or operator must complete the repair or removal of the Facility, as directed by the Building Official, within the time period (not to exceed 12 months) allowed by the Building Official. If directed to do so by the Building Official, the owner(s) or operator will remove the Solar Energy Facility in compliance with Decommissioning Plan established for such Facility.
 - b. If any Solar Energy Generation Facility is not operated for a continuous period of 12 months, the county may notify the facility owner by registered mail and provide 45 days for a response. In its response, the facility owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action to be unreasonable, it may notify the facility owner, and the facility owner, site owner, or operator shall remove the Solar Energy Facility in compliance with Decommissioning Plan established for such Facility.
 - c. At such time that a Solar Energy Facility is scheduled to be abandoned, the facility owner, site owner, or operator shall notify the County Administrator in writing.
 - d. Within 365 days of the date of abandonment, whether as declared by the County under or as scheduled by the owner(s) or operator, the facility owner, site owner, or operator shall complete the physical removal of the Solar Energy Facility in compliance with Decommissioning Plan established for such Facility. This period may be extended at the request of the owners or operator, upon approval of the Board of Supervisors.
 - e. When the facility owner, site owner, operator, or other responsible party decommissions a Solar Energy Facility, he/she shall handle and dispose of the equipment and other facility components in conformance with federal, state, and local requirements. All equipment, both above and below ground, must be removed as part of the Decommissioning Plan. Internal paths, roads, travel-ways, and landscaping may be left at the discretion of the site owner.
 - f. The site will be reseeded or replanted to stimulate pre-timbered pre-development conditions as indicated on the Preliminary Site Plan. The exception to reforestation would be upon written request from the current or future landowner or the County indicating areas where reforestation is not requested.
 - g. If the Facility owner, site owner, or operator fails to timely remove or repair an unsafe or abandoned Solar Energy Facility after written notice, the County may pursue a legal action to have the Facility removed at the expense of the facility owner, site owner, or operator, each of whom shall be jointly and severally liable for the expense of removing or repairing the Facility. The County also may call upon the decommissioning security to remove the Facility.
 - h. The County may enter the Project Site in accordance with Code of Virginia Section 15.2-2241.2. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the Applicant, including under the County's zoning powers.
13. The Conditional Use Permit shall be terminated if the Solar Facility does not receive a building permit within 18 months after the Applicant receives (a) any required state approvals; (b) any

approvals of the regional transmission organization; and (c) any approvals required by the State Corporation Commission, but in no event more than twenty-four (24) months of approval of the Conditional Use Permit. Any timeframe under which the Commonwealth is under an Executive Order of the Governor declaring a statewide emergency will toll the timeframe specified in this condition.

14. If the Solar Facilities are declared to be unsafe, due to a violation of building or electrical codes, as determined by the Fire Marshal or Building Official, and the operator of the Facility fails to respond in writing to such official within thirty (30) days, the County may revoke the right for the Facility to continue operation until the unsafe condition is brought into compliance with the applicable building or electrical code. If the unsafe condition cannot be remedied within six (6) months, the Conditional Use Permit shall be terminated, and the Solar Facilities shall be decommissioned.
15. The owner and operator shall give the County written notice of any change in ownership or operation within thirty (30) days.
16. Pursuant to Virginia Code Section 15.2-2288.8, the Applicant shall pay the county a substantial cash payment for public improvements as a condition of the Board of Supervisors granting this Conditional Use Permit.

Pursuant to Virginia Code § 15.2-2316.7, the Board of Supervisors may negotiate a Siting Agreement in addition to this CUP.

PLANNING COMMISSION ACTION

On August 17, 2021, the Planning Commission voted to recommend approval of application C-5-20 with modifications (7-1). Their amended conditions are included herein.

BOARD OF SUPERVISOR ACTION

As provided in Sec. 8 of the Zoning Ordinance, the Board of Supervisors may approve of the Conditional Use Permit if the use is not contrary to the purpose of the ordinance, is not in conflict with the Comprehensive Plan (as determined by the 2232 review), conforms with the provisions of the permit and zoning district, and includes provisions addressing named items. In addition, the Board may impose conditions to ensure the use will be compatible with the surrounding area, consistent with the purposes of the ordinance, and that any anticipated adverse impacts are sufficiently mitigated.

The Board has three options:

- a. Recommend approval of the application with written reasons for its decision.
- b. Recommend denial the application with written reasons for its decision.
- c. Defer the application for further discussion and consideration.

DRAFT BOARD ACTIONS

Option 1 – Recommend approval of the application with the stated (or amended) conditions

I move that the Red Brick Solar, LLC's proposed 130 MW photovoltaic Red Brick Solar as described in CUP C-5-20, sufficiently mitigates the adverse impacts associated with the project if approved with the conditions as outlined herein and recommended by the Planning Commission.

Option 2 – Recommend denial of the application

I move that the Red Brick Solar, LLC's proposed 130 MW photovoltaic Red Brick Solar as described in CUP C-5-20, does not sufficiently mitigate the adverse impacts associated with the project and should therefore be denied. Among other concerns, the Board finds that,

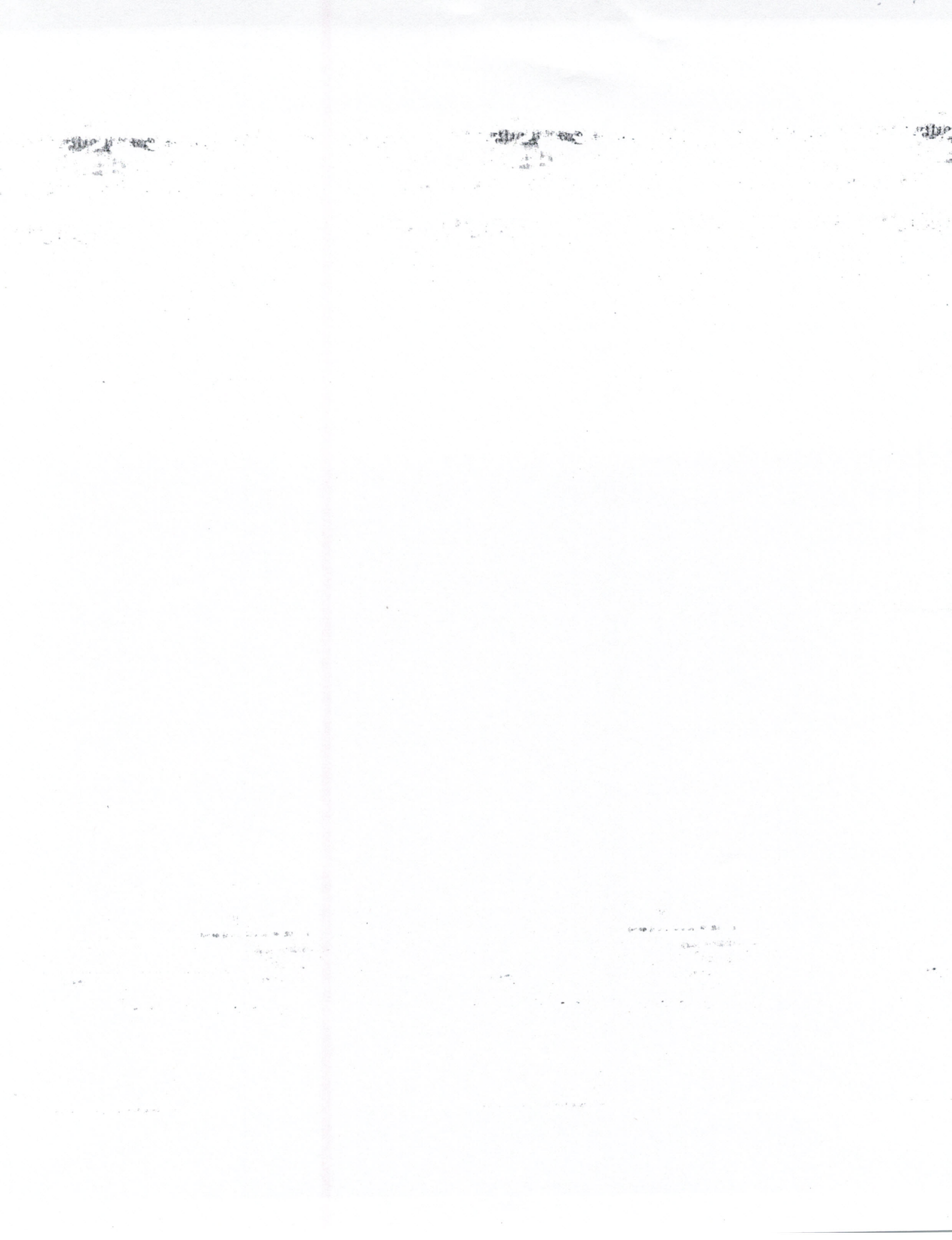
1. The project will occupy significant forestal land for over 40 years.
2. The project is an industrial scale use that does not create jobs during the operation phase.
3. The proposed grading, stormwater management, and erosion and sediment control measures will not adequately protect the watershed and local waterways.

Option 3 – Deferral of the application

I move that the Board defer a decision on Red Brick Solar, LLC's proposed 130 MW photovoltaic Red Brick Solar as described in CUP C-5-20, until the meeting scheduled to begin at _____ p.m. on _____, in the 2nd floor Courtroom; Lunenburg Courts Building, Lunenburg, VA 23952.

Attachments:

A – CUP C-5-20 Application, dated June 17, 2021, as amended.



Planning Update

Board of Supervisors August Meeting—September 9, 2021

Director of Planning and Economic Development's Monthly Report

Events in August:

- August 2 – VEDP Member Orientation and Engagement Meeting
- August 3 – Coffee and CO.Starters SOVA Entrepreneurs Resource Hub
- August 4 – SOVA Entrepreneur Meet-up
- August 4 – Meeting with Town Managers in regard to Solar Ordinance
- August 4 – Solar Facilities Committee Meeting
- August 5 – Compatible Use and Development with Military Institutions
- August 6 – VGA Feedback from Boston Consulting Group Study
- August 6 – Equity in Policy and Practice
- August 9 – Contact Team Meeting at Mildred's Meals
- August 10 – VGA Board Meeting
- August 11 – Food and Small-Scale Production
- August 11 – Moving from Medical to Recreational Cannabis: Planning for the Transition
- August 12 – Board of Supervisor's Meeting
- August 17 – Building the Foundation for Your New Business
- August 17 – Clean Energy Attracts Business
- August 17 – Planning Commission Meeting with Solar Ordinance and Red Brick Public Hearing
- August 17 – PTO (*Funeral – left at 3, but was back at 5:45 p.m. for Planning Commission meeting*)
- August 18 – CRC Meeting in Farmville
- August 18 – Building Upon Large-Scale Brownfield Investments in Rejuvenate a Community
- August 19 – VEDA ImpactED+
- August 19 – Phone Call with RiverStreet in regard to VATI
- August 23 – VEDA ImpactED
- August 23 – Time to Rethink Our Technology Sources
- August 24 – South Central Fair Board Meeting @ Chase City Fairgrounds
- August 25 – VGA Marketing Committee Meeting
- August 25 – Website Design Kick-Off Meeting
- August 25 – STO (*Dr. 's Appointment – Left at 2:00 p.m.*)
- August 26 – Chamber of Commerce Meeting at Mildred's Meals
- August 27 – Meeting with Longwood SBDC on Project SEED
- August 27 – Meeting with Rodney Newton and Rob Williams about Radio System
- August 27 – Zoom in regard to Bludot Rural Economic Development Study
- August 31 – Chamber Call Bridge to Recovery VGA
- August 31 – Solar Facilities Committee Meeting

Project 3035—Old Middle School Demolition

- Approved payment request #5 from S.B. Cox
- Harold Collins Company established the Erosion and Sediment Control measures

- Slab Removal began by S.B. Cox in the rear of the school complex
- Submitted reimbursement request to the Tobacco Commission for work completed to date and paid by the County
- Collaborated with S.B. Cox to ensure that the project will be completed by the deadline set-forth by the Tobacco Commission

Planning Commission Meeting

- July 30th – Planning Commission meeting advertised with regard to the public hearing on the Solar Facilities Ordinance, 6th Street Solar 2, LLC, and Red Brick
- Solar Facilities Ordinance advertised on County website, in the office, and provided via electronic communication to those who had requested it
- Prepared all required documents for the Planning Commission meeting on August 4th through 10th – amendments were being made to the Solar Facilities Ordinance and staff reports until the 10th
- Planning Commissioner packets distributed on August 11th
- Received request from 6th Street Solar 2, LLC to defer their public hearing to the September 2021 Planning Commission meeting
- Confirmed that 6th Street Solar 2, LLC will be proceeding with their public hearing at the September 2021 Planning Commission meeting (advised that they needed to submit revised application no later than August 31, 2021)
- August 31st – advertised for September 21, 2021 Planning Commission meeting

Broadband

- Phone call with RiverStreet to discuss VATI application
- Spoke with Chandler at Commonwealth Connect in regard to VATI partnerships
- Responded to questions by the CRC for the VATI application
- Provided a letter of support for Cumberland and Prince Edward in the regional VATI application with Kinex
- Worked on the MOU for the application
- Created resolution for regional VATI application with Kinex
- Advised RiverStreet that Lunenburg would not be partnering with them for a joint application due to concerns with forfeited RDOF Census Blocks and amount of funding requested
- Sent out request for letters of support for VATI application
- Conference call with Kinex about broadband for radio system project

Solar

- Solar Facilities Committee meeting on August 4, 2021
 - o Berkley Group attended virtually
 - o Solar industry present for meeting
- Revised Lunenburg Solar Facilities Ordinance following input from the July 2021 Planning Commission meeting and comments received from the public and solar industry
 - o Revisions were made up until August 10, 2021 prior to August 17, 2021 Planning Commission meeting
- Provided the Berkley Group with the revisions made from the Planning Commission meeting for Solar Facilities Ordinance and Red Brick Staff Report

- Worked with Berkley Group to reformat the Staff Report for Red Brick
- Prepared for August 31, 2021 Solar Facilities Committee meeting
 - o Set-up for the meeting on the morning of August 31, 2021
- Notified property owners within project area adjacent property owners of public hearing for Red Brick CUP
- Solar Facilities Committee met on August 31, 2021

Other Activities

- Spoke with prospective applicants
 - o Air B&B
- Worked collaboratively with Todd Fortune, CRC, for VDOT TA-SA Application
 - o Advertised as an action item on the agenda and public comment will be allowed, but it is not considered a public hearing
- Signed up for upcoming trainings
- Met with new Director of Planning and Economic Development for Prince Edward County
- Cancelled attendance to VEDA Conference in Norfolk, VA
- Spoke at Lunenburg Chamber of Commerce meeting
- Provided information to the public who requested it in regard of solar and potential CUP applications
- Attended VA APA trainings

UPCOMING dates of interest:

- September 1:** *Speaking to Central High School Marketing Students*
- September 1:** *Airport Commission Meeting*
- September 2:** *VGA Meeting at Southside PDC*
- September 3:** *A Planner's Toolkit to Reboot Small Business Webinar*
- September 3:** *Meeting with Rodney Newton and Rob Williams*
- September 6:** *Labor Day Observed*
- September 9:** *VEDA ImpactED+*
- September 9:** *Board of Supervisor's Meeting*
- September 10:** *VX's Meeting at Richlands Dairy Farm*
- September 13:** *VEDA ImpactED*
- September 14:** *VATI Application Due*
- September 15:** *CRC Meeting at Prince Edward Courthouse*
- September 16:** *VEDA Professional Development Committee Meeting*
- September 20:** *VEDA Diversity and Inclusion Shared Interest Group Meeting*
- September 21:** *Planning Commission Meeting*
- September 22:** *Leaders in Energy Circular Economy Working Group Meeting*
- September 28:** *Guide to Retail Renewal*
- September 29th to October 1st:** *Rural Planning Caucus of Virginia Conference in Pembroke, VA at Mountain Lake Lodge*

BOARD OF SUPERVISORS

David E. Wingold, Sr. CHAIRMAN
Election District 2

Charles R. Slayton, VICE-CHAIRMAN
Election District 4

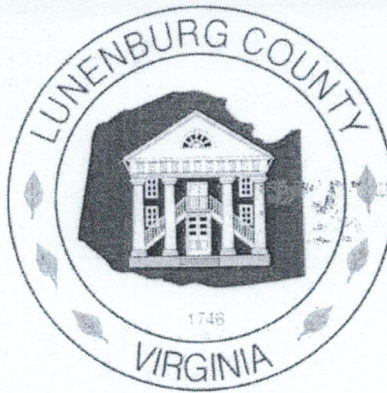
T. Wayne Hoover
Election District 1

Frank W. Bacon
Election District 3

Edward Pennington
Election District 5

Alvester Edmonds
Election District 6

Robert G. Zava
Election District 7



Lunenburg County Administration
11413 Courthouse Road
Lunenburg, VA 23952

Tracy M. Gee
County Administrator

Telephone: (434) 696-2142
Facsimile: (434) 696-1798

RESOLUTION #1

A RESOLUTION FOR THE BOARD OF THE COUNTY OF LUNENBURG, VIRGINIA
AS AN ENDORSEMENT OF LUNENBURG COUNTY ROUTE 635 (ORAL OAKS ROAD)
BICYCLE LANE PROJECT

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project in the County of Lunenburg.

NOW, THEREFORE, BE IT RESOLVED, that the County of Lunenburg requests the Commonwealth Transportation Board to establish a project for the construction of the Lunenburg County Route 635 (Oral Oaks Road) Bicycle Lane Project.

BE IT FURTHER RESOLVED THAT: The County of Lunenburg hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with the project financial documents subject to appropriation.

BE IT FURTHER RESOLVED THAT: The County of Lunenburg hereby agrees to enter into a project administration agreement with VDOT and provide the necessary oversight to ensure the project is developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the project.

BE IT FURTHER RESOLVED THAT: The County of Lunenburg will be responsible for maintenance and operating costs of the facility as constructed unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED THAT: If the County of Lunenburg subsequently elects to cancel the project, the County of Lunenburg hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The County of Lunenburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The Board of the County of Lunenburg hereby grants authority for the County Administrator to apply for funds and execute project administration agreements, as well as other documents necessary for approved projects.

Adopted: September 9, 2021

Attest: _____
Clerk

Board Chair

In my capacity as the duly appointed Clerk of the County of Lunenburg, I hereby certify that Resolution #1, which is hereto attached, was adopted at a duly called and constituted meeting of the County of Lunenburg held at the Lunenburg County General District Courtroom, 160 Courthouse Square, Lunenburg, VA, on September 9, 2021. Said meeting was called to order by Charles R. Slayton, Chair, at 6:00 p.m. with the following members present who remained in attendance throughout and constituted a quorum:

The Board of the County of Lunenburg voted to adopt attached Resolution #1.

Given under my hand this 9th day of September, 2021.

Clerk

STATE OF VIRGINIA
COUNTY OF LUNENBURG

Attested Photocopy:

On this 9th day of September, 2021, I, Tracy M. Gee, attest that the preceding document is a true, exact, complete and unaltered photocopy made by me of Resolution #1.

Clerk

Editing TA Set-Aside 2023 Application

Lunenburg County Route 635 Bike Lane

Project Status: Pending

Organization: Commonwealth Regional Council

Project ID: 8138

Last Updated: 08/13/2021 @ 3:51PM by Todd Fortune Created: 08/13/2021 @ 3:51PM

Phase Estimate and Schedule

Please provide project phase schedule and cost estimate information.

Please provide project phase schedule and cost estimate information based on guidance. Please indicate the project phases and funding amounts by phase for the candidate project. Phases typically include: Preliminary Engineering (PE), Right of Way (RW) and Construction (CN). Cost estimates by phase should be as realistic as possible – considering known information and should account for possible risk and contingencies. VDOT and DRPT staff will assist applicants in the development of cost estimates by phase.

Costs are dependent on many factors including the passage of time. To provide a more accurate cost estimate, an inflation tool has been added to approximate cost based on the planned phase start dates. To assist with calculating the time needed for developmental phases, a scheduling tool has been provided. The anticipated delivery schedule as calculated using VDOT's tool must be printed and uploaded as an attachment to this submission.

Please provide project phase schedule and cost estimate information.

Add Project Phase

Phase Milestone	Status
PE (Survey, Environmental, Design)	Not Started <input type="checkbox"/>
Base Cost Estimate	Risks/Contingency/Unknown
\$ 199500	-- Select Percent <input type="checkbox"/>
Phase Estimate + Contingency + Inflation	Phase Milestone
\$224,537	RW (Right of Way and Easement Acquisition, Utility Relocation)
Status	
Not Started <input type="checkbox"/>	
Base Cost Estimate	Risks/Contingency/Unknown
\$ 66500	-- Select Percent <input type="checkbox"/>
	2023-08-11
	2025-10-15

Phase Estimate + Contingency + Inflation

\$79,407

Phase Milestone

CN (Construction, Oversight, Contingencies)

Status

Not Started ▼

Base Cost Estimate

\$ 1337023

Risks/Contingency

40% ▼

Start Date

2026-05-04

End Date

2026-12-31

CEI

22% ▼

Phase Estimate + Contingency + CEI + Inflation

\$2,696,425

Total Cost Estimate

\$3,000,369

Project Financing Details

Tentative TA Funding Request

\$ 2400295

Local Match Requirement

\$600,073

Other Project Funds (Non-TA Funds) - Include local funds, other grants and donations

\$ 0

Total Project Cost

\$3,000,369

Federal Transportation Alternatives Funding

Federal TA Funds - This Application (FY2023-FY2024)

\$ 2400295

Local 20% Match - This Application (FY2023-FY2024)

\$600,073

Federal TA Funds - Prior TA Funding Received

\$ 0

Local 20% Match - Prior TA Funding Received

\$0

Third-party donations (non-cash) can be applied as in-kind match if determined to be eligible project costs. These donations can be used to fulfill all or part of the 20% Local Match requirement. To qualify as match, the donations must be true donations (not paid for by the Applicant) and cannot be provided by the Applicant (recipient) or VDOT (pass-through).

Do you plan to use third-party donations other than cash, to meet all or part of the 20% local match requirement?

Yes

If planning to use non-cash Third-Party Donations for all or part of the Local Match requirement, a "Third-Party Contribution Plan" must be completed and uploaded as an attachment to this submission. If planning to have VDOT administer this project, the Local Match requirement must be provided in cash; third-party donations cannot be used.

Identify the funding source(s) for 20% Local Match beyond any anticipated third-party donations.

Identify the funding source(s) for any project funding above the required 20% Local Match amount; this amount should be shown as "Other Project Funds".

N/A

Comments

Filter By:



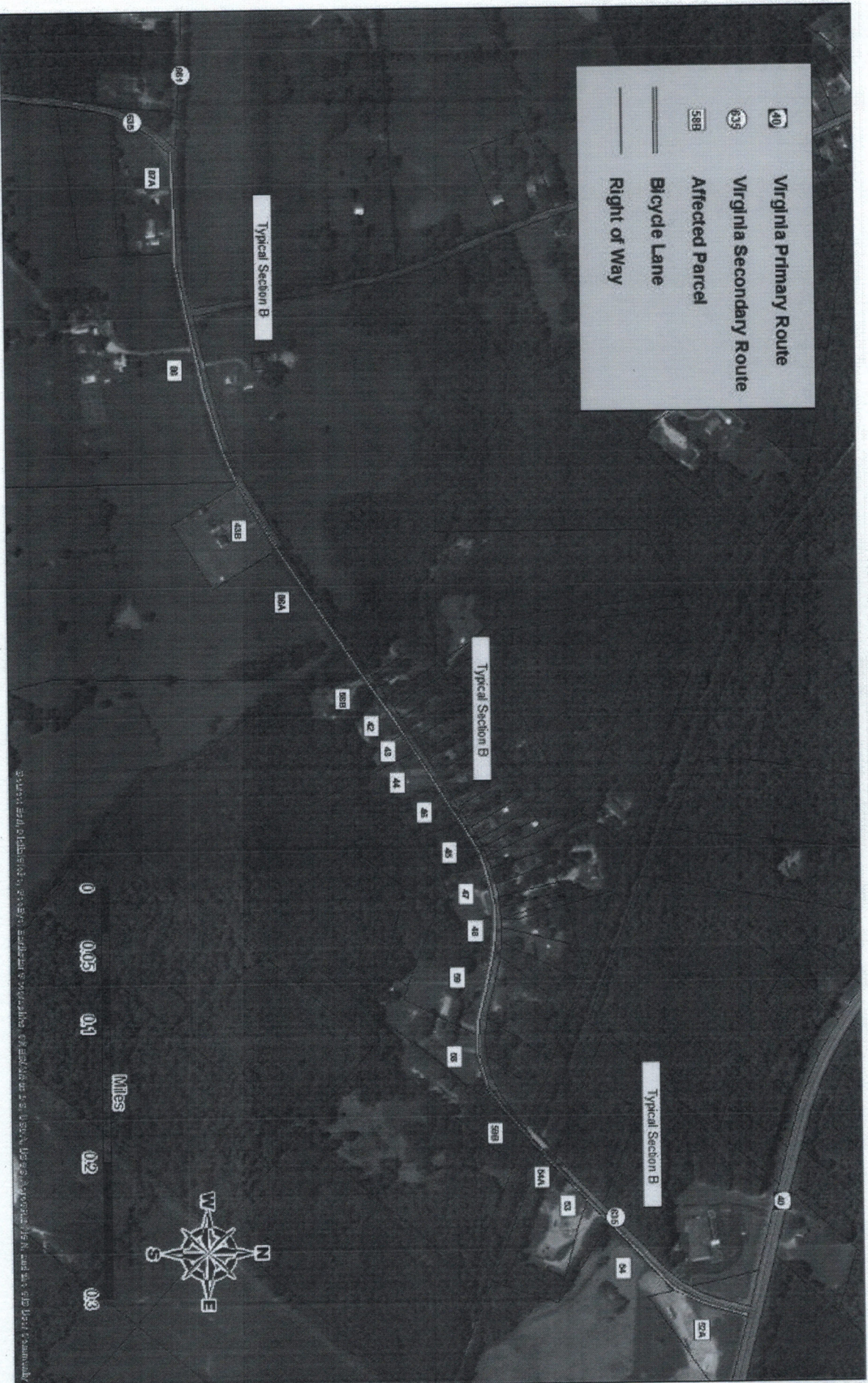
Relevant To:



Type Comment

Add Comment

Lunenburg County
 Route 635 - Oral Oaks Road - Bicycle Lane
 Phase I - from Route 40 to Route 661



Created by CRC - July 2021



IN PARTNERSHIP WITH
The Counties of Amelia | Buckingham | Charlotte | Cumberland | Lunenburg | Nottoway
Prince Edward

CRC August 2021 Items of Interest

New Ventures

- Charlotte County and the Town of Kenbridge have received the DHR Subaward Agreement for the Emergency Supplemental Historic Preservation Fund grant to be executed.
- Eleven (11) selected consulting firms entered in contracts with the CRC beginning August 2, 2021 for the NEW CRC On-Call Consulting Program. All CRC member counties, including towns and IDA's and school boards will have direct access to these firms for services without issuing an RFP for services.
- CRC staff will be organizing a meeting for localities to discuss the possible formation of a Regional Economic Initiative in the region.
- CRC staff are assisting Nottoway Rescue Squad to apply for RSAF funds.
- CRC staff are assisting the Town of Crewe to seek funding to purchase generators for public works/town hall.
- The CRC continues to pass on information gathered regarding the process of establishing a possible Tobacco Tax and Regional Tobacco Tax Board to counties for consideration.
- CRC staff are assisting Amelia, Lunenburg & Prince Edward Counties as well as the Town of Farmville with VDOT Applications for funding, as all 4 pre-applications were screened-in allowing eligibility to file a full application by the October 1, 2021 deadline.
- CRC staff are assisting Prince Edward, Lunenburg and Cumberland counties in partnership with Kinex to submit a Regional VATI Application to DHCD to request funding for broadband.
- CRC staff are assisting Longwood University with an EDA Application for Construction funds for the Seed Innovation Hub. Longwood and its Consultant are reviewing EDA comments to assist in completing the application.
- CRC staff are assisting Cumberland County in pursuing VDOT Economic Development Access funds.
- **Next CRC Meeting, Wednesday, September 15, 2021 at 9:30 a.m., Farmville, Virginia.**

Activity

- Dillwyn CDBG Housing Rehabilitation Project – The Contractor working on 84 White has completed all work, except for an ADA ramp that will be installed once the former home is removed. This is the final house for the project.
- Phenix Water System Project – The Town has decided to use Town funds to complete the water system project. Therefore, the CRC's assistance will no longer be needed on the project.
- Regional Emergency Planning – The Draft Regional Resource Inventory has been completed after receiving comments from the local emergency managers. The Draft Regional Continuity of Operations Plan has been completed and sent to local emergency planners for review and comment. Staff are drafting the Regional PPE Stockpile Plan with a Fall review anticipated. The CRC is working with local Registrars on the Election Security Improvement grant award to determine the current status of election security, as this grant was on hold by FEMA.
- DEQ Watershed Implementation Plan (WIP) III Assistance: The CRC conducted the 2nd educational series – *Foundations of Clean Water* to local government participants. The next series will be September 24, 2021.
- PE County Access Road Project Administration: The County's Consultant is working with VDOT to address VDOT comments regarding right-of-way issues.
- CRC Housing Development Program Grant: CRC staff participated in an onboarding meeting with Virginia Housing staff. CRC staff are working on a program plan and will be reaching out to housing partners in the coming months.
- CRC Regional Hazard Mitigation Plan: CRC staff held a Kick-Off Meeting in May with the Project Management Team. Staff are currently working on the Draft Sections I & II.
- Nottoway County Comprehensive Plan: CRC staff met with the Working Committee on August 17th to review the Summary Report of the Community Meeting, Draft Sections I & II and to discuss the development of the draft citizen survey.
- CRC Regional Hazard Mitigation Plan Update: Staff are currently working on the first three sections of the Draft Plan.

COMMONWEALTH REGIONAL COUNCIL
One Mill Street, Suite 202, P.O. Box P
Farmville, VA 23901 | 434.392.6104
www.viriniashheartland.org

ADMINISTRATOR'S UPDATE

-- *As necessary*

Board of Supervisors September Meeting - 9/9/21

County Administrator's Monthly Report

Events in August:

- August 2 - Tracy - 8hrs PTO
- August 4 - Radio components meeting at the Control Room
- August 4 - Solar Committee meeting
- August 5 - meeting w/ Bob Pfister of Meridian Waste
- August 6 - Conference call w/ Davenport re: Radio financing
- August 9 - Contact Team meeting at Mildred's Meals
- August 9 - FEMA Public Assistance call
- August 10 - Tracy STO - son's appointment
- August 12 - Board of Supervisors meeting
- August 13 - Convocation at CHS
- August 16 - meet w/ Rodney for FEMA
- August 16 - FEMA PA call
- August 17 - Team meeting
- August 17 - meeting w/ Red Brick
- August 17 - Planning Commission meeting
- August 18 - Piedmont Regional Jail Authority Board meeting
- August 19 - VACo County Summit - Henrico, VA
- August 20 - Tracy PTO 8hrs
- August 23 - VRA Due Diligence call w/ Davenport
- August 23 - FEMA PA call
- August 25 - Piedmont Regional Juvenile Detention meeting
- August 25 - Revize website kick-off call
- August 27 - Project LUIS radio system meeting
- August 30 - Davenport bank RFP response discussion
- August 30 - FEMA PA call
- August 31 - conference call with Regional Director VDSS (Social Services)
- August 31 - VDEM tropical depression IDA call
- August 31 - Solar Committee meeting - Victoria-Lunenburg Community Centre

Administration

- Participated in kick-off call for updating our Revize website. We need more photos from the area to add to our pages.
- Attended County Summit with VACo in Henrico where we also heard from the Governor and the candidates for Lieutenant Governor and Attorney General. Supervisor Hankins also attended the general session.
- At the County Summit, I also stayed to participate in my appointment to the VACo Energy Committee to discuss solar and programs from the DMME, soon to be known as the Energy Department of VA.

Airport

- Our recent Airport inspection by DOAV showed some trees in our avigation easement, so we will need to put out a bid for removal of the encroachments.
- The fuel farm should be repaired by our meeting.

Animal Control

- ACO Elliott continues to receive donations toward improvements at the shelter. We utilized COVID-19 funds to complete the equipment purchase for the generator. ACO Elliott would like to use the additional donations to grade the front yard at the shelter for better lawn and water

management.

Budget & Finance-

- Participated in several meetings with Davenport & Co. to go over finance options, multiple correspondence with attorneys and CTA Consultants to obtain data for applications for funding. Participated in call with VRA and to discuss the bank responses. A full agenda item is up for discussion.
- Talked to each of the finance committee members to discuss financing options from Davenport in preparation for the full Board review.
- I am reading materials related to ARPA funds and have not found a way to pay for radio components. I sent an inquiry to the federal grant administrators to get feedback on our funding possibilities for school infrastructure and radio communication equipment.
- Working on closing the year with Dawn at the Treasurer's Office, completing budget adjustments, and reviewing finances for FY21 in preparation for pre-audit in September.

Building Official and Building & Grounds -

- Still working on getting a generator for the pumphouse. We think we have one that can arrive in time for CARES.
- Air unit in the new Courthouse failed and it has taken weeks to get the new unit. The unit is \$11,000 installed! We hope it will be installed by the meeting. I tried to find other cooling options for the Judge, but they were too costly (\$5,000) or we risked water damage.

Community/Economic Development/Planning -

- Supervisor Hankins requested that Todd Fortune at CRC look into a possible bike route VDOT application. Staff is not currently recommending the submittal of this application based on the long-term maintenance of the construction and the cost of the project.
- Taylor is working on VATI application with Kinex and CRC. I am still looking into pairing ARPA funds as county match. There might be a need for us to put out a bid to be sure we meet federal funds procurement. Riverstreet abandoned their RDOF tracts in Lunenburg and Kinex is agreeing to pick them up. We elected not to be a co-applicant with Riverstreet for VATI.
- Joined Taylor at the Planning Commission for the public hearing on the Solar Ordinance and Red Brick Solar.
- Worked on file compilation and pricing for a FOIA request for all records pertaining to solar for five years.
- Participated in two solar committee meetings with presentations from Berkley Group, Red Brick Solar, and Dominion Energy.
- Participated in a business meeting with Red Brick to discuss financial considerations.

COVID-19 Updates -

- First Lunenburg COVID-19 case was April 6, 2020, the cumulative VDH count as of 8/31/21 is 879. We have had 31 hospitalizations and 18 deaths. We had 19 in May, 2 in June, 17 in July, and 74 in August. The epidemiologist indicated that the Delta Variant is widespread and stressed social distancing and mask wearing in enclosed spaces.
- The Governor's Executive Directive 18 mandates State employees either get the vaccine or adhere to weekly COVID-19 testing.

Elections -

- Census data availability requires that we facilitate redistricting.
- Todd Fortune of CRC is working on election security grant funding with local registrars.

Emergency Management & Public Safety -

- Rodney attended the CRC Hazard Mitigation Plan meeting in Farmville on 9/2.
- Participating in FEMA Public Assistance Grant calls every Monday for the Winter Storm application. Rodney has compiled the information into a spreadsheet and worked on this to help me get it completed.

Piedmont Regional Jail Authority and Juvenile Detention Center Board -

- Boards met in person for the first time in over a year at the Juvenile Detention Center and Jail.
- Participated in presentation from ABM for facility maintenance energy efficiency savings for the Juvenile Detention Center.

Project LUIS

- Met w/ IT, Rodney Newton, and Major Penland to discuss the rack layout and wire configuration in the control room.
- Met w/ CTA Consultants & L3Harris to discuss project details. They assigned action items to all parties. You will find a monthly report from Rodney Newton behind this report.
- Bid period for the Microwave Ring will close September 30th.

Schools

- Attended convocation on Friday, August 13th.
- Met with James Abernathy on September 3rd to discuss HVAC project and school finances.

Social Services and Children's Services -

- The interim part-time CSA Coordinator, Hope Hodgson, who also works for Nottoway County, submitted audit documents to OCS. No official response yet.
- DSS Administrative Office Manager is leaving for a DSS position in another locality.
- New Family Services worker started in August. There are now five vacancies in the office.
- Attended FAPT meeting to assist Coordinator Hodgson with procedural concerns as a group.
- Had a call w/ Regional DSS Director to discuss vacancies in the office, performance, and compensation.

Solid Waste -

- Met w/ Bob Pfister to discuss recycling and other local landfill matters.
- Carl and Jimmie had to counsel site staff who did not open Switchback twice on time.
- Need to plan a public hearing in October or November to discuss Meridian Waste's plan to increase tonnage to 2,000 tons per day in January of 2022.

UPCOMING dates of interest:

September 6 - Labor Day Holiday

September 9 - Board of Supervisors meeting

September 11 - 20 years since 9/11/01

September 14 - Frank Bacon's Birthday

September 21 - Planning Commission meeting

September 14-17 - Mary Earhart - pre-audit fieldwork

" 26 - Ed Pennington B-day

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?

"I can do all things through Christ who strengthens me." - Philippians 4:13



September 2, 2021

To: Tracy Gee, County Administrator

From: Rodney Newton

Subject: Lunenburg Interoperable Communications System Monthly Progress Report

Below are the highlights of activities for the month of August for the Lunenburg Interoperable Communications System project:

- Provided floor plans of identified critical infrastructures in the county for final acceptance testing
- Meeting with Lunenburg Sheriff's Office personnel and county IT contractor about space needs in the PSAP equipment room
- Review of the Request for Proposal for the Microwave Network System
- Pre-proposal conference and site visits for microwave vendors
- Review of questions from microwave vendors and answers from CTA prior to posting to Lunenburg County website and eVA
- Site survey of Gary Road substation for real estate needs for expanded enclosure
- Monthly project meeting with L3Harris, CTA, and county representatives
- Continued work on interoperability quote for equipment
- Submission of remainder of Phase 2 invoices from CTA to VDEM for reimbursement through State Homeland Security Grant Program