

CULPEPER COUNTY UTILITY SCALE SOLAR EXPERIENCE

TIMELINE/BACKGROUND

- MID/LATE 2017 - PLANNING DEPARTMENT LEARNS OF INTEREST OF UTILITY SCALE SOLAR DEVELOPMENT IN CULPEPER.
- 10/2017 - BOS ADOPTS MINOR CHANGES TO EXISTING ZONING DEFINITIONS OF PUBLIC UTILITIES AND UTILITY FACILITIES/PRIMARY GENERATION. THIS CODE CHANGE ALSO CLARIFIES THAT ANY UTILITY SCALE SOLAR FACILITY REQUIRES A CONDITIONAL USE PERMIT IN THE COUNTY'S AGRICULTURAL/RURAL AREA ZONING DISTRICTS.
- 4/2018 – BOS ADOPTS FIRST UTILITY SCALE SOLAR FACILITY DEVELOPMENT POLICY. POLICY ESTABLISHES GENERAL GUIDELINES FOR REVIEW OF PROJECTS, INFORMATION DESIRED, AND ESTABLISHES DRAFT/EXAMPLE CONDITIONS . *POLICY CREATES A MORE FLUID DOCUMENT FOR BOS TO AMEND GIVEN HOW QUICKLY THE UTILITY SCALE SOLAR WORLD IN VA IS EVOLVING.*
- 11-12/2018 – STAFF/BOS CONSIDER CHANGES TO POLICY (SUCH AS ESTABLISHING A CAP FOR THIS LAND USE, REQUIRING AN “OFFTAKER OR PURCHASE” AGREEMENT WITH APPLICATION TO DISCOURAGE SPECULATIVE DEVELOPMENT. BOS DECIDES NOT TO PURSUE AMENDMENTS TO POLICY AT THAT TIME.

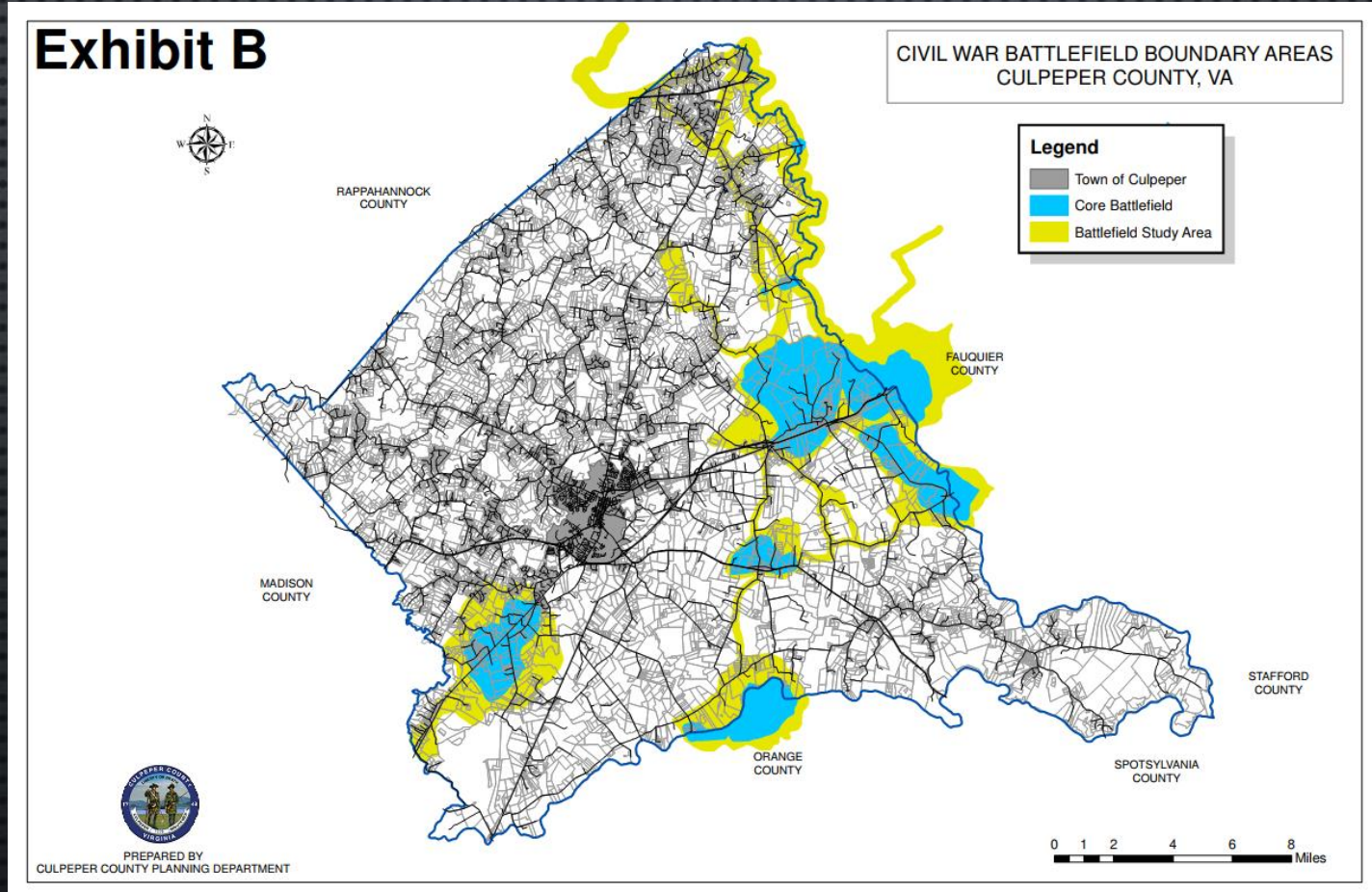
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Policy

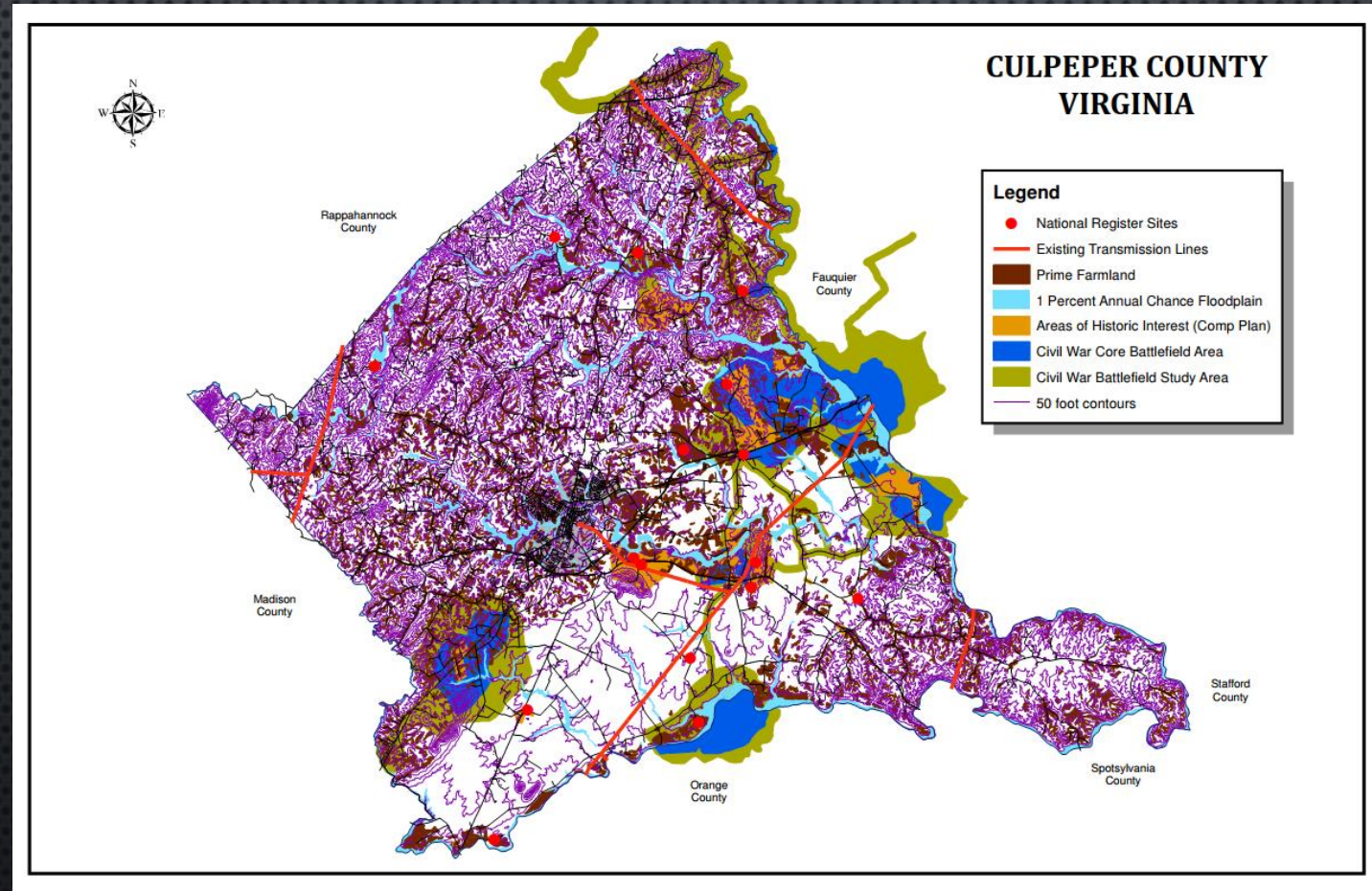
- References Title 67, Section 67-103 from Code of VA/Commonwealth Energy Policy
- Establishes local processing parameters for Utility Solar Requests
- Establishes Guidelines/Important Issues for Review of Utility Solar Requests such as:
 1. Desire of County to protect Historic Resources
 - a) Restrict utility scale from DHR designated Core Battlefield areas. Require significant buffering from other significant historic resources.
 2. Desire of County to protect its Agricultural and Rural Heritage
 - a) Size and scale should be considered.
 - b) Siting of facilities on Prime Agricultural soils is discouraged.
 - c) Mass grading should be limited
 - d) Plan should be developed to minimize visual impact(major concern thus far)
 3. Applicant should provide local Economic benefits analysis.
 4. Applicant must provide a Decommissioning Plan/Secured by Surety
 5. Applicant must consider/identify/mitigate impacts associated with construction (Noise, traffic, stormwater management, etc.)
 6. Cumulative impact of previously approved or permitted sites shall be considered.

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Exhibit B



UTILITY SCALE SOLAR CONSIDERATIONS MAP - SIMPLE TOOL TO HIGHLIGHT AREAS OF CONCERN AS DELINEATED IN BOS ADOPTED POLICY (PRODUCED IN HOUSE WITH GIS)



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PROJECTS CONSIDERED (4 PROJECTS CONSIDERED)

- ❖ CULPEPER NORTH SOLAR, LLC (VA SOLAR, LLC & CYPRESS CREEK RENEWABLES) – 20 MW PROPOSAL (195 ACRES) , 2 LANDOWNERS
 - SUBMITTED - 11/2017, WITHDRAWN - 2/2018, RESUBMITTED – 4/2018, PC HELD A COUPLE WORK SESSIONS/PUBLIC HEARINGS, RECOMMENDS DENIAL 7/2018,
 - BOS DENIES REQUEST 9/2018. – CONCERNS WITH AREA COMP PLAN, AREA CHARACTER (OPENNESS OF PROJECT), LONG DISTANCE FROM MAIN ELECTRICAL TRANSMISSION LINE (115KV CURRENTLY BEING UPGRADED TO 230KV BY DOMINION), SAFETY DURING CONSTRUCTION BASED ON AREA ROADS, AMONG OTHER CONCERNS.

- ❖ GREENWOOD SOLAR, LLC (OPEN ROAD RENEWABLES, NEXTERA ENERGY) – 100 MW PROPOSAL INITIALLY, (1,000 ACRES), MULTIPLE LANDOWNERS
 - SUBMITTED – 3/2018, PC HAD A COUPLE OF WORK SESSIONS/PUBLIC HEARINGS, RECOMMEND DENIAL (5-4 VOTE) ON 8/2018.
 - 10/2018 - BOS APPROVES (3-2 VOTE, WITH 2 ABSTENTIONS) MODIFIED VERSION OF REQUEST, 80MW REQUEST DELETING SOME OF MORE VISIBLE AREAS OF PROJECT AS WELL AS AREAS LOCATED WITHIN CIVIL WAR BATTLEFIELD STUDY AREA. 35 CONDITIONS OF APPROVAL WERE ALSO IMPOSED ON THIS PROJECT.
 - SITE PLAN FOR CONSTRUCTION HAS NOT BEEN SUBMITTED AS OF YET. APPLICANT UNDER LOCAL CODE HAS TWO (2) YEARS FROM DATE OF USE PERMIT APPROVAL TO START CONSTRUCTION OR COMMENCE OPERATION.

CULPEPER COUNTY UTILITY SCALE SOLAR EXPERIENCE

PROJECTS CONSIDERED CONT. (4 PROJECTS CONSIDERED)

- ❖ CRICKET SOLAR, LLC (BAYWA, RE) – 80MW PROPOSAL (804 ACRES), MULTIPLE LANDOWNERS INVOLVED.
 - SUBMITTED 12/2018, PC HAS CONDUCTED A COUPLE OF WORK SESSIONS, FIRST PUBLIC HEARING WITH PC SET FOR AUGUST 14, 2018.

- ❖ MT. VIEW FARM, LLC (STANDARD SOLAR) – 20MW PROPOSAL (195 ACRES) 1 LANDOWNER. WESTERN PART OF COUNTY, LONG DISTANCE AWAY FROM ANY MAJOR TRANSMISSION LINE.
 - SUBMITTED 12/2018. NO WORK SESSIONS OR HEARINGS HAVE BEEN CONDUCTED AT THIS TIME. APPLICATION TO DATE IS LARGELY INCOMPLETE AND APPLICANT HAS REPEATEDLY ASKED FOR DEFERRALS FOR HIS APPLICATION REQUEST.

CULPEPER COUNTY UTILITY SCALE SOLAR EXPERIENCE

UNIQUENESS/CHALLENGES/CONCERNS OF UTILITY SCALE SOLAR

- LARGE LAND AREAS INVOLVED. VERY UNIQUE COMPARED TO MOST OTHER LAND USE CONSIDERATIONS.
 - LEADS TO MORE ADJACENT PROPERTY OWNERS BEING INVOLVED, IMPACTED WHICH LEADS TO MORE DYNAMIC AND CHALLENGING, AND MORE COMPLEX PUBLIC PROCESS!
 - CONCERNS RELATIVE TO GRADING, STORMWATER, LONG TERM MAINTENANCE OF LANDSCAPING, ETC.
 - SIGNIFICANT CONSTRUCTION ACTIVITY FOR RURAL AREAS (PILE DRIVING, TRUCK TRAFFIC, ETC.). CONCERN RELATIVE TO CONSTRUCTION INSPECTIONS AND IMPACT TO COUNTY STAFFING.

- RELATIVELY NEW LAND USE (AT LEAST IN VA)
 - TECHNOLOGIES CONTINUE TO EVOLVE. PROPOSALS THUS FAR ARE FOR LONG TERM/TEMPORARY LAND USES. THEREFORE ITEMS LIKE DECOMMISSIONING BECOME VERY IMPORTANT, RETURNING LAND TO ORIGINAL CONDITION AFTER SOLAR USE IS NOT VIABLE ANY LONGER.
 - EDUCATION OF INDUSTRY IN GENERAL HAS BEEN FAST AND FURIOUS! TRYING TO LEARN ABOUT UTILITY SCALE SOLAR AND ITS IMPACTS/BENEFITS HAS BEEN AND CONTINUES TO BE CHALLENGING.
 - VERY DIVERSE OPINIONS ON THE USE OF UTILITY SCALE SOLAR IN GENERAL AT THIS TIME, MAKES FOR LIVELY DEBATES!

CULPEPER COUNTY UTILITY SCALE SOLAR EXPERIENCE

UNIQUENESS/CHALLENGES/CONCERNS OF UTILITY SCALE SOLAR (CONT.)

➤ LOCAL ECONOMIC BENEFITS OF UTILITY SCALE SOLAR?

- CURRENT STATE TAXING PARAMETERS SEVERELY LIMITS LOCAL TAX REVENUE BENEFITS. THIS CERTAINLY AFFECTS LOCAL DECISION MAKING.
- ARE OTHER JOB PRODUCING INDUSTRIES REALLY ATTRACTED TO LOCALITIES WITH THIS LAND USE?
- THERE DOES APPEAR TO BE A SIGNIFICANT FINANCIAL BENEFIT TO LANDOWNERS INVOLVED WHICH CAN POSITIVELY BENEFIT THE LOCALITY.
- CONSTRUCTION ACTIVITY SHOULD PRODUCE A SHORT TERM ECONOMIC BENEFIT TO EXISTING BUSINESSES.
- WILL TOO MUCH OF THIS LAND USE NEGATIVELY AFFECT OTHER IMPORTANT ECONOMIC DRIVERS FOR THE COUNTY SUCH AS THE AGRICULTURAL INDUSTRY, AGRITOURISM/HISTORIC/RURAL HERITAGE TOURISM POTENTIAL.

➤ PROCESS

- STATE PERMITTING PROCESS (DEQ, PERMIT BY RULE) – LOCALITY APPROVAL IS JUST ONE STEP IN PROCESS. STRONGER COORDINATION BETWEEN STATE AGENCIES AND LOCALITIES IS NEEDED! WE DIDN'T KNOW ABOUT PROJECTS FILING THEIR DEQ "NOTICE OF INTENT" UNTIL PROJECT WERE FAIRLY FAR ALONG IN MOST CASES. "WHAT COMES FIRST CHICKEN OR THE EGG?" LOCALITIES COULD REALLY BENEFIT FROM STUDIES REQUIRED BY STATE PERMITTING PROCESS.
- CULPEPER WILL NEED TO CONTINUE TO MONITOR BEST PRACTICES FOR THIS LAND USE AND EVALUATE WHICH LAND USE TOOLS ARE BEST TO IMPLEMENT WHEN PROCESSING ANY FUTURE UTILITY SCALE SOLAR PROJECT. (CONDITIONAL Use PERMIT, REZONING, ORDINANCE AMENDMENTS, POLICIES, ETC.).
- IT WILL BE VERY IMPORTANT FOR LOCALITIES TO CONTINUE TO HAVE A SAY HOW THIS LAND USE IS PROCESSED AS EACH LOCALITY IN VA IS VERY DIFFERENT.