At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, July 26, 2022, beginning at 5:00 p.m., in the Meeting Room of the Public Safety Building, 11282 Government Center Drive, Orange, Virginia. Present: R. Mark Johnson, Chairman; James P. Crozier, Vice Chairman; James K. White; Keith F. Marshall; and Lee H. Frame. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: PRESENTATION OF SALT COUNCIL AWARD

Supervisor Frame presented a SALT Council Award to Philip Carmona in recognition of his outstanding efforts to end the criminal victimization of an elderly member of the community.

The Board congratulated Mr. Carmona on receipt of his award.

RE: QUARTERLY UPDATE FROM THE VOLUNTEER FIRE CHIEFS ASSOCIATION

Jeff Mendonca, President of the Volunteer Fire Chiefs Association, provided a quarterly update to the Board on behalf of the Association, which included information on the following: recruitment and retention efforts, training, and membership numbers.

Discussion ensued among the Board regarding: effects of losing volunteer members to career positions; and use of recruitment materials in the High School.

The Board thanked Chief Mendonca for the update.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: FY22 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
45351001-43277	Private Day Placement	$ 1,200,000.00	$ 90,000.00	$ 1,290,000.00
49140001-45900	Contingency	278,786.00	(90,000.00)	188,786.00
30033505-33100	Fundraiser - OOY	(4,918.00)	(24.00)	(4,942.00)
45370101-46000	Office Supplies	2,418.00	24.00	2,442.00
30033505-33105	Vending Machine Proceeds	(318.00)	(340.00)	(658.00)
45370101-43300	Vending Items For Resale	318.00	340.00	658.00
30033505-33115	Child Abuse Prev Fundraiser	0.00	(1,015.00)	(1,015.00)

45370101-46800	Child Abuse Prevention	175.00	1,015.00	1,190.00
30033505-33250	VFHY Miscellaneous	(500.00)	(4,200.00)	(4,700.00)
45374201-46803	Donated Program Expenses	5,358.00	4,200.00	9,558.00
30033505-33575	Don. - Yth. Sub Abuse Prog.	0.00	(6,270.00)	(6,270.00)
45371001-46000	Office Supplies	0.00	6,270.00	6,270.00
30033506-33250	Michael's Gift Donations	(1,621.00)	(280.00)	(1,901.00)
45370102-46800	Michael's Gift Expenses	14,988.00	280.00	15,268.00
30033515-31675	GBES - Fundraising	(101.00)	(90.00)	(191.00)
45342102-46800	GBES Spec. Event Expense	101.00	90.00	191.00
30033515-31700	GBES - Field Trips	0.00	(617.00)	(617.00)
45342102-46800	GBES Spec. Event Expense	101.00	617.00	718.00
30033515-31750	OES - Fundraising	(101.00)	(20.00)	(121.00)
45342202-46800	OES Spec. Event Expenses	101.00	20.00	121.00
30033515-31775	OES - Field Trips	0.00	(134.00)	(134.00)
45342202-46800	OES Spec. Event Expenses	101.00	134.00	235.00
30033515-31790	LGES - Field Trips	0.00	(474.00)	(474.00)
45342302-46800	LGES - Childcare Expenses	101.00	474.00	575.00
30033515-31799	LES - Field Trips	0.00	(131.00)	(131.00)
45342402-46800	LES - Childcare Expenses	101.00	131.00	232.00
TOTALS		**$ 1,495,090.00**	**$ 0.00**	**$ 1,495,090.00**

RE: FY23 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30030006-33500	Donations - Animal Shelter	$ 0.00	$ (760.00)	$ (760.00)
43520003-43115	Animal Shelter - Emer. Vet	500.00	760.00	1,260.00
30045066-35895	Ag & Forestry Ind Devpt.	0.00	(25,000.00)	(25,000.00)
48155001-47737	To EDA Fund	59,668.00	25,000.00	84,668.00
TOTALS		**$ 60,168.00**	**$ 0.00**	**$ 60,168.00**

RE: ADOPTION OF THE JULY 12, 2022 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the July 12, 2022 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: AUTHORIZATION TO PURCHASE ELECTION EQUIPMENT

Amanda Amos, Contract and Procurement Specialist, explained that new voting equipment was needed for the next election. She noted that, in accordance with the Code of Virginia §24.2-602, all election equipment was exempt from competitive negotiations.

Ms. Amos stated that Election Services Online, LLC had provided the County with election equipment in the past and staff wanted to purchase from them again. She indicated that 20 Freedom Vote Scan Packages (including ballot box, transport media, and firmware), shipping, and testing, installation, and training, were requested for purchase, which would be used throughout the voting precincts in the County. Ms. Amos reported that, although exempt from competitive negotiations, staff had verified that the Unisyn brand products sold by Election Services Online, LLC had been certified for sale and use in the Commonwealth of Virginia by the Board of Elections.

Ms. Amos explained that the cost of the equipment, shipping, and testing/training totaled $128,100 and that funding was appropriated in Project C1009 in the Capital Improvements Plan (Voting Machine Replacement).

Discussion ensued among the Board regarding: whether the new voting equipment was similar to the current equipment; whether this purchase was part of a replacement cycle; whether the current equipment would continue to be used, in addition to the new equipment; and whether the new equipment was available through State contract.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized staff to purchase election equipment from Election Services Online, LLC for twenty Freedom Vote Scan Packages and associated testing, installation, and training, using funding from Project C1009 (Voting Machine Replacement) in the Capital Improvements Plan, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: APPROVAL OF THE AFID INFRASTRUCTURE GRANT MEMORANDUM OF AGREEMENT FOR THE PIEDMONT PROCESSING COOLER/FREEZER EXPANSION

Rose Deal, Economic Development Director, explained that the Governor's Agriculture and Forestry Industries Development Fund Infrastructure Grant Program (AFID Infrastructure Program) provided grants to political subdivisions for community infrastructure development projects that supported local food production and sustainable agriculture. She noted that Orange County had been awarded a $25,000 grant from the AFID Infrastructure Program to assist Piedmont Processing with a cooler/freezer expansion that would increase their meat processing capacity, helping both Piedmont Processing and the producers that relied on the facility to process their meat locally. She further noted that the required $12,500 match had been budgeted and approved by the Economic Development Authority. Ms. Deal indicated that because the grant was awarded to the locality, as opposed to the local business, staff was seeking approval of the grant's Memorandum of Agreement from the Board at this time.

Discussion ensued among the Board regarding: ownership of the cooler/freezer by Piedmont Processing; and receipt of the grant on a reimbursement basis.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board approved the AFID Infrastructure Grant Memorandum of Agreement for the Piedmont Processing Cooler/Freezer Expansion and authorized the County Administrator to execute the Agreement on behalf of Orange County, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: HEALTH, DENTAL, AND OPTIONAL INSURANCE RENEWALS

This item was struck from the agenda.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

There were no Department Director or Constitutional Officer Reports at this time.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

The County Administrator had nothing to report on at this time.

RE: BOARD COMMENT

Chairman Johnson explained that the County had entered into an agreement with the Town of Orange several years ago in order to obtain permission to use the Town's rights-of-ways along its streets for providing broadband service. He noted that one of the requirements from the Orange Town Manager was that only County-owned facilities could be connected in the Town. Therefore, the reason FiberLync was not offered in the Town of Orange was because the Town Manager and Town Council did not want the service provided in the Town. Mr. Johnson commented that, most recently, the Town Manager would not allow FiberLync to work in the right-of-way along Route 15 in order to connect the Central Virginia Regional Jail to broadband, even though the Jail was a County facility. He indicated his attempt to understand why the Town did not want to allow a County project to bring affordable broadband service to the entire County.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Economic Development Quarterly Report
- Tourism Quarterly Report
- Social Services Quarterly Report
- VDOT Monthly Report for June

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Emily Miksovic as the District One Representative on the Library Board of Trustees, filling the unexpired four-year term of Christine Kastan, with said term commencing immediately and expiring on June 30, 2024.

By consensus, the Board re-appointed Felisa Payton as the District Four Representative on the Youth Commission for a four-year term, with said term commencing October 1, 2022, and expiring on September 30, 2026.

By consensus, the Board re-appointed Stacy Burleson as the District Two Representative on the Youth Commission for a four-year term, with said term commencing October 1, 2022, and expiring on September 30, 2026.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of July 2022, August 2022, and September 2022.

RE: SCHEDULE A PUBLIC HEARING FOR STA 22-01

By consensus, the Board authorized staff to advertise for and schedule a Public Hearing for STA 22-01 on Tuesday, August 23, 2022, as presented.

RE: <u>SCHEDULE A PUBLIC HEARING FOR ZTA 22-01</u>

By consensus, the Board authorized staff to advertise for and schedule a Public Hearing for ZTA 22-01 on Tuesday, August 23, 2022, as presented.

RE: <u>SCHEDULE A PUBLIC HEARING FOR SUP 22-03 (WILLOW GROVE INN, LLC)</u>

By consensus, the Board authorized staff to advertise for and schedule a Public Hearing for SUP 22-03 on Tuesday, August 23, 2022, as presented.

RE: <u>PUBLIC HEARING #1; SUP 22-04 (SOL MADISON SOLAR, LLC)</u>

Eric Bittner, Planner, presented the staff report and request for a Special Use Permit from Sol Madison Solar, LLC, which included information on the location and specifications of the subject properties, the existing SUP to allow for the construction and operation of a solar energy generation facility, the specific request to amend the existing conditions imposed as part of SUP 17-06, and the recommendation of approval from the Planning Commission.

Sarah Marshall, Manager of State and Local Affairs for Dominion Energy, presented remarks on behalf of the applicant. Ms. Marshall reviewed the location and plans for each of the proposed wetlands and stream crossings on the subject properties.

Discussion ensued among the Board regarding: long-term plans for each of the crossings; and the site of the transformer crossing.

At 5:32 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

<u>SUP 22-04</u>

The Board of Supervisors will consider a Special Use Permit application from Sol Madison Solar, LLC to amend conditions from the original application (SUP 17-06), which restrict disturbance and construction activity within the FEMA Flood Zone A. The current SUP allows for the construction and operation of a 62.5-megawatt solar energy generation facility spanning approximately 400 acres. The property is identified as Tax Map Parcels 21-40, 21-40B, and 35-4 and is zoned Agricultural (A). The property is situated in the Agricultural (A-2) Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:32 p.m.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING SUP 22-04 TO ALLOW THE CONSTRUCTION AND OPERATION OF A SOLAR ENERGY GENERATION FACILITY ON TAX MAP NOS. 21-40, 21-40B, AND 35-4, REQUESTED BY SOL MADISON SOLAR, LLC

WHEREAS, Sol Madison Solar, LLC applied for a Special Use Permit to allow the construction and operation of an approximately 400-acre, 62.5 MW-ac solar energy generation facility on property referenced as Tax Map Nos. 21-40, 21-40B, and 35-4, pursuant to Section 70-303 (23) of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on July 21, 2022; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety, or welfare; would be compatible with its surroundings; would not impact the environment or any natural, scenic, or historic assets of the County; or would not result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on July 26, 2022; and

WHEREAS, following discussion, the Board of Supervisors hereby supports the request, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice also support approval of this Special Use Permit request, as presented during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 26th day of July, 2022, that the Orange County Board of Supervisors hereby approves SUP 22-04 for a Special Use Permit for Tax Map Nos. 21-40, 21-40B, and 35-4 to allow for the construction and operation of a solar energy generation facility, subject to the four (4) conditions and nineteen (19) sub-conditions as set forth below, as presented; and

BE IT FURTHER ORDAINED, that this Special Use Permit and the conditions supersede and replace the action taken and the conditions previously adopted for the subject properties as part of SUP 17-06.

Conditions for Approval

As adopted in Ord. No. 220726 - PH1
by the Orange County Board of Supervisors
on July 26, 2022

SUP 22-04: Sol Madison Solar, LLC

To construct and operate a solar energy generation facility

Tax Map Nos. 21-40, 21-40B, and 35-4

The conditions of this Special Use Permit ("SUP") shall apply to the properties identified on County Tax Map Nos. 21-40, 21-40B, and 35-4, as well as any future division or consolidation of said properties, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the SUP or the information on the SUP plans or application are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless, specifically modified, waived, or otherwise specified in these conditions. Violation of these conditions, in whole or in part, may be cause for the revocation of the Special Use Permit, pursuant to §15.2-2309 (7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the applications dated October 24, 2017 and June 15, 2022.

2. Compliance – Use and development of the subject properties shall be in substantial conformance with these conditions. The Zoning Administrator shall determine "substantial conformance." The property owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion and sediment control permits.

3. Uses – This SUP shall permit the construction and operation of an approximately 400-acre, 62.5 MW-ac solar energy generation facility (i.e. solar farm).

4. Standards and Conditions –

Transportation / Access

a. The facility shall utilize the existing entrance onto Route 20 as the primary access point, subject to any upgrades that may be required by the Virginia Department of Transportation (VDOT). No new entrances onto Route 20 may be permitted for the facility unless the purpose is to relocate the existing entrance.

b. Any proposed roads associated with the facility which are internal to the property shall be constructed in accordance with the U.S. Fish & Wildlife Service's 2012 Environmentally Sensitive Road Maintenance Program for Dirt and Gravel Roads.

Buffering / Environmental

c. Other than the access road, crossings, and related improvements (the "Access Road Improvements") located substantially as shown on the exhibit entitled "Madison Solar Electric Utility Lines & Road Crossings, Orange, Virginia," dated July 12, 2021, and prepared by Kimley-Horn (the "Access Road Plan"), which Access Road Improvements shall be constructed pursuant to plans and permits approved by applicable State and Federal government agencies, there shall be no land disturbance, construction activity, or storage of equipment and materials on any portion of the property within FEMA Flood Zone A (the 100-year floodplain).

d. Other than the Access Road Improvements, there shall be no land disturbance or construction within 100 feet of any wetland or perennial waterway, or within 50 feet of any waterbody or intermittent waterway. If any of these buffer areas adjacent to the solar panel arrays lack existing vegetation, native tree species shall be planted in order to establish a riparian buffer. Adequacy of this buffer shall be approved by the Zoning Administrator as part of the site plan review and approval.

e. A buffer at least 50 feet in width shall be maintained around the perimeter of the property, except adjacent to Route 20, where it shall be at least 100 feet in width. No clearing, tree removal, or other disturbance shall occur within this buffer area except as necessary to construct the electrical lines needed for connection to the nearby transmission line at the southwestern point of the property.

f. The portion of the above-referenced buffer adjacent to and south of Route 20 shall be supplemented with additional tree plantings in order to adequately obscure visibility of the facility from Route 20 on a year-round basis. Trees shall be native species and a mix of evergreen and deciduous varieties, shall be planted in a natural and randomized pattern, and shall be at least eight (8) feet in height at the time of planting.

g. Grading associated with construction of the facility shall retain the natural topographical contours to the maximum extent practicable, except where grading can smooth excessive existing grades (i.e. 15% or greater) in order to control or prevent erosion.

h. Existing mature forestland shall be cleared only as necessary for installation of the facility. Clearing not associated with the facility is prohibited.

i. Solar panel arrays shall be arranged and constructed in order to encourage vegetation growth between and underneath the arrays.

Uses / Setbacks

j. Construction of the facility shall not preclude any existing uses of the property, including agriculture and the three (3) dwellings, from continuing. However, the facility, once constructed, shall be considered the principal use of each parcel of the subject property.

k. Should any subdivision of the subject property occur after the facility is constructed, approval of this SUP shall be void for the newly-created parcels.

l. There shall be no commercial signage associated with the facility visible from Route 20 or from the air.

m. For the purpose of determining minimum setback and yard distances from internal property lines, individual solar panel arrays shall be considered "main" structures per the Agricultural zoning district regulations of the Zoning Ordinance. The ingress/egress easement for the driveway on parcel 21-40B, as well as the portion of Pine Glade Lane within parcel 35-4, shall not be considered "subdivision streets" for the purpose of determining minimum setbacks/yards, unless a future subdivision necessitates the classification of either roadway as such.

n. All exterior lighting associated with the facility shall be Dark Sky compliant.

o. To the maximum extent practicable, all electrical lines, except for those installed on the racking infrastructure and those associated with the interconnection route, shall be installed underground.

p. The use of permanent, subsurface foundations for solar arrays, such as those constructed with poured concrete, shall be limited in order to facilitate the potential complete removal of the facility at a later date. Driven piles and/or helical piles shall be utilized to the maximum extent practicable.

Administrative / Miscellaneous

q. The easement for the interconnection route shall be approved via plat by the County and recorded in the Orange County Circuit Court before operation of the facility may commence.

r. The County shall be given the option, to be exercised at its sole discretion, to have the portion of the subject property situated north of Route 20 be deeded to the County to be used as it deems appropriate. The County may exercise this option at any point after approval of this SUP and while the facility is still in existence. Due to lack of clarity of tax records, the validity of this condition shall be contingent on title research, conducted at no expense to the County, proving said piece of land is indeed a portion of the subject property.

s. Before the final inspection for the facility may be passed by the Building Official, the applicant shall supply the County with a performance bond to cover costs associated with decommissioning the facility and restoring the site to its pre-development condition. The applicant shall engage a third party to produce a cost estimate to complete this work, minus anticipated revenue from salvaging materials, plus a 10% contingency. This bond shall be maintained for as long as the facility is in existence. The owner shall supply bond riders or replacement bonds, upon request by the County, to account for inflation and changes in anticipated costs. The County shall request these adjustments at 5-year intervals.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: PUBLIC HEARING #2; SITING AGREEMENT FOR SUP 22-04 (SOL MADISON SOLAR, LLC)

Thomas Lacheney, County Attorney, explained that Sol Madison Solar, LLC had applied to amend a previously-granted SUP to replace conditions, which was considered in the earlier Public Hearing. He noted that Virginia law had changed since the initial SUP was approved, and Sol Madison Solar's current application was being processed under the current Virginia law, which allowed the County to enter into a siting agreement with Sol Madison Solar. Mr. Lacheney indicated the siting agreement could contain terms related to the mitigation of any impacts of the solar project, to financial compensation for the host locality to address capital needs, or to assist in the deployment of broadband. He presented the proposed siting agreement to the Board, explaining that State Code required a public hearing be conducted before the agreement could be adopted.

At 5:35 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SITING AGREEMENT FOR SUP 22-04

Sol Madison Solar, LLC had previously been approved to construct an approximately 400-acre solar energy generation facility on Tax Map Parcels 21-40, 21-40B, and 35-4, subject to certain conditions. Pursuant to Chapter 802 of the Acts of Assembly of 2000 (Va. Code Sections 15.2-2316.6 et seq.), Sol Madison has requested an amendment to some of the conditions and has agreed to enter into a Siting Agreement with the County. The Siting Agreement includes terms and conditions to mitigate the impacts of the proposed facility, including financial contributions to address the capital needs of the County.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:35 p.m.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a roll call vote of 5-0, the Board adopted the siting agreement with Sol Madison Solar, LLC for SUP 22-04, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: PUBLIC COMMENT

At 5:37 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 5:37 p.m.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 5:37 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator