

**HALIFAX COUNTY BOARD OF SUPERVISORS
SOLAR DENSITY COMMITTEE
County Administration Building
1050 Mary Bethune Street
Halifax, Virginia
Monday, February 13, 2023 / 11:30 a.m.**

A. CALL TO ORDER

Chairman Short called the meeting to order at 11:33 a.m.

B. ATTENDANCE

Committee members in attendance were: Chairman Short; Supervisor Roller; Supervisor Brandon; Madam Chair Cowan; Planning Commissioner P. Riddle; Planning Commissioner D. Francis.

Staff members attending were: Staff members attending were: Mr. Scott Simpson, County Administrator; Mr. Detrick Easley, Director of Planning/Zoning; Mr. Otis Vaughan, Director of General Properties and Inspections; Ms. Olivia Epps, Strategic Program Coordinator; and Mrs. Charlene Hendricks, Executive Assistant.

C. ADOPTION OF AGENDA

Motion made by Supervisor Brandon, seconded by Madam Chair Cowan, to adopt the Agenda as presented in the meeting packet.

VOTE

Motion passed 6-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. S. Brandon, Ms. M. Cowan, Mr. P. Riddle, and Mr. D. Francis

Nays: No one

Abstained: No one

Absent During Vote: No one

Absent During Meeting: No one

D. BUSINESS ITEMS

1. General Discussion – Solar Density in County

Mr. Simpson said this Committee started at the Planning Commission's request after the Board of Supervisors and Planning Commission Joint Meeting on January 17th. He stated a few of the Commissioners wanted to discuss the solar density to understand where we were and address some concerns about where we may be heading with projects.

Mr. Simpson stated County staff would like to provide an overview of the existing solar projects. He said discussions need to take place regarding the location of projects in areas. He presented a map to the

Committee members and there was discussion about why projects are located in certain areas to better determine where we need to be as a County.

Mr. Simpson referred the Committee members to a spreadsheet included in the meeting packet, which lists all 18 approved projects including acreage and megawatts. He noted the concentration of projects in the Clover area is due to the major transmission lines that run out of the power plant and tie into the electrical infrastructure. He said large parcels of land located around the transmission lines are also available. He discussed the current challenges of obtaining enough acreage to construct an 80 MW project and the parcels sometimes being spread out more. He stated visually it appears to be a large amount of land, but it is actually the same acreage of land however it is more linear than concentrated.

Halifax County Solar Projects Overview

Total acres in solar projects:	9,508.92		
Total acres under panel:	5,368.30		
Total megawatts:	778.13		
Name	Megawatts	Total Acres	Acres Under Panel
1 Crystal Hill Solar (ED4)	65.00	629.00	300.00
2 Alton Post Office (ED6)	80.00	808.00	225.00
3 Sunnybrook (ED2)	51.00	337.00	245.80
4 Powells Creek (ED6)	70.00	610.00	544.00
5 Waterstrider (ED1)	80.00	1,042.00	900.00
6 Foxhound (ED2)	83.00	1,141.50	502.00
7 Mill Road (ED2)	4.00	43.00	20.00
8 Piney Creek (ED2)	80.00	778.51	502.00
9 Tanyard Branch (ED2)	5.00	198.00	60.00
10 N. Tanyard Branch (ED2)	5.00	171.83	50.00
11 Route 360 Solar (ED2)	5.00	110.00	40.00
12 Halifax CSG (ED6)	3.13	42.94	21.50
13 Knollwood (ED6)	5.00	131.41	35.00
14 Martin Trail (ED2)	5.00	43.83	39.00
15 Watlington (ED7)	20.00	244.00	138.00
16 Staunton Solar (ED5)	47.00	583.50	355.00
17 Clover Creek (ED2)	90.00	1,533.00	841.00
18 Sedge Hill (ED4)	80.00	1,061.40	550.00
TOTALS	778.13	9,508.92	5,368.30
Percentage of Halifax County total acreage(531,200 acres)		1.790%	1.0106%
Completed/In operation:			
Waterstrider (ED1)	80		
Currently under construction: (array)			
Watlington (ED7)	20		
Sunnybrook (ED2)	51		
Piney Creek (ED2)	80		
Phase 1 E&S permit acquired; started land disturbance			
Crystal Hill (ED4)	65		
Powells Creek (ED6)	70		
Foxhound (ED2)	83		
Upcoming:			

Mr. Simpson said moving forward, the general area for solar projects to be located is around that electrical infrastructure. He stated projects will still go along the corridor of those transmission lines. He discussed the two projects in the Alton area and stated the transmission line for those projects interconnects with the PJM.

Madam Chair Cowan asked if there is a map available which shows the solar panel locations only versus the entire solar projects. Mr. Simpson said currently a map is not available but one could be put together. Mr. Vaughan stated the site plans show the solar panel locations. Mr. Easley provided an example to the Committee members and said if the total project area is 750 acres, only 500 acres may be under panels.

Mr. Easley explained the Ordinance requires a developer to submit a prime farmland report to determine if the land is being used for farming and if there is prime farmland soil. He said the County uses a 10 percent rule, and all applications have not been over 10 percent of prime farmland versus the total acreage.

Mr. Simpson said today's conversation really is about where we are and how we get to where we want to be. He stated currently the County Ordinance allows a 5 percent density rule within a 5-mile radius and noted certain areas are about to reach that limit. He said the County could consider a reduction to 2.5 percent or a better way moving forward to avoid as many projects being located on top of each other. He commented even if they fit within the 5 percent, we might want to change it to a maximum project size, and then maybe a distance between projects, such as no project could be within 2 miles or 5 miles of any other project to avoid projects being stacked on top of each other. He noted there are a couple of different ways the County's goal can be achieved.

Madam Chair Cowan wanted to know if there are any other major transmission lines located throughout the County. Mr. Simpson said there are not any other major transmission lines within the County. She asked once the maximum amount is reached, what happens and how will we move forward. Mr. Simpson said there are approximately 4 projects in the pipeline, and those would most likely be located in the same area as some of the other existing projects, so density will become limited. He stated the capacity of the electric grid and the cost to upgrade for future projects is probably going to be prohibitive for them to construct more projects.

Supervisor Roller asked if there is any idea of how close the County is to reaching capacity. He commented he has heard eventually the capacity of the electrical grid is going to determine how much capacity is left. Mr. Simpson said we don't know because it is tracked by the PJM Group. He said the lines could be upgraded or there could be additional cabling to the lines allowing the ability to transmit more electricity. He said some of the projects involve upgrading substations to accept the electricity.

Supervisor Brandon asked what is the highest percentage of density. Mr. Simpson said the Clover area around the Piney Creek area is close to 5 percent. Supervisor Brandon asked what is the next area that is close to the 5 percent density. Mr. Simpson stated the next closest area would be in the Alton area.

Supervisor Brandon wanted to know why the solar project area acres are being referenced instead of the overall site area. Mr. Easley verified the project is calculated according to the Ordinance. He said the Ordinance includes what is in solar panels, but there is also land used for sediment basins, ponds, setbacks, and buffers, which are not included in the calculation for the density. Supervisor Brandon stated he believes the whole acreage should be included in the calculation because it takes the farmland.

Supervisor Roller said his main concerns are when solar farms are built, what happens to the wildlife, and environmental issues within those areas. He stated the more solar farms are spread out, there will be more buffers and setbacks on the project, which will be better for the neighbors and the environment. He commented it is better to have an 80 MW solar facility spread out over 1,200 acres than 600 acres.

Madam Chair Cowan wanted to know if the main concern is about the environment or if it is about the acres of farmland. It was a consensus among the Committee members that both issues need to be addressed. She wanted to know if the farmland is not being used for the solar projects, how would it be utilized.

Supervisor Brandon commented he thought solar farms were green projects. Commissioner Riddle stated solar farms are not good for the environment because the solar panels contain heavy metals and carcinogenic material. Madam Chair Cowan said citizens had the same concern about cell towers and now they are begging for them to be put up on their land. There was continued discussion among the Committee members about the decommissioning process, and the life cycle of the solar panels.

Commissioner Riddle stated we have to think about future generations and how solar farms will affect them. He commented after the decommissioning process, it will take another generation before the land will be able to grow anything else.

Supervisor Brandon commented as a locality, we have to look at how we survive and ways to bring in revenue.

Mr. Vaughan said when a solar panel is damaged, they are disposed of at an entity that recycles the product, so the solar panels are not taken to the local landfill.

Commissioner Francis asked if we know for certain that the solar panels are being recycled versus going to a landfill. He wanted to know if some type of report is being received. He said on average it costs \$60 - \$80 to recycle a solar panel compared to \$5 to take it to a landfill. He commented economics tells us they will go to the landfill. He recognized solar panels do leach heavy metals while in use, but he noted it is not a large amount. He asked if solar panels are damaged can a soil or water test be conducted.

Commissioner Francis wanted to know when the 10 percent was put in place for prime farmland. Mr. Easley verified the 10 percent for prime farmland was put in place in 2017. He asked Mr. Easley if he could provide a definition of prime agricultural farmland. Mr. Easley stated that based on requirements with NRCS, the soil type considered as prime farmland will grow good crops. He explained a firm goes out and conducts a soil test and evaluation, and then submits a report of the total acreage that is considered prime farmland.

Commissioner Francis commented most of the land in Halifax County is considered highly erodible because of the tobacco history in the county. Mr. Easley said the NRCS does a report and County staff goes out to check the soil and the report determines what percentage of the land is good soil. He stated most projects have prime farmland on them, but it is under 10 percent. Supervisor Roller said it amazes him how accurate those reports are. Mr. Easley stated if the main concern is prime farmland, edits to the Ordinance can be done.

Mr. Simpson said prime farmland is the soil type issue but consideration needs to be given to the current use of the land. He noted there is probably a considerable amount of farmland on the map which qualifies as prime farmland, but it hasn't been farmed in 25 to 30 years. He commented at what point are you losing farmland if nobody is farming it.

Mr. Easley said out of the existing solar projects, there were only one or two projects that he can recall being used as farmland, and it was for cattle. He noted all of the other solar projects were silviculture land, and cutover land, which was not actively being used.

Mr. Simpson referred to the spreadsheet and noted there are approximately 5,400 total acres under panel currently approved, which is roughly 250 to 350 acres of soil classified as utilized prime farmland.

Supervisor Brandon stated it is going to take a combination of considerations to determine the category for prime farmland. He noted revenue cannot be ruled out and recognized it is a touchy subject. He recognized the quality of life cannot be compromised and commented he would be interested in attending a meeting that could provide adequate solutions for challenges that are being seen throughout the County. He noted nobody wants to discuss raising taxes but revenues are needed.

Madam Chair Cowan stated she is not in agreement to sacrifice the quality of life and environmental controls to bring revenue in; however, she recognized solar farms are bringing revenue into the County to help offset tax increases. She stated locations need to be looked at to avoid solar farms being in one concentrated area.

Supervisor Roller said his district is saturated with solar farms and close to the 5 percent limit, but speaking with constituents, they seem to be okay with it. He stated he does not support increasing the 5 percent.

Mr. Vaughan stated if you switch from the project area to the total site, the number of projects would decrease. He commented the solar projects are spreading out because the companies are unable to obtain enough land and noted in 2024 there are regulation changes on design and the number of panels will need to be decreased or the amount of land will need to be increased to meet the storm water regulations.

Mr. Simpson said the latest projects that have been looked at require larger setbacks from adjacent properties and noted the further setbacks visually are better, but that creates that disparity between the 500 and 1,000 acres due to the buffer area and the setbacks not being part of that calculation. He commented the increased setbacks would increase the total project area but it is not reflected in the total panel area.

There was some additional discussion about the basins, and it was noted they are designed to handle typical rainfalls. Mr. Vaughan noted there have been three incidences where there was a breach, and he discussed the cleanup involved. He commented civil people are on site every day and reported there has not been any major issues. He noted nobody is testing for chemicals on the land that he is aware of.

Madam Chair Cowan asked how many solar facilities are active. Mr. Simpson verified the only active solar facility is Waterstrider and about 5 are under construction.

Commissioner Francis asked if an individual files a complaint, what type of follow-up is in place. Mr. Vaughan said if a complaint is filed, he reaches out to the individual and reports back to the individual what was found. He said most of the time having communication with them and addressing their concerns will resolve the issues. He noted individuals have expressed frustration at Citizens Comment time because the Board members cannot interact with them.

Madam Chair Cowan wanted to know if the complaints are coming in from adjacent property owners. Mr. Vaughan said complaints vary so it just depends. She stated when the cell towers came into the County and a neighbor's property was overlooked for consideration for the towers, they would cause trouble. She commented the same thing could be taking place with solar farms. Mr. Vaughan noted there are a few complaints being expressed but those individuals are not near the solar facility. Mr. Easley commented some of the complaints are legitimate. He stated County staff addresses every complaint that is made.

Supervisor Brandon said when it comes to the visual aspect of solar facilities, the County's Ordinance is one of the best out there. He stated County staff and the Board of Supervisors try to honor the integrity and quality of life of the citizens. He commented there is no formula that can be used to get everything right with solar facilities, but continued efforts are needed to be viable, productive, and safe to have a decent quality of life.

Mr. Simpson said there is a small misconception out in the public that the solar facilities are County Capital projects, and the County is responsible for the construction, which is not true. He stated the role of the County is strictly the land use, which is the issuance of the Conditional Use Permit (CUP). He said on the permitting side, there are building permits, electrical permits, erosion and sediment control, and the storm water permitting is done by the State. He emphasized once you get past the CUP, the construction of the solar facilities is no different than any other large project. He stated the County does not have dedicated staff to be on the project, and when complaints are received from individuals, they want to know why the County didn't know about the problem. He said the answer is mainly because the County is not building the project.

Commissioner Riddle stated the County is approving the solar facility. Mr. Simpson said the County is approving the land use for the solar projects. Mr. Riddle commented he had a constituent to ask if at the end of the land lease will the land go from Commercial to Agricultural, because at that time the solar farm is decommissioned, and there is no more money being received. He wanted to know who would be responsible for the tax burden. Mr. Simpson stated the land will remain Agricultural because the zoning doesn't change. He noted the CUP allows the use of the solar facility on agricultural land.

Commissioner Riddle said at the last meeting he understood that when the first post is driven, the land would be considered commercial. Mr. Simpson verified that is for the assessment of the land, but it does not change the zoning. He stated once the solar project has been decommissioned, then the Tax Assessor's office will revert the land back to agricultural assessment. Commissioner Riddle wanted to know if that language is included in the person's contract. Mr. Simpson said he doesn't know if it is in the contract although he explained the assessor will assess the property on how it is being used.

Mr. Vaughan stated decommissioning has not taken place on any of the solar projects, but a demolition permit should be required. The County could then send information to the Commissioner's office to continue the proper process. He said the format for decommissioning of a solar facility has not been determined yet, but the paperwork should be similar to what is being used for the demolition of a structure or house.

Mr. Easley said when the decommissioning takes place and the fencing, solar panels, and post are all gone, the assessor will go out and the land will return back to the original tax assessment. Commissioner Riddle said if we fast forward 40 years in the future, how do we know the landowner is going to be protected because the Code could change along with other things. Mr. Easley verified all of the requirements have already been documented at the Tax Assessor's office. Mr. Vaughan noted a form could also be generated for the decommissioning process.

Mr. Simpson said the discussion has been great and long-term goals need to be determined. He referenced a map, and there was some discussion about the areas on the map which are not close to solar projects. He commented if the goal is not to have as many solar projects in a concentrated area, a recommendation could be made to spread them out.

Commissioner Francis stated he wants to understand how the 5 percent within a 5-mile radius was determined. Supervisor Brandon stated originally it was 2.5 percent within a 5-mile radius and emphasized there is no formula available to determine which is right. He said the numbers started out low to better determine what needed to be adjusted. He commented it has been good progress moving to the five percent, but the density could be changed if deemed necessary.

Mr. Easley verified the five percent was approved in December 2017, and on January 1, 2018, the County received 3 applications for solar facilities. He commented the County was bombarded with solar applications within a four-month period. He stated 3 projects were approved, and the Board members asked several questions. He said revenue and taxes came up, and at that time, the Board members felt like things needed to slow down so later in 2018, the 5 percent was decreased to 2.5 percent. He noted the change did not slow down the process, and solar projects were shifted to two districts. He stated the percentage changed again in late 2020 or early 2021 from 2.5 percent back to 5 percent.

Supervisor Roller commented the Sunnybrook solar project, which was the second solar project to be approved in the County, would not be approved by the current guidelines. He stated it does not look like any of the other solar facilities in the County. He compared it to the Piney Creek solar project on Rodgers Chapel Road and stated the County is in much better shape now compared to when the first few solar projects were approved. Commissioner Francis commented the Sunnybrook solar project is why some individuals have started to complain about solar facilities. Madam Chair Cowan stated decisions need to be more selective on the locations of the projects.

Mr. Vaughan said vegetation and buffers still need to be planted on the Sunnybrook project. Supervisor Roller stated the 25 feet setback for Sunnybrook is one of the issues as well. Mr. Vaughan discussed Powells Creek solar facility and noted he is getting equally as many complaints due to the visual aspect. He said the project is off of the road and at the end of a state-maintained road. He stated complaints have been received regarding Hendricks Lane, and noted the road was not designed to hold up to the heavy trucks and equipment. He said the solar company put down gravel on the shoulders of the road at the intersection and recognized they are making efforts to make the road better even though it is a VDOT issue. He noted VDOT will most likely fix the road after the construction process has been completed.

Mr. Simpson said the Ordinance for setbacks and buffer area distances have increased over time, which plays a huge role in why the Sunnybrook solar project looks the way it does now versus Piney Creek.

Commissioner Francis wanted to know if the density was still set at 2.5 percent would it make a difference. Mr. Easley stated he thought it would make a difference. There was additional discussion and a consensus between the Committee members that the 2.5 percent would make a difference with the number of projects and how close they would be. Mr. Easley stated the way the project is calculated is probably more important than the percentage because including the total acreage of the project would affect the percentage. He commented the goals for solar projects need to be determined, such as do they need to be spread out further or do they need to be eliminated.

Supervisor Brandon said he is interested in solar projects, but he would like to find a way that we can live with them to eliminate too many being brought into the County. He stated when the growth of the County is being looked at, decisions have to be made. He noted there was only one new industry that had come into the County over the last 10 years. He stated he would like to be able to live with development that is

accepted without compromising the quality of life. He asked how many solar facilities are currently approved without any term limits. Mr. Easley reviewed the list with the Committee members, and it was determined there are 6 projects that don't have expirations for construction commencement. There was additional discussion about the Power Plant in Clover, and the possibility of it closing.

Commissioner Riddle commented he has a problem with solar facilities because they are not green projects. Madam Chair Cowan stated the main concern is whether to approve or deny the CUP, get revenue for it, and insure we are environmentally protected. She said the efficiency of the solar facility falls on the company.

Supervisor Brandon stated if you build a solar facility, Dominion has to approve the generated energy going to the grid. He commented Stated Corporation Commission (SCC) indicated they would be served through a private sector.

Chairman Short asked what percentage was approved for the acreage. Mr. Simpson said the Ordinance states no more than 5 percent per a 5-mile radius, but there is nothing for the total acreage. Chairman Short wanted to know if it would be more beneficial to have a total acreage. Mr. Simpson referred to the spreadsheet included in the meeting packet and said currently the number for the acreage is approximately 5,368 acres under panel or within the fence. He noted if all of the approved solar facilities are built, the County is at about 1.01 percent overall density.

Mr. Simpson said there are some Counties that have a maximum number of acres allowed for solar projects, some have an actual solar project maximum size, and others have a distance allowed between projects. Commissioner Riddle asked if the County could review the 18 projects which have already been approved before considering any more projects. Mr. Simpson verified while the Ordinance is in place, all applications have to be accepted. He noted denial based on merits is one thing, but it can't be denied because the County doesn't want anymore. He commented there are repercussions when denials arbitrarily happen so it is difficult. He stated a better approach would be to review the map to implement guidelines to allow projects within a certain distance. The Committee members discussed transmission lines and other items of consideration.

Mr. Simpson said limitations could be set on how close solar facilities can be to each other. Commissioner Riddle commented those limitations are definitely needed.

Commissioner Francis wanted to know if anyone else is concerned because Halifax County seems to be so far ahead of surrounding Counties. Mr. Simpson said the number of projects versus megawatts is different. He said out of the approved 18 solar sites, there are seven small 5MW projects. He stated the County had done its part to help further the State goal of the General Assembly to have more solar facilities in the State. He noted 778 MW have been approved, and the State's goal was approximately 12,500 MW. He said Halifax, Charlotte, and Pittsylvania Counties have been focused on because of the electrical grid and the available land. He said Halifax County has one of the most stringent Ordinances in the State, which is why a lot of other Counties are using our Ordinance as their new model to adopt in their localities. He commented he has received feedback from developers indicating the County's Ordinance is straightforward. He acknowledged it is taking more parcels of land to complete a project now which makes it more difficult for companies to assemble the projects.

Supervisor Brandon stated he believes density is going to be a better approach because it will spread the projects out. He commented reviewing the density, comparing the total acreage, and determining how many acres are under panel are the items to be looked out for to avoid the County becoming overpopulated with projects.

Mr. Simpson said there have been recent discussions with two developers interested in this area, but noted he anticipates the interest will slow down. He said areas which the companies are most interested in are reaching the density capacity and the capacity of the grid.

Madam Chair Cowan asked how will the projects in the Town of Halifax and the Town of South Boston affect the projects in the County. Mr. Simpson said he doesn't believe it affects anything the County has done. He noted if there is a project that is approved in the Towns, then any future County project would

need to take that acreage into consideration. She wanted to know if the Towns take into consideration County projects. She commented this is an issue which needs to be addressed. Mr. Simpson stated he is unaware of the Town's Ordinances. Supervisor Brandon agreed that we need to review comprehensive planning to avoid blocking the growth within our Towns.

Mr. Easley said if the solar development abuts the Town, then the Town Manager is notified to determine boundaries and research the site plan. Mr. Simpson noted the same process also takes place with adjacent Counties. He said if the growth area around the Town is being considered, a recommendation can be added to the Ordinance prohibiting a project within a certain distance of the Town boundary.

Madam Chair stated overall the County has a decent plan and acknowledged some individuals don't understand what is involved in a solar facility and better information needs to be passed along to them.

Mr. Easley stated moving forward it could possibly help to stipulate one solar facility being located within a 5-mile radius. He stated reducing the density will most likely not have much effect on the issues. Supervisor Brandon disagreed and noted changing the density and counting the total acreages of the project should help the outcome. Commissioner Riddle commented he does not understand why the total acreage is not being currently considered because the project will affect the total acreage.

The Committee members discussed the transfer of the CUP and the process involved. Mr. Simpson stated the reason for the approval of the transfer would be to insure the new developer is aware of all the conditions and for the County to have a point of contact for the decommissioning process.

Commissioner Francis asked if there is a bond to protect the County to avoid a lapse in coverage. Mr. Simpson stated there is a standard bond which renews annually. Commissioner Francis asked if the CUP transfers, how will it affect the bond. Mr. Simpson said when that decommissioning bond gets to within a month or two of its expiration, it is one of the items on a monthly checklist monitored by Mr. Easley, which is also another way to monitor any transfers.

Supervisor Brandon said 20 years down the road, a million dollars will not be worth a million dollars anymore. Mr. Simpson stated every 5 years the applicant is required to update their decommissioning analysis, and the bond amount will reset as necessary.

Mr. Simpson asked the Committee members if they want to leave the density as is or if they want to change the total project area. Commissioner Riddle stated he thinks the density should be cut back, and Commissioner Francis was in agreement. Chairman Short said reviewing the megawatts already in the County, he thinks the County has done its share for the State.

The Committee members discussed the damage to some of the roads due to the heavy trucks and equipment and asked County staff to reach out to VDOT with their concerns.

Motion made by Supervisor Brandon, seconded by Commissioner Riddle, to restrict new projects to no closer than 2,000 feet of any Town boundary. Motion passed 5-1, with Supervisor Roller opposing.

E. ADJOURN

Motion made by Planning Commissioner Francis, seconded by Supervisor Brandon, to adjourn the meeting. The motion passed 6-0.

The meeting adjourned at 2:01 p.m.