

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, November 15, 2018.

Members Present: William R. Lee, Chair
Jason D. Bellows, Vice Chair
Jack D. Larson, Board Member
Ernest W. Palin, Jr., Board Member
Robert S. Westbrook, Board Member

Staff Present: Don G. Gill, Interim County Administrator and
Planning/Land Use Director
Crystal Whay, Clerk to the Board and
Building/Land Use Assistant

Mr. Lee called the meeting to order at 7:00 p.m.

PUBLIC INPUT

Bill Warren, a District 3 citizen, referred to Mercer Place and gave some statistics about it. He stated that, currently there were twenty-three residents at Mercer Place, which mainly consists of teachers and other local workers. He stated that everything there is going well and there are no issues. He stated that he wanted the Board to know that they are still helping the County to offer affordable housing for the teachers.

Mr. Warren referred to Partners Foundation and stated that every year in November they have to provide VHDA with a projection for the following year in terms of profit and loss. He provided the Board with a copy of that financial document.

Mr. Warren referred to the Educational Foundation and stated that they were the primary agent for raising money for the schools outside of the government. He stated that they had raised about \$100,000 a year for the last few years and given it to the schools for various functions. He stated that, this year, they will be giving the schools about \$156,000. He stated that the money comes from trusts, estates, foundations and private donors. He stated that funds go for the early college academy program, the middle school lego robotics program, chrome books for the second grade students, the pre-kindergarten learning center and field trips to name a few things.

Mr. Lee stated that the Educational Foundation is a tremendous asset to both the schools and the County. He stated that it was appreciated.

PRESENTATIONS

1. Broadband Authority Update

Ms. Cassie Thompson, the Broadband Authority Chair, stated that during the first two weeks of the month of November, the Broadband Authority received its employee identification number and data universal numbering system numbers, which are required for non-profit and government agencies if they want to do business with the federal government.

Ms. Thompson stated that the Broadband Authority is continuing to pursue discussions with the Center for Innovative Technology about the timing and content of their access and utilization survey. She stated that the Center for Innovative Technology is behind schedule, but has provided some information concerning other pieces of the assessment process that can be focused on in advance of the survey. She stated that the Broadband Authority is focused on budget concerns and has submitted an initial master plan and a request for consideration for planning funds to the Lancaster County Economic Development Authority. She stated that the Economic Development Authority has responded that it will consider the request at their January meeting. She stated that the Broadband Authority is working with the Department of Housing and Community Development to get details about the Virginia Community Development Block Grant. She stated that their intent was to apply for the maximum of \$30,000 and they estimate their phase one work to cost approximately \$60,000, therefore additional funding will be required to get through the planning phase. She stated that the Broadband Authority has initiated a conversation with a member of the Middlesex County Broadband Authority to determine where they can cooperate to expand broadband internet access in the counties. She stated that one of the members of the Broadband Authority has been in communication with Dominion Energy regarding potential blank conduit between Lancaster and Middlesex counties. She stated that, based on these communications, Dominion Energy is not willing to put the conduit into their easement if owned by another entity, but they are willing to discuss potential business relationships, capital and operational costs. She stated that the Broadband Authority is working to set up a meeting with Jim Cornwell for his assistance on issues, such as planning for their eventual requests for proposals and taxes.

Mr. Larson stated that, at last month's meeting, Ms. Thompson had spoken about the Broadband Authority's on going conversations with Atlantic Broadband and the issue that had come up with the Eagle Landing Subdivision. He asked where they were with that issue. He stated that, very shortly, the County will be without a contract and that is to the advantage of Atlantic Broadband and the County could use some leverage in relation to the contract. He stated that he was concerned that the County was not coming to closure on the business with Atlantic Broadband.

Ms. Thompson replied that the Eagle Landing project is no longer on the table.

Mr. Larson stated that was troubling because if someone was to offer to reimburse eighty percent of the costs for doing something or providing a service with the potential for more customers, he does not understand why that would be an issue.

Ms. Thompson stated that Bill Newborg had said that Atlantic Broadband does not have the resources or the budget to do the Eagle Landing project. She stated that Fran Bradley, who is the Director for Government Affairs, is the point of contact now. She stated that Mr. Bradley sounded surprised about the whole thing. She stated that she agreed that it was frustrating. She stated that the Broadband Authority would like to get the towns on board with the County before they approach Atlantic Broadband again. She stated that the Board of Supervisors will be briefed before the Broadband Authority talks with Atlantic Broadband again.

Mr. Larson asked if it was fair to say that the Board of Supervisors would be able to sit down with Atlantic Broadband in the next two to three months.

Ms. Thompson replied yes.

Dr. Westbrook asked how the Broadband Authority felt about the conversations with Dominion Energy since they were not willing to put a conduit in their easement, but were willing to discuss potential business relationships. He asked, what role, if any, the Board of Supervisors would play and what role would the Broadband Authority play concerning the issue.

Ms. Thompson replied that one of their members has come up with three options and they will be discussing those options as a group and then come up with a recommendation for the Board of Supervisors.

Dr. Westbrook stated that those conversations about having the conduit underwater should involve other localities because it can benefit everyone.

Ms. Thompson said they were starting with Middlesex County because they are closest and work their way up.

2. Lancaster Community Library Update

Mr. Bob Denton stated that he was a member of the Lancaster Community Library Board and wanted to give the Board of Supervisors an update on the library. He stated that they are currently working on their Teen Center expansion and will be enlarging its footprint within the building. He stated that they have hired Demetrius Means as their new Teen Center Director and he is doing a great job.

Mr. Denton stated that the library's operating budget for this year was approximately \$640,000 and the County provided about \$113,000 this past year. He

stated that the state funds about the same amount. He stated that they also receive citizen donations and have fund-raising during the year. He explained the library amenities and opportunities for the citizens.

Mr. Lee referred to the library's teen center and asked if there was collaboration with the Boys and Girls Club and the YMCA.

Mr. Denton replied yes and he stated that Alice Cooper, the Executive Director for the Lancaster Community Library, was present to speak to that.

Ms. Cooper stated that the library has had a long standing relationship with both the Boys and Girls Club and the YMCA. She stated that the library is not equipped to have the teens at the facility all day and that the library addresses the literacy parts of the programs offered at the other two organizations.

Mr. Lee stated that he asked the question because there are teen centers at all three places.

Mr. Denton stated that he had asked the same question and had found out that there were enough teens in the area for all three centers to be viable.

3. Introduction of the new Lancaster County Building Inspector

Mr. Gill stated that he wanted to introduce Randy Logan to the Board of Supervisors and the public as the new Building Inspector for Lancaster County. He stated that Mr. Logan was a resident of Lancaster County and has a construction background. The Board welcomed Mr. Logan.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Robert Harper of VDOT stated that Steve McKeever, the Residency Administrator for the Northern Neck Residency, apologized for not being able to attend the meeting, but he had been hospitalized and will be out on extended leave. He stated that Carter White would be available in Mr. McKeever's absence.

Mr. Harper stated that because of the large amounts of rain, they have been fixing eroded shoulders, slopes and ditches. He stated that at least eighty trees fell during Tropical Storm Michael and they are still cleaning up after that. He stated that they will be doing slope repairs near Field Trial Road in December. He referred to snow removal and stated that they are fully stocked with supplies and equipment. He stated that they would also be brining the primary roads ahead of snow events.

Mr. Larson stated that, given VDOT's full plate, would they have any problem with some citizens cutting brush to keep from growing over the road.

Mr. Harper replied that would be fine.

Mr. Larson stated that the County has had an application in for littering signs and it seems to be languishing. He asked who the County should get in touch with concerning the signs.

Mr. Harper replied that he was meeting with Mark Fridenstine on Tuesday, November 27th to mark the locations for the littering signs.

Dr. Westbrook asked if they would consider inviting Judy Ripley to go to the locations. He stated that she has been instrumental in the anti-littering campaign and she might appreciate the invitation, even if she cannot attend.

Mr. Harper replied that Mrs. Ripley would be welcome to follow them as they visit the sign locations. He stated that they would be flagging where they thought the signs should be located.

Mr. Larson asked Mr. Harper if he would call Mrs. Ripley to invite her.

Mr. Harper replied that he would do that.

Dr. Westbrook stated that there was a transportation meeting coming up in Fredericksburg and asked Mr. Harper if he was aware of it.

Mr. Harper replied that was a Smart Scale project meeting. He stated that will probably be the time that the projects will be selected.

Dr. Westbrook asked if attending that meeting would give the County any kind of help on the project at the intersection between the two pharmacies in Kilmarnock.

Mr. Harper stated that he would talk to Carter White about it.

Dr. Westbrook stated that he was concerned about the application and he thought everyone would want to know how far it has proceeded, if at all. He stated that his question for Mr. White would be if the County's attendance at that meeting in December would help the cause.

Mr. Harper stated that he would ask that question of Mr. White.

Mr. Gill stated that he doubted the County's attendance at the transportation meeting would help because the Smart Scale projects are scored according to a matrix.

Dr. Westbrook stated that he kind of doubted it too, but wanted to ask the question.

Mr. Harper stated that Mr. White would be in touch with Mr. Gill.

PUBLIC HEARING

1. Application for Special Exception – Rappahannock Solar, LLC

Mr. Lee asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was an application for special exception by Rappahannock Solar, LLC to locate a 2 megawatt solar farm in the White Stone area on property owned by the Heirs of B.H.B. Hubbard, Jr., LLC described as Tax Map #34-373 and zoned M-1, Industrial Limited. He stated that the property consists of 184 acres, however only 15-25 acres will be leased and used for the proposed solar farm. He stated that the property is located off of Ocran Road (VSH 646) across from Turner Lane in District 3.

Mr. Gill stated that staff recommends approval with the following conditions to cover those performance standards that have not been adequately addressed in this proposal: 1) the solar panels be non-reflective and that the facility be designed and operated to prevent the direction of concentrated solar radiation or glare onto neighboring property and public roads, 2) construction hours be limited between 7 am and 7 pm and once the solar farm is operational, noise levels not exceed 65 decibels as measured at the boundary lines of the leased area, 3) an emergency services plan, acceptable to the Lancaster County Chief of Emergency Services, be submitted to address possible hazards resulting from damage to components of the solar farm and 4) the posting of a surety bond, in a form acceptable to the county attorney, of 1.5 times the decommissioning cost estimate, or approximately \$90,000, to account for inflation over the project's useful life and to secure the decommissioning of the project.

Mr. Gill stated that, currently, the only zoning district in Lancaster County where a solar farm can be permitted is the M-1, Industrial Limited District, which also requires a special exception from the Board of Supervisors. He stated that Article 9-1-21 of the Lancaster County Zoning Ordinance allows public utility generating facilities and Article 9-1-31 requires the special exception, since "solar farm" is not specifically listed in Article 9-1-21.

Mr. Gill stated that the Planning Commission has been studying the issue of solar farms to determine if other zoning districts should allow this use and what other regulations should apply. He stated that they have reviewed several ordinances from other counties and have had presentations from an attorney who has been involved in many solar farm projects in Virginia and North Carolina and has served on the Chesterfield County Planning Commission. He stated that the Planning Commission has also had a presentation from Dominion Energy explaining the emphasis on solar as the preferred renewable energy source in Virginia. He stated that the Code of Virginia Sections 67-100 through 103 contains Virginia's Energy Plan which encourages renewable energy sources and outlines the role of local governments in developing ordinances and achieving the objectives of that plan.

Mr. Gill stated that, even though Lancaster County currently does not have a separate ordinance for solar farms outlining performance standards, the Board of Supervisors can place conditions on the special exception approval to ensure compliance with performance standards for solar farms. He stated that all of the ordinances reviewed to date by the Planning Commission have similar performance standards, so staff has recommended the aforementioned conditions based on the following general performance standards: 1) Setbacks and height restrictions. The M-1 District has setbacks of 100-feet from the centerline of any road, as well as side and rear yards adjoining residential properties, 25-feet adjoining other districts and has a 35-foot height restriction. The proposed solar farm conforms to those setbacks, which staff deems adequate, so no other condition is recommended. 2) Buffering and screening from adjoining properties and roads. The proposed location and setbacks create a large perimeter buffer and the proposed 10-foot wide vegetated buffer on the two road sides requires two trees and twelve shrubs every 100-feet, which staff deems adequate, so no other condition is recommended. 3) Underground wiring for solar arrays, except where necessary to connect to the public utility. Staff believes the proposed site plan addresses this satisfactorily, so no other condition is recommended. 4) Glare. The proposed site plan does not address this, so staff recommends a condition requiring that the solar panels be non-reflective and that the facility be designed and operated to prevent the direction of concentrated solar radiation or glare onto neighboring property and public roads. 5) Noise. The proposed site plan does not address this, so staff recommends a condition requiring that construction hours be limited between 7 am and 7 pm and once the solar farm is operational, noise levels not exceed 65 decibels as measured at the boundary lines of the leased area. 6) Emergency Services Plan. The proposed site plan does not address this, so staff recommends a condition requiring the submittal of an emergency services plan, acceptable to the Lancaster County Chief of Emergency Services, to address possible hazards resulting from damage to any components of the solar farm. 7) Decommissioning Plan and Surety Bond. The applicant has submitted a decommissioning plan which requires the removal of all equipment and restoration of the land within 12 months of the end of the useful life of the solar farm. Staff recommends a condition requiring a surety bond, in a form acceptable to the county attorney, of 1.5 times the decommissioning cost estimate, or approximately \$90,000, to account for inflation over the project's useful life and to secure the decommissioning of the project.

Mr. Gill stated that Article 9-2-1 of the Lancaster County Zoning Ordinance stipulates that site plans for proposed activities within the M-1, Industrial, Limited District that require a building permit and involve land disturbance greater than 2,500 square feet be referred to the Planning Commission for recommendation to the Board of Supervisors. He stated that the Planning Commission considered this proposed solar farm site plan at its October 18th meeting and made two recommendations. He stated that the Planning Commission acknowledged that the proposed solar farm was in substantial accord with the Lancaster County Comprehensive Plan as required by the Code of Virginia Section 15.2-2232. He stated that the Planning Commission also forwarded the proposed site plan to the Board of Supervisors recommending approval without any changes.

Mr. Gill stated that, as part of its “2232” review to determine conformance with the Comprehensive Plan, the Planning Commission agreed with staff and acknowledged the following: Chapter Seven of the Comprehensive Plan identifies a Planned Growth Area (PGA) between the towns of Kilmarnock, Irvington and White Stone and areas in close proximity to that roughly triangular shaped area. He stated that the Comprehensive Plan states that investments in new or improved public infrastructure should be directed to the PGA and it further states that “heavy” industrial activities with significant noise, air or water quality impacts are not appropriate for Lancaster County. He stated that this property is in close proximity to the PGA and a 2 megawatt solar farm is not viewed as a “heavy” industrial use. He stated that Objective III-B advocates protection of farmland and agricultural resources. He stated that, while a solar farm is not traditional farming, it does protect that farmland from other more intense development uses for thirty years or more. He stated that Objective III-E advocates the preservation of open space and views along roads. He stated that the location and buffering of the proposed solar farm maintains existing open space and views along both Route 3 and Route 646. He stated that Policy VI-B states that proper and sufficient zoning and land use measures be in place to allow for responsible non-residential growth and to encourage and support appropriate non-residential growth, while protecting those resources, features and qualities that comprise the local rural character and quality of life. He stated that this proposed 2 megawatt solar farm was viewed as an appropriate and responsible type of non-residential growth.

Mr. Gill stated that staff had conducted a site plan review and found the proposed site plan to be in conformance with the requirements of Article 22, Site Plans. He stated that the applicant has documented control of the land and authority to file and execute zoning and special exception applications through two separate Power of Attorney agreements. He stated that, before any building permits are issued, a final engineered site plan will be required to ensure conformance with the Erosion and Sediment Control and Chesapeake Bay Act Ordinances and VDOT must approve the entrance onto Ocran Road.

Mr. Gill stated that the issue had been advertised and adjoining property owners notified as required by law. He stated that, to date, he had received no response from the public.

Mr. Lee opened the public hearing.

Mr. William Shewmake, an attorney with LeClair Ryan, stated that he was representing the applicant and Rappahannock Solar, LLC. He stated that they were in full support of the proposed conditions being suggested. He stated that he knew the County was looking at potential solar ordinances and he had submitted some materials for the Planning Commission’s review.

Mr. Shewmake stated that solar energy is one of the fastest growing industries in the country and one in every one hundred new jobs is related to solar. He stated that the Commonwealth has determined that solar is very important in terms of long term economic growth and prosperity. He stated that many employers are demanding solar

energy and are making decisions on where to locate based on that. He stated that Dominion Energy has indicated that it was important strategically to have a diverse array of power sources.

Mr. Shewmake stated that the project being proposed was a 2 megawatt facility and would probably power 250 to 300 homes. He stated that Dominion Energy has a community facility program for about five facilities in the state and his client is planning on responding to that request for proposals and anticipates the proposed project might be a part of that program. He stated that the proposed project is considered a low intensity use of the property and won't have any noise impacts once it is built. He stated that there would be no traffic issues with it. He stated that it would be environmentally friendly. He stated that he thought it would give the County an opportunity to see the construction and design of a solar facility, which is much smaller than the typical utility scale and give insights into solar energy to help guide the ordinance creation.

Mr. Shewmake stated that John Wilson, an engineer with Southern Current, was present. He stated that Mr. Wilson will be engineering the proposed solar facility site and can answer any specific questions that the Board may have.

Mr. Shewmake stated that they are asking for the Board's approval of the special exception with all of the proposed conditions.

Mr. Larson stated that, with respect to tax revenues from this project and the improvements that are added, it was his understanding that the applicant would receive an eighty percent tax break on the machinery and tools tax. He asked if that was Mr. Shewmake's understanding.

Mr. Shewmake replied that he thought it was a one hundred percent tax break because the proposed facility was under 20 megawatts.

Mr. Larson asked if any local taxes were going to be paid related to this facility.

Mr. Shewmake stated that he thought there were several taxes that would be paid. He stated that the real estate tax would be increased because of the improvements and there was no abatement whatsoever of any increased real estate tax. He stated that there would be no taxes paid on the equipment. He stated that the proposed project is a multi-million dollar project and would be using local construction and equipment and that would bring indirect benefits to the County during the construction phase.

Mr. Larson stated that, according to the information he had reviewed, the property is currently assessed for the land at \$535,600 with \$10,400 in improvements. He stated that what is being proposed will put improvements on the property and those improvements will be a certain dollar amount and the tax bill will be given to the owners who will be leasing the property to Mr. Shewmake's client. He asked if that was Mr. Shewmake's understanding.

Mr. Shewmake replied that his understanding was that you can have specific uses on a property that have a tendency to increase the value of the real estate in itself, but that is up to the assessor. He stated that, in terms of the structures themselves, they have a tax exemption. He stated that his experience has been that once the special exception or conditional use permit has been granted, the value of the real estate increases. He stated that the tax abatements are on the actual equipment.

Mr. Larson stated that it was a tax abatement granted by the state.

Mr. Shewmake replied that was correct.

Mr. Larson stated that his comment was not meant to be a criticism for Mr. Shewmake, but this was just another example where the state has granted a concession for an industry without any input from the locality. He stated that the County was limited in what it can tax.

Mr. Shewmake stated that he understood Mr. Larson's point, but he thought their project would be a very good use.

Dr. Westbrook asked if the landowners have had a tax break because of its agricultural use in the past.

Will Hubbard, one of the landowners, replied that part of the property is under the land use status.

Mr. Shewmake stated that when a property is in land use and then a special exception or conditional use permit is granted, that triggers a rollback tax on that property. He stated that was for five years with interest.

Dr. Westbrook stated that he was concerned about several things. He asked if the Planning Commission completed a 2232 review.

Mr. Gill replied yes.

Dr. Westbrook asked if there was a paper that he could look at concerning the review.

Mr. Gill replied that it was in the minutes in the Board package.

Dr. Westbrook asked how did the applicant intend to control vegetation under the solar panels.

Mr. Shewmake replied that would be part of the erosion and sediment control permit. He stated that they are starting with the zoning aspect and then have to be approved by all of the other agencies, such as the Department of Environmental Quality.

Dr. Westbrook stated that his concern was about the use of herbicides and the long-term use of them. He stated that there would be something done to control the growth of vegetation underneath the solar panels. He stated that, even after the decommissioning process, the soil would not be the same as before if it had forty years of soil sterilization. He asked how they anticipated the cost of restoring what was there before, so that this surety bond has enough money in it.

Mr. Shewmake stated that if this land was used for crops and farmland, there would be a lot more herbicides being used and the project was designed to be environmentally friendly. He stated that he could consult with his client on the specifics.

Mr. Lee stated that he had some additional conditions that he wanted to suggest. He stated that the first condition was that native grasses be used on the site and non-invasive plants be planted. He stated that he would like the trees that will be used as a buffer to be four every hundred feet as opposed to two every hundred feet. He stated that he wanted the trees to be ten feet tall, so they will be taller than the fencing.

Mr. Shewmake stated that he understood that you had to be careful about how large a tree is when it is first planted. He said he would check, but suggested six feet tall trees might be a better option.

Mr. Lee stated that he had planted trees that were ten feet tall and they survived. He stated that there were several nurseries in the area that are capable of accomplishing that.

Mr. Shewmake stated that he would suggest from his experience in other localities, that a six-foot tree be planted that would grow to ten feet in approximately three years. He stated that he would like to touch base with his client on the conditions.

Dr. Westbrook stated that everything needs to be addressed before this application receives a permit. He stated that he was concerned about the precedent that this might start, even though it is a small facility. He stated that they need to get this as right as they possibly can. He stated that, from what he has read, they would need to amend the Comprehensive Plan and the land use ordinances to specifically say what we will agree to and accept. He stated that to hear this in one night and agree to it is the wrong thing to do.

Mr. Bellows stated that what they were looking at was a zoning application. He stated that there is a request for a special exception in an industrial district. He stated that this is the only large section of land in Lancaster County where such zoning exists and where such a facility could be built. He stated that this is probably the only one that can be built based on our current Comprehensive Plan and Zoning Ordinances. He stated that if solar farms are allowed to be in agricultural districts in the future, then conditions will be important to have in place then. He stated that the proposed use here is far less invasive than what an industrial district could possibly have. He stated that based on what they have seen and since the Planning Commission has already reviewed it, he thought they could move forward tonight with the conditions that they have. He stated that they

can accomplish the goals of the Comprehensive Plan and have this economic development.

Mr. Palin stated that he agreed with Mr. Bellows because solar farms are already covered in the M-1, Industrial District. He stated that if solar farms are to go into the agricultural districts, it would need further study.

Mr. Lee stated that the Comprehensive Plan review has begun and solar farms and conditions for them can be included in the review.

Mr. Shewmake stated that Mr. Bellows was correct in saying that the proposed project was a lot less intensive than a lot of other uses in the industrial district.

Mr. Bellows stated that to alleviate Dr. Westbrook's concerns about chemicals, there could be a condition that states that the grass would have to be maintained by mechanical means.

Dr. Westbrook stated that he wanted to make sure things were addressed properly. He stated that, after reading the Berkley Group study concerning Mecklenburg County, he found out that sometimes the surety bonds go away, in that the developer goes away and the landowner is stuck with what is there. He stated that there was also a recommendation in the same study that training be given to the Emergency Medical Services crews that might have to go on the property for whatever reason.

Mr. Gill stated that one of the suggested conditions is the requirement of an emergency services plan.

Dr. Westbrook stated that someone will need to pay for the training as well.

Mr. Shewmake stated that the proposed project was a community-sized facility being placed in the M-1 Industrial District so he did not think it would have any precedent on an entirely new ordinance in different zoning classifications. He stated that he thought it could actually be helpful as it is constructed and seeing how they work.

Mr. Lee asked Mr. Cornwell to address the bond issue.

Mr. Cornwell stated that his recommendation would be that the surety bond be reviewed every five years to make sure it is still sufficient to carry out the decommissioning plan.

Mr. Shewmake stated that they would have no problem with that.

Mr. Larson stated that the County's experience with these kinds of bonds, as it pertains to subdivision roads, has been horrible. He stated that the people providing those surety bonds are not proactive in making sure that those bonds are renewed. He stated that he would like to see a cash bond in the amount of \$60,000 and let it grow with

interest. He stated that it would be maintained by the County, in the Treasurer's office, in a separate account.

Mr. Shewmake stated that he had never seen anything done like that in the Commonwealth.

Mr. Larson stated that it has been done and he can show Mr. Shewmake some accounts.

Mr. Shewmake stated that he was just not familiar with it. He stated that, in reference to subdivision bonds, there really was not that much economic incentive. He stated that the problem can be with not completing the project. He stated that this project will be associated with Dominion Energy and it will have to be up and running and everything must be maintained relating to the zoning or the contract could be lost. He stated that, unlike a subdivision bond, there was substantial salvage value with a solar farm.

Mr. Larson stated that he had noted the salvage value, but over a period of thirty to forty years that could change dramatically and if new technology comes along, the materials could be worthless.

Mr. Shewmake stated that if you look at the history of the salvage value of these metals, it tends to be steady over a period of time. He stated that he would not anticipate the salvage value going down substantially and there is more and more push to reuse these materials. He stated that the materials of aluminum, steel and copper are valuable commodities.

Dr. Westbrook asked about any unintended consequences that they don't know to ask about. He stated, for example, the Mecklenburg study talked about substations being necessary in the future.

Mr. Shewmake replied that, on a project such as this, he had a hard time conceiving of any unintended consequences. He stated that the project is being proposed in the industrial district and there could be types of uses, that are by-right, that could impose greater issues than a solar farm.

Dr. Westbrook stated that he did not disagree with that. He asked who decides if the conditions are adequate. He stated that, if the Board approves this request tonight, with the promise that all of the conditions will be met, who decides about those conditions. He asked if it was the Planning Commission or the Board of Supervisors.

Mr. Gill replied that it was the responsibility of the Zoning Administrator to make sure that these conditions are followed.

Dr. Westbrook stated that Mr. Lee had talked about some of things he wanted to see in the buffer, but it was the first he had heard of it.

Mr. Larson stated that it was like any special exception, in that, the Board of Supervisors can place conditions on the request in the form of a motion and specify that the Board's approval, if approved, is conditional based on those things being done.

Dr. Westbrook asked if they could delay the request for one month, so they can consider these conditions. He stated that he did not have any idea about these conditions.

Mr. Lee stated that Mr. Gill had the conditions stated in his memorandum to the Board.

Dr. Westbrook stated that it did not have the specifics.

Mr. Gill stated that the conditions he recommended were specific.

Mr. Bellows agreed.

Mr. Lee stated that he was just "piggy-backing" on Mr. Gill's conditions with his suggestions for specific types of vegetation.

Mr. Larson stated that another reason not to approve the request tonight was because Mr. Shewmake had said that he needed to consult with his client.

Mr. Shewmake stated that his client was present, so if the Board would give him a couple of minutes, he could get right back to them. He stated that, in dealing with Dominion Energy, some things can be time sensitive.

Mr. Larson stated that Mr. Shewmake didn't improve his argument by saying that he wants this tonight. He stated that did not win any favors with him.

Mr. Shewmake apologized and stated that, if he could address the issues with his client tonight, he would be happy to do that.

Mr. Larson stated that there was a former Board member, Jack Russell, that had an applicant demanding approval of a request quickly and his response was that the Board had its schedule and the applicant had his.

Mr. Shewmake stated that he knew he was not in control of the schedule. He stated that he was just explaining his perspective.

Mr. Cornwell stated that the public hearing was still going on.

Mr. Shewmake stated that he would like to consult with his client during the public comment period. He stated that at the end of the public comment, he would like to come back in front of the Board.

Mr. Lee stated that Mr. Shewmake would be able to do that.

Gary Silverman, a District 1 citizen, stated that, in general, he supported solar energy. He stated that he thought Dr. Westbrook had raised a good point about the herbicides. He stated that another one of his concerns is the material being used in the solar panels.

Charlie Costello, a District 2 citizen, referred to the decommissioning costs and stated that \$60,000, thirty years from now, may not cover anything. He stated that, for a multi-million dollar project, he thought there should be a larger amount of money set aside for decommissioning. He stated that he thought they were setting a precedent with this and he thought it should be taken slowly.

Mr. Shewmake stated that John Wilson, the engineer for the project, will come up after him and answer some of the Board's questions.

Mr. Shewmake stated that they had no problem with using native species. He stated that, in talking with Mr. Wilson, they would suggest that the trees for the buffer start at four feet with a maturity of ten feet in two years. He stated that, in terms of the health issues, they had submitted to the Board an extensive study from NC State that a solar facility does not pose any danger to health and safety. He stated that they have no problem with the bond and the five-year review to see if the bond would need to be increased. He stated that he did not see them setting a precedent with this request because the County does not have a solar farm ordinance yet. He stated that this was a special exception request in an industrial district.

Mr. Lee referred to one of his conditions and asked if Mr. Shewmake thought a four foot tree would grow to ten feet in two years.

Mr. Shewmake replied that there were evergreens that can grow that fast. He stated that they would be selecting trees that grow three feet in a year.

Mr. Lee asked about the species. He stated that the fastest growing evergreen in the area is a Leyland Cypress.

Mr. Wilson stated that he was not an arborist, but that they intended on using native species.

Mr. Bellows asked if the additional land that was not being used for the solar facility would continue to be agricultural land.

Mr. Hubbard replied that it would continue to be farmed.

Mr. Bellows stated that crops can add another level of screening as well.

Mr. Palin asked Mr. Wilson about using six-foot trees instead of four feet.

Mr. Wilson replied that would be fine. He stated that they also intended to use shrubbery because they were looking for density as well.

Mr. Bellows asked Mr. Gill if this request wasn't a utility project, but some other industrial project that was allowed in M-1, could it be done by-right.

Mr. Gill replied yes.

Mr. Bellows stated that there were many uses in the M-1 District that could be considered "heavy" that are by-right.

Mr. Gill agreed.

Mr. Gill stated that he had suggested four conditions and one of those deals with a surety bond, which could be amended to state that it would be reviewed every five years. He stated that, regarding the buffering, there could be an additional condition to address Mr. Lee's vegetation suggestions.

Mr. Bellows stated that it was the same kind of conditions they put on the substation in Ocran.

Dr. Westbrook referred to the surety bond reviews and asked if they could ask for the bond to be increased as needed.

Mr. Cornwell replied that the applicant would file a new decommissioning plan every five years and the County may get an outside expert to see if the plan is appropriate and if the costs set forth were adequate. He stated that if the bond won't cover it, then the County would request a higher bond.

Mr. Larson asked who would pay for an outside expert.

Mr. Cornwell stated that the expenses for an outside expert would probably be minimal. He stated that if the applicant pays for an outside expert, then who's expert is it. He stated that he could consult with other attorneys in Virginia that deal with solar farms to see what they do.

Mr. Larson stated that he was suggesting that the County get reimbursed for the cost of an outside expert. He asked if that was possible.

Mr. Cornwell replied yes.

Mr. Lee stated that he thought they should have what they have discussed at tonight's meeting in writing.

Mr. Cornwell stated that the discussion will be documented in the minutes, but the Board does have the right to continue the matter until next month.

Mr. Lee stated that he would like to see the things that they have discussed in written form and it is a short time before the next regular Board of Supervisors meeting, so the matter can be continued.

Mr. Cornwell suggested closing the public hearing and tabling the matter until next month.

Mr. Bellows stated that he was fine with getting everything in writing and it's a short time until the next meeting.

Mr. Cornwell stated that the one question he had was about the control of the vegetation under the solar panels.

Mr. Wilson stated that they will hire a local landscaping company to maintain the grounds. He stated that directly underneath the panels is nothing but grass and they will be using native grasses and would like a slower growing grass.

Mr. Cornwell asked if they cut the grass or spray it.

Mr. Wilson replied that the grass will be cut. He stated that some farms use sheep as well.

Mr. Wilson stated that someone had mentioned a substation and he said a substation would never be used in a facility this small.

Dr. Westbrook stated that he applauded the use of renewable energy and his personal concern was that they get this right, even at the size being proposed.

Mr. Lee closed the public hearing.

Mr. Lee made a motion to table the Application for Special Exception for Rappahannock Solar, LLC until December, so they can get all of the conditions that were discussed at tonight's meeting in writing.

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye
	Ernest W. Palin, Jr.	Aye
	Robert S. Westbrook	Aye

CONSENSUS DOCKET

Motion was made by Mr. Bellows to approve the Consensus Docket and recommendations as follows:

1. Minutes for October 25th Regular Meeting
2. Abstract of Votes – General Election for United States Senate and House of Representatives and Referendum on Two Proposed Virginia Constitutional Amendments held on November 6, 2018

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye
	Ernest W. Palin, Jr.	Aye
	Robert S. Westbrook	Aye

CONSIDERATION DOCKET

1. Salaries and Invoices – November 2018

Mr. Gill stated that the past several years the Board of Supervisors has opted to meet early in the months of November and December, so in the middle of the month, a month-end report cannot be given. He stated that Betty Stevens, the Accounts Administrator, gave him a partial month report today. He stated that the payroll total for the month of November will be \$276,222.43. He stated that the partial month's invoices total is \$383,811.92, of which \$129,455.99 is capital improvements. He stated that he did not expect the Board to approve the month end report tonight and that the salaries and invoices totals for November will be available at the December meeting.

BOARD REPORTS

Mr. Larson stated that he will be sending out an email to his fellow Board members concerning having a mid-year review at their January meeting to find out where the fund administrators stand with respect to their budgets. He stated that would be a good time to do it as they approve the December invoices.

Mr. Lee agreed.

Dr. Westbrook stated that he hoped when they started the budget discussions, that they require everyone to provide them with a copy of their tax returns. He asked if it would be appropriate to also do a mid-year review of the outside entities as they are considering doing it for the government departments.

Mr. Larson stated that the budget call goes out in January and the request for financial documents should be part of that call.

Dr. Westbrook stated that the financial documents were requested last time, but not everyone complied.

Mr. Larson stated that they needed to get the word out early about the financial document requirement and the budget call is the appropriate vehicle to do that.

Mr. Palin stated that the steeple on the Administration Building needed paint.

Mr. Gill stated that he would refer that to the maintenance department.

Dr. Westbrook stated that a public meeting was held with the Emergency Services Department and the volunteer rescue squads earlier in the month. He stated that he had spoken with Dr. Steve Parker, School Superintendent, about the possibility of having EMT classes at the high school and he was following up on that. He stated that there was a procedure to follow and wanted to give an update as it was one of the issues discussed at that prior meeting.

COUNTY ADMINISTRATOR

Mr. Gill stated that the Hazardous Household Waste Day that was held on October 27th was a record for the Northern Neck. He stated that there were 250 vehicles, 16,581 pounds of household hazardous waste and 10,711 pounds of e-waste. He stated that the solid waste department is also considering moving the location, since the event has grown so large. He stated that two options that have been discussed were the high school parking lot or the new courthouse parking lot.

Mr. Gill stated that the reassessment process is very near its completion and the reassessment letters will be going out on November 20th. He stated that the assessors will be holding hearings for ten days in December at the Administration Building. He stated that the Board of Supervisors will need to appoint a Board of Equalization, if not at the December meeting, then certainly by the January meeting. He stated that the members of the last Board of Equalization have been contacted and at least three of them are willing to serve again.

Mr. Gill stated that he wanted to remind the Board that the regular December meeting will be held on Thursday, December 13th.

Dr. Westbrook asked if Mr. Gill could talk to someone at Northumberland County about coordinating the two counties' Hazardous Household Waste days.

Mr. Gill stated that the Northern Neck Soil and Water Conservation District sets up those events and contacts the vendor that picks up the waste. He stated that, at the present time, the counties of Westmoreland and Richmond only have one day per year and Lancaster and Northumberland have two per year. He stated that they could explore the idea of timing the events differently between the counties.

Dr. Westbrook stated that he would like to see it more evenly scheduled throughout the year.

CLOSED MEETING

Motion was made by Mr. Bellows to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Personnel, § 2.2-3711.A.1 and Legal Matters, § 2.2-3711.A.8 of the Code of Virginia, 1950, as amended. The subject and purpose falls within the following exemption(s) under § 2.2-3711.A.1 (for the discussion and consideration of the assignment, appointment, promotion, performance or salaries of specific public officers, appointees or employees of the public body) and § 2.2-3711.A.8 (for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.)

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye
	Ernest W. Palin, Jr.	Aye
	Robert S. Westbrook	Aye

RECONVENE

Motion was made by Mr. Palin to reconvene the open meeting.

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye

Ernest W. Palin, Jr. Aye

Robert S. Westbrook Aye

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on November 15, 2018 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel, § 2.2-3711.A.1 and Legal Matters, § 2.2-3711.A.8 of the Virginia Freedom of Information Act;

WHEREAS, § 2.2-3712 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Palin to certify the closed meeting.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further comment, Mr. Palin called the question. A roll call vote was taken:

ROLL CALL

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye
	Ernest W. Palin, Jr.	Aye
	Robert S. Westbrook	Aye

This certification resolution is adopted.

Mr. Lee made a motion to Appoint Don G. Gill as County Administrator, pending approval of a satisfactory contract.

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye
	Ernest W. Palin, Jr.	Aye
	Robert S. Westbrook	Aye

ADJOURNMENT

Motion was made by Mr. Bellows to adjourn the meeting.

VOTE:	William R. Lee	Aye
	Jason D. Bellows	Aye
	Jack D. Larson	Aye
	Ernest W. Palin, Jr.	Aye
	Robert S. Westbrook	Aye