MINUTES
PAGE COUNTY PLANNING COMMISSION
January 11, 2022

Members Present

Catherine Grech, District 1
Allan Betcher, District 2
Jared Burner, Chairman, District 3
Isaac Smelser, District 4

Members Absent

William Turner, Secretary, District 5

Staff Present

Tracy Clatterbuck
Kelly Butler

Call to Order

Chairman Jared Burner called the January 11, 2022 Page County Planning Commission Regular Meeting to order in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones. The meeting was live streamed via YouTube. Ms. Clatterbuck conducted an attendance roll call. Mr. Turner was noted as absent.

Adoption of Agenda

Mrs. Grech made a motion to adopt the agenda as submitted. Mr. Smelser seconded the motion. The motion passed unanimously.

Citizen Comments on Agenda Items

Ken Farkas stated he is looking at risk versus reward in regards to Page County and the Cape Solar project. Risk:

1. Reduce Page County prime farmland by 14% forever.
2. Can reduce surrounding home values.
3. Kill birds in the middle of a bird sanctuary.
4. Electromagnetic field can cause neighbors to get sick.
5. Can get ground water contamination from storm runoff, battery issues, and heavy metals.
6. Potential lawsuits from neighbors like himself losing the use of their home.
7. In event of a tornado, hurricane, or hail storm, you have a potential superfund site.
8. You will have cause for more local law enforcement to maintain security.
9. You'll need first responder training due to the nature of solar farms and their unique hazards.
10. Potential for loss of KOA tax revenue due to reduced usage.
11. Being associated with the procurement of solar panels manufactured through the use of slave labor.
12. Loss of tourism income due to this big ugly thing sticking out.

Rewards:

1. You get to check the green energy box.
2. Page County gets $140,000 per year. Which is less than 3/10 of 1% of the annual budget.

In the end the solar company, which has virtually no risk, will be richly rewarded since they will rake in millions of dollars and be gone by the time anything bad happens. The landowner has virtually no risk and will be richly rewarded and be paid millions of dollars, protected by an LLC and bankruptcy limitations. Even Mr. Janney will get his reward for the work that he is doing. But Page County will get all of the risk, and virtually no reward.

Kris Garrett thanked the commission for all the work that they put in. The ordinance that was submitted to the Board of Supervisors was a good one. She would like to see that resubmitted to the new Board.

Clyde Humphrey strongly urged the Planning Commission to proceed with an ordinance for solar facilities. He believes it is unlawful to consider any application for a solar farm before an ordinance is in place. They need to push to get the ordinance revised and updated, then forwarded to the Board of Supervisors.

Beth Snider thanked the Commission for taking their time with the application. The ordinance was a decent ordinance and it was sad that the Board turned that down.

New Business

A. FY2023 Draft Planning Commission Budget Review

Tracy Clatterbuck stated that the budget is due to finance in two weeks. Basically, it is the same as what was presented last year. Ms. Clatterbuck discussed a Capital Improvement Project proposal for getting tablets for the Commission members. She asked for feedback from the Commission before proceeding with that proposal. The Commission was split as to whether they would be interested in switching to tablets or if they preferred the paper packets. Some concerns were the platform interface, Apple v. Microsoft, still needing paper for detailed reviews of plans, the need for annotations on paper documents. Ms. Clatterbuck stated she would talk with Mr. Turner, as he was absent, to get his opinion and then follow up with them via email.

Chairman Burner asked how much the training cost for each Commission member. Ms. Clatterbuck stated it is $550 just for the class. Some sessions are virtual, one or two are in-person. About $500 is factored in for lodging per person. Mr. Burner asked if what we have proposed in the budget is too much. Ms. Clatterbuck stated that her opinion is to not request less.

Mrs. Grech made a motion to adopt the budget as presented in the draft. Mr. Betcher seconded the motion. The motion passed unanimously.

B. February 22, 2022 Planning Commission Work Session Discussion

Chairman Burner stated that Board approved their meeting schedule at their last meeting, moving their meetings to Mondays. However, they moved one of their meetings to February 22 because of a holiday. The Planning Commission meeting and the Board meeting would be occurring at the same time. Ms. Clatterbuck gave the option of having the meeting in the smaller conference room at the same date and time or to move the meeting to another date. It was suggested to move the meeting to February 17 because of scheduling.

Mrs. Grech made a motion to move the February 22 meeting to February 17. Mr. Smelser seconded the motion. The motion passed unanimously.

C. Adoption of Minutes – November 17, 2021

Mrs. Grech requested more time to review the minutes. Mrs. Grech made a motion to table the adoption of the minutes for November 17, 2021. Mr. Betcher seconded the motion. The motion passed unanimously.

Unfinished Business

A. Jonathan Martinez – Special Use Permit Application

Both applicants were available via phone because the applicants are out of state. The Commission was provided with a list of rules and regulations for the campground as requested. The Commission was also provided with a website that illustrated the dome structures that are being proposed. The applicant described the structure in more detail and how it is made. They are considering placing bathrooms in the dome if allowed by building code or potentially building a bathhouse. With 10 domes, there will be 5 domes per bathhouse. Chairman Burner asked about the heating system. Typically, they use a cast-iron stove. In case of freezing temperatures, units would be winterized or water would be shut off for the day. Mrs. Grech asked about the color of the domes. The applicant's intention is to keep them white because they want them to be recognized for what they are. They would be providing some landscaping. The applicant stated that the neighbors are

very far away and can't be seen. The tree line along the property lines screens them from neighbors. Also, many of the existing trees that are on the site will be preserved. Not much grading is being proposed other than the entrance and each site with parking. Mrs. Grech asked if a buffer is being proposed. The applicant stated that if there are any holes in the tree line along that part of the property, they would plant additional trees.

Chairman Burner verified that the applicant is suggesting the project is going to occur in phases. Phase 1 is what is being proposed at this time. Chairman Burner asked Ms. Clatterbuck if they meet the 10-acre requirement because the area of Phase 1 is less than 10 acres. Chairman Burner felt that the area of the site plan should be the 10 acres. Ms. Clatterbuck read from the county code that indicates the minimum parcel size shall be 10 contiguous acres. Mr. Smelser agreed that the lot size meets that requirement. The applicants stated that they can make that work. Chairman Burner stated that they can configure the site how they want while maintaining site and open space requirements, but the SUP should be for 10 acres.

Mr. Betcher asked about having a caretaker 24/7. The applicant stated that a caretaker would be on-call 24/7 with them being on-site daily. Ms. Butler stated that per the Building Official, James Campbell, heating is required, not cooling. Engineered plans would be required for loading requirements for plan review.

Mr. Smelser made a motion to set the Jonathan Martinez special use permit application for public hearing on February 8, 2022. Mr. Betcher seconded the motion. The motion passed unanimously.

B. Cape Solar, LLC – Special Use Permit Application

Ms. Clatterbuck: Mr. Propes is available via phone. Mr. Janney (counsel for the applicant) is present. I don't have anything to add. I'll let them explain what they provided to us based on the comments from the last time we discussed this.

Mr. Janney: As far as I know, we supplied all the documents that were requested. We offered to answer questions that anyone had to submit and as far as we know we have answered all of those. This application was filed December 10, 2020. We are here again for, I think, the fourth time since September asking you to set this for a public hearing. You have a 30-page draft conditions that have been submitted along with documentation. I don't know if staff has a report as to recommendations regarding the proposed conditions, but you have all of those before you. We do not have a draft back from the staff on any amendments or recommendations on the conditions. So, we assume those are acceptable. At least for the purpose of going forward with the public hearing where you can get the public comments. Although, you seem to have public comments at every single meeting of the planning commission. Mr. Chairman, I would respectfully request that you set a public hearing date.

Chairman Burner: We will take that into consideration. Any questions? I know some commission members had some additional questions they wanted to ask after the previous meeting. If you have questions for Mr. Propes or Mr. Janney, now would be the time to ask them.

Mrs. Grech: Hello, this is Cathy Grech, Mr. Propes. I would like to refer to your email in which you refer to the questions regarding the substation and switching station. And I would like to ask Ms. Clatterbuck to project on the screen a photograph of...I don't know if it's a substation or a switchyard...which is next to the fairgrounds in Luray. I would like the photograph to be there to look at. You say here...I'm going to read the questions and your answers Mr. Propes. The question...what is the height of the tallest piece of equipment associated with the project substation and switching station. Your answer reads, "The tallest piece of equipment associated with the project is something called a static mast. There would be three static masts, two of which are located in a switching station and one located in a project substation. The mast in the project substation is the tallest with a height of 60-75'." Well, I have to pause on that. Sixty to 75 feet? That is a 6-story building, at least. That is extremely high. I assume that is what we see here on this picture about 1/3 from the left. That is extremely

high. When this first project was presented 3 years ago to the community, we were told...you know...the panels, nothing is going to be above the height of some tall corn. Now, we are going to height of equipment which is 10 times that. I'm a little alarmed at that height. Then your answer goes on to read, "The static mast is by far the tallest piece of equipment with most of the other equipment having a height of 20-30'." That's still a 3-story building. And judging from the picture that we are looking at now on the screen those are nasty, very large pieces of equipment. I have grave concerns on how such large pieces of equipment can be screened. I drove yesterday to the fairgrounds and I took a few more pictures. If you want to show them Ms. Clatterbuck. None of them show the substation and the switchyard as a very pleasant piece of equipment to look at. If you look at the one with the blue sky. I assume that's the mast to which you refer to. If you look at the fence...the fence is 6'. I went and stood next to it. That's a really tall piece of equipment. I don't know how you think you're going to be able to camouflage that with a bit of buffering, but that's awfully tall. You're telling us the approximated, and I'm reading from your response, "the approximated fence dimension of the project substation is estimated to be 200'x180' and the dimension of the switching stations are estimated to be 350'x250'." If I refer to the site plan of December 8th that you gave us last time, I'm a little confused because it says here that the blue square indicates the switchyard located in the parcel included in the SUP. And the orange square indicates the proposed subdivided parcel to be deeded to the utility company prior to the construction of the solar facility. Whereas, if I go on and read the response to the next question, you will see that it is in conflict with what it says in the site plan. The question was, "Can you locate the project substation and/or the switching station closer to the interior of the project?" Your answer reads, "Locating the project substation within the interior of the project creates negative impacts to the project. Overhead electrical lines would need to be built from the project substation to the switching station resulting in increased costs associated with installing the lines and poles and the need to utilize more land to site the panels. The addition of overhead lines and poles would create a negative visual impact that cannot be mitigated with vegetative buffer." You're making my point. "In addition, the overhead lines and poles would cast shadows on the adjacent solar panels which would reduce the energy production. With respect to locating the switching station, this facility would be owned by First Energy, which would determine the location of their facility. It has been our experience that utilities prefer to locate switching stations in close proximity to the existing power lines." There are a couple of things that I would like to clarify here. You're telling us that it's the switching station that would be owned by First Energy. On the site plan, you're telling us it would be the substation. So, I'm a little confused.

Mr. Propes: There's two colored rectangles that you noted on the preliminary site plan. The orange is the utility substation. The utility-owned substation would be owned by the utility. The other facility would be owned by the project essentially. I was trying to make the point that you really can't locate them separate and apart from each other. They are typically located adjacent to each other. For the reasons I outlined in the response. In response to the other comments that you made regarding the height of the pole. I don't have the benefit of seeing the image that you are looking at of the substation near the fairgrounds. I really can't comment on that visual. These are steel poles that rise into the air. Yes, they're tall. But I'll also note that this is a built-up environment. There's a housing development. There are roads. And there's an existing overhead transmission line that runs right through the area. I don't know the height of that line, but I have to believe it's at least a few stories, maybe slightly higher. I haven't measured it. This is not a pristine, forested environment. This is a built-up environment with man made structures. We're placing additional equipment in an already built environment.

Mrs. Grech: So, please explain to me when you say in your response with respect to locating the switching station. This facility would be owned by First Energy. And then on the plan it says here that the utility, the orange square, is going to be deeded to the utility. And that's referred to as a substation. So, which one is going to be deeded to the utility? Because the site plan says one thing and your response says another.

Mr. Propes: I think it may be a mistake in terminology. The utility owned feature is often referred to as a switchyard. And the project substation is what's owned by the solar project owner. It may just be a matter of

the terms getting switched around. I can clarify that. It needs to be corrected from a terminology standpoint. But it doesn't really change what is being illustrated here on the map. There's two utility yards with equipment sitting adjacent to each other in that location. That's really what we're trying to illustrate there.

Mrs. Grech: And you're confirming that they need to be adjacent to each other?

Mr. Propes: Yes, I am.

Mrs. Grech: And you are also confirming that the one that is going to be deeded to the utility is going to have to be located where you have located it on the map. Because that is where the utility is going to require if we judge it on their experience and what they usually do. Correct?

Mr. Propes: That's correct.

Mrs. Grech: So, the remark that I have for my fellow commissioners and for the public is that it is clear to me now that from the moment the substation or the switch yard is going to be deeded to the utility it escapes control in Page County. We won't be able to control it anymore. Utilities are regulated by the state. State Corporation Commission. You can refer to state code for that. So, this will escape our regulatory power. We can impose, let's say, setbacks for these facilities, but there's no guarantee they will be respected once they are turned over to the utility. So, this is our one and only opportunity to regulate and we need to be very careful that even if we try to regulate the substation if it is going to be attached to a switchyard that is not going to be able to be regulated. That's going to escape our regulation. So, it seems to me that if the project goes forward regardless of what we put in conditions, the regulation of this whole, these two yards, that are adjacent. One is 350'x250', that's two acres. The other one is 200'x180', that's .2 (correction by staff .8) acres. So that's almost three acres of structures as ugly as you can see in the pictures before you. I have a lot of concerns. I drove through the Old Farm subdivision yesterday. It's awfully close to the back fence of the subdivision. And it's not only close to the residences that are along the back fence, but if you drive through Old Farms, the topography would make this awful-looking switchyard visible to many more houses than the ones just adjacent to the back fence. I was horrified. So, Tracy, if you would like to show...

Mr. Propes: Mrs. Grech, when you drove through Old Farms, just curious, were you able to see the overhead power lines from where you were?

Mrs. Grech: Oh yeah, Oh yeah. You can see the overhead power line. It's right there. You can see through the few bushes. These are really ugly pictures. I don't know if there's any one in this room or any member of the public that would like this in their backyard. These are really ugly structures.

Mr. Propes: I wouldn't say they are in somebody's backyard. We have attempted to site those on the preliminary site plan well over 250', well beyond that, from any nearby residence.

Mrs. Grech: I would suggest the people in this room...

Mr. Propes: It's a significant distance away.

Mrs. Grech: I would suggest that the people in this room drive out to the fairgrounds. Walk 250' back and see if that's a reasonable distance. And if they would like these structures as close to their own houses.

Mr. Propes: Is there vegetation around that structure at the fairground?

Mrs. Grech: Not much. Only on one side. You can see in the first picture there is vegetation...

Mr. Propes: So, there was no requirement at that point in time? There is already existing vegetation and we are committing to put any additional vegetation that we would need to put around the structure. Granted, I know we can't make the 60-75' poles completely obscured by vegetation, but I think we can certainly do a pretty good job of obscuring the actual fenced facility itself.

Mrs. Grech: So, if you look at the picture that we are looking at now. Even if you were to obscure the fence, look at how much more is above the fence. Good luck in obscuring structures that are 20-30' high within a few years. And if you don't mind me saying so, the right-of-way of any utility under the power line restricts the planting of trees over 40' and limits them. I don't know how the two are compatible. I don't see how you are going to be able to provide, unless you have approved setbacks, and a very tall buffer zone and possibly berms. I don't know how you are going to screen that. So, anyhow, that's my two cents worth for the substation and switching station.

Mr. Betcher: I'll add my two cents to that. It's my understanding that Old Farms sits at an elevation quite above this proposed site. Is that correct?

Audience: No. No.

Mr. Betcher: No? Ok.

Mrs. Grech: But to say that, when you are going down Old Farms Rd., the gravel road, and you look at the properties to the right, going anti-clockwise, you are coming from the right-hand side. Your properties along the fence are going to be to your right. But the ones to your left can equally see the switchyard because they are slightly elevated. That's what I was trying to explain. The visual damage is not going to be just for the properties that are being indicated with the beige blocks on the site plan that we have. I encourage you all to go ride and go see it. I did that especially yesterday to have an idea. And I took these pictures. And they are not exactly very encouraging. I know that I would absolutely not want something like this in my backyard. Or anywhere close to it. I don't know how we are going to solve this, but it seems to me that the location of these facilities is ill-chosen.

Mr. Propes: It's really the need to tap into the power line. That's why we would need to place those facilities at that location. Yet do our best to try to set back as we have in the preliminary site plan from the homes.

Chairman Burner: Mr. Propes, I have a question of a different nature. How much grading are you anticipating with this project?

Mr. Propes: That's a great question. It's not something that I can really answer definitively at this point in time. I can say that the racking the panels sit upon can tolerate slopes up to 15%. We obviously like to minimize the grading as much as possible. It costs money to move around dirt. We are trying to build a project as efficiently as possible and move around the least amount of dirt around. I can't give you a real definitive sense of how much grading would be needed within the area. That's something that would certainly come at the site plan approval phase, which the county oversees. We submit 90% engineered drawings.

Chairman Burner: This leads into one of my concerns. Part of the reason as to why this is supposedly beneficial is that after the life of the panels this is going to be returned to farmland. From experience, the second you start stripping top soil off of that ground your productivity just tanks. That's why I was curious as to how much grading is anticipated. Engineering from one standpoint, but in terms of longevity for holding up the end of the deal where one day this could be returned to farmland. Kind of where your thought process is on that.

Mr. Propes: The topsoil would be stockpiled on the site during construction and put back over to promote the vegetative grasses that would be planted at the end of construction. We wouldn't take the top soil away. We would keep that on site and utilize it. In addition, during the life of the solar project while it's in place 25+ years, the soil is getting rest and regeneration from the intensive farming that it goes through each year where nutrients are added, nutrients are extracted. All kinds of chemicals are used to achieve those balances. That's something that would be beneficial to the soil over that period of time while the solar facility is there.

Chairman Burner: I don't know that I necessarily agree with that. That's part of the natural life cycle of the soil from an ecosystem standpoint. It's the fact that you have different root masses growing. It allows for different micro-organisms in order to break down the soil to provide a soil tilt. But that conversation can come a little bit later. You said the panel height and everything. Are there going to be any drip strips installed under the edge on the ground to mitigate any stormwater runoff from the panels or is it just when the rainwater runs off is it just going to hit the ground? Is there going to be any other structure to prevent a micro-erosion underneath the panels?

Mr. Propes: Just the grasses has really proven to be effective. You don't get these harsh drip lines because these panels are at different angles when it's raining. Now, if you had a fixed panel where it was always in the same position every time it rains you might get that micro-erosion like you're mentioning, but because they are at slightly different angles at any time during the day at a heavy rain event you tend to not get something like that.

Chairman Burner: I'm not sure if you are the person to answer this or if Mr. Janney is the person to answer this. I know in the health department comments that we received I believe it was tax map property 42-A-14B. There was an issue with a septic system and a well I think on that property. It doesn't look like the solar panels go down to that vicinity, but is there any looking into the managing of that septic system? Is it going to be abandoned? Is it going...what is this project going to do with that tax map just as the health department required it? Or has a decision been made on it just yet?

Mr. Propes: I'm not familiar with the septic system in place. I can only say that we would not have any plans to utilize a septic system for the project. That wouldn't be needed. If we need to remove a septic system because the health department needs it to be removed, we certainly would do that. I'm not sure if that answers your question.

Chairman Burner: I think I'm making more of the point that it's an issue that the health department brought up. If it does move forward that that needed to be resolved to make sure that there is no issue tearing into a septic system or just leaving a septic system there that's not going to be utilized. One of the issues that was raised by the health department that was in our notes.

Mr. Propes: Obviously, whatever the health department requires we would obviously abide by.

Mrs. Grech: In your previous response to the question, how much grading, you refer to the fact that the equipment would tolerate slopes up to 15%. I believe that in our previous meeting you had agreed to provide us with a site plan that gave an overlay or some indication of slope gradients. I don't believe we have received that.

Mr. Propes: Yes, that's correct. I am remiss in providing that to you. I will get that to you. I apologize.

Mrs. Grech: It would be interesting to see which panel arrays are on slopes, let's say, from 0-5%, 5-7%, 7-10%, 10-15%. Just to see so we have an idea which panel arrays are located where and what the slopes are.

Mr. Propes: I will definitely get that to you this week.

Mrs. Grech: Thank you. I have some concerns about slopes up to 15% because the tilt of the panels. But I think I addressed that last time. I have another question for you. What height are you proposing for the fence? I think I saw 6 feet.

Mr. Propes: Yes, I do believe that's right. It would be a 6-foot fence. I think we had also talked about it could be woven wire if that's acceptable to the county. Which I think has a little bit nicer aesthetic than a chain link fence. It's kind of an agricultural style fencing. Something you may be familiar with.

Mrs. Grech: I'm not sure. Maybe one of my colleagues...what we are looking at on the picture is a chain link fence. What we are looking at on the picture behind us...that's a chain link fence right? So, you are proposing something different than a chain link fence?

Mr. Propes: We can do...I mean if the county requires chain link, we can obviously do chain link. A lot of projects have chain link fences. What I'm proposing is that we could also do something called a woven wire fence. Which is kind of a square mesh. Sometimes it's done with metal poles, or sometimes it's even pressure treated wooden poles. You see it a lot in farm communities. It has a nicer aesthetic to it than a chain link fence.

Mrs. Grech: Would that keep people out? Like a bunch of kids wanting to climb the fence and having fun in the property. Would that provide security?

Mr. Propes: I would say if anybody absolutely wants to access the facility a chain link is probably just as climbable as a woven wire fence.

Chairman Burner: What was the thought process behind choosing 6 feet?

Mr. Propes: It's just a standard. A typical county requirement across the Commonwealth and other parts of the country. Six feet is pretty standard. Sometimes municipalities require a foot of barbed wire at the top. Sometimes they don't.

Chairman Burner: Because a standard woven wire fence is 49 inches. Unless you go with a specialty woven wire fence, which they certainly do make. It certainly will not keep anybody who wants to, all you have to do is climb right at the post. I do agree with you. From a visual standpoint, a woven wire fence probably meshes more with an agricultural community. I'm reluctant to say 49 inches is high enough if you want to keep people out of the property.

Mr. Propes: Forty-nine inches would not be high enough. We would not go any less than six feet.

Chairman Burner: You can do that in a woven wire. They make them up to 10 feet. I'd say a standard agricultural woven wire is probably not sufficiently tall enough.

Mr. Propes: I would agree with you sir.

Mrs. Grech: I remember having a conversation a couple years back with an industrial electrical engineer who had explained to me that the fence surrounding a solar facility is considered part of the equipment and needs to be grounded. So, it seems to me you have some requirements to fulfill that are beyond what we would require at the county level. You may want to look into that.

Mr. Propes: That's true with respect to the utility substation. But to my knowledge I have not heard that related to the overarching fence around the solar facility. I've actually built projects with woven wire fencing and pressure treated wooden posts.

Mrs. Grech: Where would that be?

Mr. Propes: In Florida.

Mrs. Grech: What are your plans to alleviate concerns of the members of the public as to possible run off and water contamination? There are several streams that are shown on the site plan. Do you have any plans to monitor the water quality which would result from water runoff in case of storms, especially on the steep slopes? To monitor what type of undesirable components may be in the water?

Mr. Propes: Could you elaborate on what you mean by undesirable components?

Mrs. Grech: Are you planning to test the water runoff, the water quality, in the streams that are present on the site...there are several of them...to see if any water that's being displaced by stormwater runoff? Are you going to test the water to see if there's any difference in what's present in the water before and after the water passes through the site?

Mr. Propes: There certainly will be stormwater management features that would have to be installed on the site in accordance with the Department of Environmental Quality and any county requirements. Stormwater management features would be required. In terms of water quality testing, I'm not familiar with any standard that DEQ requires. I think we have offered some soil testing requirements as one of the proposed conditions. If that's something you would like to see, I guess we would be open to talking about what we'd actually be measuring for in our stormwater. We're open to having that conversation if there's something we should be sampling for in the stormwater.

Chairman Burner: Like Mrs. Grech said, there are certain streams that cross the property. What she's trying to refer to is that you know you can measure the quality of the water coming on to the property. I think we're looking to measure the quality of the water going off the property. So that any transformation between the two points would be strictly responsible for the solar facility. Let's say you have a solar panel burst and you have heavy metals that go into the water source. That would be able to detect to say...hey that came from this project or no they came from up stream. It would kind of be a win-win for both sides. Yea, you get the opportunity to defend yourself, then again if an issue happens you have the responsibility to take care of it because you've proven it. I think that's what we're looking for on water that passes through the property. Any runoff that's generated that's not a standard navigable water...that run off needs to remain on the property. But the streams that go through you can't stop those waters from moving through the property, but you can control what goes in to them.

Mr. Propes: I appreciate that clarification. Again, we would be open to having that conversation about what it is we are testing for. Just to clarify, if a panel breaks there's not going to be any immediate release of toxic chemicals that pour out of the panels. In addition, the facility is monitored 24/7. We're going to know if there is a breakage or malfunction to a piece of equipment and have somebody go out and take a look at it. Then perform the necessary maintenance. Based on what I know about solar facilities I'm not concerned about contaminants entering the water stream. But if it's a comfort that we are doing some testing we'd be happy to include that as a condition.

Mrs. Grech: Please understand we are responsive to concerns of the public as to the quality of the water supply in their wells. We are in a karst terrain. That's like Swiss cheese. Ground water can seep into our water table and we need to make sure we can ensure the water quality for people who have water that are supplied

by wells. Which is 100% of the water in the county. We're not on main line water from the towns. At least not in the area where this project is.

Mr. Propes: Mrs. Grech, please know that we as a company would never put equipment on the land if we thought there was some sort of hazardous materials that were coming off our project into the water system. I think the other thing I'd point out, there's active research around the country, around the world, of pairing solar facilities with farming. The concept is called agro-voltaic. I personally had a conversation with somebody at the National Renewable Energy Lab that's involved in this work. He said to me that they test the water quality constantly. There's never been a contamination of the water or the growing vegetables underneath these panels. We're actually growing food from the runoff water that's coming off these panels. I just share that to point out how safe this technology is. I appreciate your point of view. I do.

Chairman Burner: Any other question, comments, or concerns for Mr. Janney or Mr. Propes?

Mrs. Grech: I think it's a quarter 'til 9. We still have other items on the agenda. I suggest we move on. Unless anybody else has any questions. I will have questions when we get the overlays for the slopes. I'm going to go back and do some more homework on the substations.

Chairman Burner: One thing I would like to bring up and we did hit on it when we first started, we were given a list of conditions. We have on our own time reviewed that list of conditions. I would like to ask staff to give us a recommendation on those conditions to give us a starting point so that we as a commission can discuss those conditions. That's just a food for thought to move forward. Let's review those conditions in our framework to see where we need to look at them and we'll go from there.

Mr. Janney: Mr. Chairman, are you prepared to try put a time line for setting the public hearing at this point? Because time is running against you on this issue.

Chairman Burner: I understand that but at this moment we have a long list of conditions to go for and that's not going to be decided in one night.

Mr. Janney: I thoroughly understand that, but you've got to start the process that you are trying to do right now. I would suggest that you pick a date in the future for a public hearing and it gets reserved and then you've got a target to move forward and a goal to get there. That kind of moves you on to having that public hearing if you've got to be prepared for a March public hearing then you've got a date and that gets you there.

Chairman Burner: We will be prepared at the time, but tonight we are not setting the public hearing. We will move forward with working through the conditions and bring up any other questions and any ideas to work towards setting that public hearing.

Mr. Janney: Then I would request, respectfully, that if you need us to reappear that you give us timely notice so that we have an opportunity to appear and that you propose your questions and issues as you come to them so we can address them as we move forward.

Chairman Burner: Yes sir. Any other questions, comments or concerns on Cape Solar? Hearing none we will move forward.

C. Review draft of Zoning and Subdivision Ordinance provided by the Berkley Group

Ms. Clatterbuck stated that a couple of weeks prior she delivered an updated draft ordinance that was provided by the Berkley Group. It is dated November 3, 2021. Kelly Davis with the Berkley Group is available via phone if they have any questions. Ms. Clatterbuck requested that a final decision be made by the Planning Commission about what zoning districts they want and the sliding scale concept. Those two things shape the

remaining content of the ordinance. Mrs. Grech stated the Berkley Group is not willing to offer assistance with alternatives to the sliding scale. The Commission went back over with the two new Commissioners the basic premise of the sliding scale and a potential second agricultural district. Chairman Burner stated they would discuss the zoning districts at the next meeting and make a decision on that.

Open Citizen Comment Period

Ken Farkas stated he and the fellow citizens that were there were insulted by Mr. Janney and Cape Solar. The site is 600 acres of prime farmland, not Harlem. The people have commented at every meeting because unlike him, they are being placed at great risk without their consent. Second, stormwater cannot be kept on the property. It is on karst topography.

Clyde Humphrey pointed out in none of the Cape Solar submissions have they defined their solar panel configurations in sufficient detail to allow verification of the numbers they provide.

Beth Snider agreed that Mr. Janney was rude. Urban Grid keeps making promises. They won't be around when all these problems come up. A lot of localities are going back and redoing their solar ordinances and increasing their setbacks for substations from residences. Mr. Propes didn't seem to understand the difference between a monitoring well and stormwater management. She asked if Urban Grid could put up a bond or guarantee that they will be personally liable if any of the wells are contaminated, they would provide a water source.

Patricia Long stated she wishes we could go back and not even approve the first one. She appreciates all the investigations and time spent on reviewing this application.

Jane Mangum stated that she is a new residence of the County. They live on Old Farm Rd. The panels will be in their backyard. She intends on visiting everyone on Old Farms Rd. and showing them the site plan.

Chairman's Report

Chairman Burner stated it's a new year. There is a lot of work ahead of them. Set goals along the way and achieve them.

Clerk's Report

None

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mrs. Grech made a motion to adjourn. The motion was seconded by Mr. Smelser. The meeting was adjourned at 9:30 p.m.

Jared G Burner

Jared Burner, Chairman