

**Albemarle County Planning Commission
FINAL November 12, 2019**

The Albemarle County Planning Commission held a public hearing on Tuesday, November 12, 2019, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Daphne Spain; Jennie More; Karen Firehock; Bruce Dotson; and Pam Riley.

Members absent: Julian Bivins, Vice-Chair; and Luis Carrazana, UVA representative

Other officials present were David Benish, Planning Director; Carolyn Shaffer, Clerk to Planning Commission; Scott Clark; Rachel Falkenstein; Michaela Accardi; Andrew Knuppel; Andy Herrick; and Bart Svoboda.

Call to Order and Establish Quorum

Mr. Keller called the regular meeting to order at 6:00 p.m. and established a quorum.

From the Public: Matters Not Listed for Public Hearing on the Agenda

Mr. Keller invited comment from the public on other matters not listed on the agenda. Hearing none, he moved on to the Consent Agenda.

Consent Agenda

Mr. Keller asked if any commissioner cared to pull an item from the consent agenda. Hearing none, he asked if there was a motion for acceptance.

Ms. Riley **moved** to approve the consent agenda. Ms. More **seconded** the motion, which was carried by a vote of 6:0. (Mr. Bivins was absent from the vote.)

Public Hearing Items

SP201900010 Rivanna Solar

Mr. Clark presented the staff report. He said this was a request to amend a previously approved Special Use Permit (SP201700018) to extend the expiration time by three years for that already-approved solar energy facility, with solar panels occupying approximately 90 acres on a 149-acre parcel.

Mr. Clark said the facility is located at the intersection of Thomas Jefferson Parkway, Milton Road, and Buck Island Road. He said it is directly adjacent to the existing substation that is near that same intersection.

Mr. Clark presented a panorama image of the property as it looked like a couple years before. He also presented the conceptual plan for the use, noting it was unchanged and was still the same plan from the previous permit application. He indicated to gray areas, explaining that they are envelopes in which the panels themselves might fall, and the landscaping area out by 53 on the Entrance Corridor to help protect that area.

Mr. Clark said the original request was approved in March of 2018 and since that time, the applicants have been pursuing necessary permits at the state level with the Department of Environmental Quality. He said that, as it turns out, any such facility must go through that process, and it is very time consuming and more than the two years of the County's standard approval process. He said the applicants are requesting a three-year extension to allow them to finish their state permitting process and begin construction before their permit expires. He said nothing else about the proposal was changing.

Mr. Clark said given that the proposal was not changing, the County's policy for the rural areas have not changed, and the area is significantly the same, there is only one recommended change, which is to the last condition to change the date of expiration.

Mr. Clark said that, in summary, the conditions have not changed, and extending the permitted time for three years will not introduce new impacts. He said staff did not find any adverse public impacts from extending the approval of the already-approved permit.

Mr. Clark said he had all the conditions for the Commission to review. He noted that the element changing was the last condition (Condition 11) to change the expiration date. He presented the possible motions to the Commission and offered to answer any questions.

Ms. Spain asked if the delay was because the permitting at the state level took longer than the applicant had expected.

Mr. Clark replied yes, adding that the applicants found that getting through the length of the permitting process, with the documentation they must provide and the public input process for that, was taking longer. He said if they do not get the work done within the two-year period, their permit will expire. He said they would not be able to get through the permitting process and arrange for construction in that amount of time.

Ms. Spain asked if the applicant could not have started the state process before they got the decision.

Mr. Clark replied no. He said the applicant had to get the local approval and then the County had to document that.

Ms. Spain asked if this had to come before the state process.

Mr. Clark replied yes, adding that it would have been unwise of the applicants to go into the state process without having the detailed conditions already in place and knowing what they were held to. He said the County had to provide County signatures on documentation of the approval before they could get through their process.

Mr. Keller invited the applicants to come forward.

Mr. Charlie Johnson with Apex Clean Energy Charlottesville addressed the Commission, noting that he was joined by Francis Hodsoll of SolUnesco, a partner on the project.

Mr. Johnson said that Apex Clean Energy consists of about 200 employees located in Charlottesville. He expressed that Rivanna Solar was an exciting project for the company, as it was a local project. He said Apex travels across the country to build renewable energy facilities,

take them to construction, and ultimately operate them throughout the life of the projects.

Mr. Johnson presented a map showing the amount of facilities Apex has under development, construction, and operations for both wind and solar. He noted they were very active in Virginia, with solar and wind projects in Southwest Virginia.

Mr. Hodsoll said he founded SolUnesco with his business partner, John Hillis, in 2015 when they saw the market in Virginia starting to open up. He said during the period of the past four years, they started 13 different projects in Virginia. He presented a slide about the project, noting that he had started it 3-4 years before and that they sold the project to Apex in 2018 to jointly develop the project with them. He said generally, SolUnesco's role in development is to get projects started to identify land that makes sense, work with landowners, and then bring in companies like Apex.

Mr. Hodsoll said the applicants were before the Commission in February 2018. He said the project is a 12.5-megawatt project that is roughly equivalent to 2,500 homes being powered. He said the parcel is 150 acres, but the development envelope is 90 acres where, based on the conditions at the County level, the applicants are allowed to place solar panels. He said they would expect a project like this to have about a 35- to 45-year life.

Mr. Hodsoll said that one of the benefits of the project and why they think it is a very good project is that the substation is located nearby, and so the costs to interconnect to the transmission system are competitive.

Mr. Hodsoll said the only other feature he would point out is that Ms. Sweeney (the landowner) has entered into an agreement to not harvest any trees within her parcel, which also is the parcel along Thomas Jefferson Parkway to the left of a dark buffer. He said they were basically completely buffering along Thomas Jefferson Parkway between the planting right along the road and the conservation easement they have with Ms. Sweeney.

Mr. Hodsoll presented a slide showing more detail that goes into the buffering plan that they worked with County staff on to make sure that the plan meets the County's requirements.

Mr. Hodsoll presented the conditions, offering to go through the details but noting that the Commission had already reviewed and approved the project. He pointed out the only condition that was changing, which was the expiration piece.

Mr. Johnson said that Mr. Clark had provided good details about the applicants' request. He said he would highlight a few things that the applicants have been working on specific to the permitting process. He said in 2018, they received approval from the County for the Special Use Permit and that since that time, the applicants have worked closely with DEQ. He said they were currently in permit review with DEQ through their permit-by-rule process. He said this was not the only timeline item, but that the applicants expect to have approval by the end of the year.

Mr. Johnson said that along with this, the applicants have also worked with the Army Corps of Engineers to delineate the site for wetlands. He said they have since committed, with their application to DEQ, to also adhere to the 100-foot buffer from other fingers on the property, which is the 100-foot buffer that is set in the County ordinance. He said the applicants were actually buffering from all wetlands that they delineate, not just the County-recognized stream through the project. He said the applicants have received determination that the wetlands have been confirmed by Army Corps.

Mr. Johnson said that another set of details the applicants must work on in the meantime is a set of expensive studies to allow for the design of the project. He said they have performed geotechnical studies on the site and that they have flown the entire site for detailed imagery and topography for aiding in the design of the project. He said the applicants have worked with third-party consultants to help design the site.

Mr. Johnson presented some high-level construction target dates, noting that there was much work to be done between the permit-by-rule approval and construction including final engineering, securing offtake for power purchase from the project, lining up the financing (whether through a sponsor or construction financing for purchase of the equipment), and final engineering for the project. He said the hope was to be operational by mid-2021, at the very latest, adding that it would hopefully much sooner than that.

Mr. Keller opened the public hearing. Hearing no comments from the public, he closed the public hearing and invited the applicants to come forward again for questions.

Ms. Riley asked the applicants to further describe the power purchasing plan for the project.

Mr. Johnson said that traditionally with utilities projects, utilities in the past have been most logical purchaser for power, but as of late, they have seen a big push from the corporate market (e.g. Facebook, Google) as those big corporate power consumers are very interested in solar and wind. He said that specifically where they are on the grid, solar in Virginia and PJM is currently very competitive. He said Apex has been reaching out to too many parties and have been making some headway, but that it was another step along the way to get into construction.

Ms. Riley asked if there was joint ownership at that point and if the intent for the future was that Apex would be the sole owner.

Mr. Johnson asked if Ms. Riley was referring to joint ownership between Apex and SolUnesco.

Ms. Riley replied yes.

Mr. Johnson said that currently, Apex owns the project as the sole owner, but SolUnesco is working with them as a contractor to finish out the development. He said at that point, it was tough to say if Apex would own the project, expressing that they would love to be able to, but that they pride themselves on being flexible with the market, as many customers would like to own the projects themselves. He said it came down to the capital to be able to construct it themselves. He said future ownership was unknown at that point and depended on the structure of the power purchase agreement or potentially utility, if a customer wanted to own the facility in their market. He said that no matter who the owner is, they would have to comply with the same permitting regulations.

Mr. Keller closed the public hearing and brought the item back for discussion and action.

Ms. Riley **moved** to recommend approval of SP201900010 Rivanna Solar with the conditions outlined in the staff report.

Ms. Spain **seconded** the motion, which carried unanimously 6:0. (Mr. Bivins was absent from the vote.)

Adjournment

At 9:03 p.m., the Commission adjourned to November 19, 2019 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

David Benish, Chief of Planning

(Recorded and transcribed by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards)

Approved	by	Planning
Commission		
Date:	12/03/2019	
Initials:	CSS	