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Sussex County Planning Commission Meeting
Tuesday, April 8, 2025 at 6:00 P.M.
General District Courtroom at Sussex Judicial Center
15098 Courthouse Road, Sussex, VA 23884

Agenda

A. CALL TO ORDER

B. ADOPTION OF AGENDA

C. APPROVAL OF MINUTES
- a. None

D. PUBLIC HEARING (S)
- a. Conditional Use Permit 2025-02, Cassius Blue, LLC
  - i. Open Public Hearing
  - ii. Staff Findings/Recommendations
  - iii. Applicant Presentation
  - iv. Public Comments
  - v. Close Public Hearing
  - vi. Planning Commission Comments/Discussion
  - vii. Planning Commission Action

E. OLD BUSINESS
- a. None

F. NEW BUSINESS
- a. None

G. ADJOURNMENT

STAFF REPORT

Conditional Use Permit Application Review for Cassius Blue Solar
Sussex County, Virginia
Report Date: October 8, 2024, Revised January 31, 2025, Revised March 27, 2025
Planning Commission Hearing Meeting Date: April 8, 2025

APPLICATION SUMMARY

Project:	Cassius Blue Solar, 394 MW
Affected Acreage:	Total Project Area: 4,811 acres Development/Disturbance Project Area: 2,214 acres Area Under Panel: 594 acres
Location:	The Project is located near Walkers Mill Road, Concord Sappony Road, Stewart Road, and Hunt Road.
Parcel Record Numbers:	38 parcels: 82-A-8, 82-A-9, 100-A-2, 100-A-5, 101-A-3, 101-A-6, 101-A-7, 101-A-9, 101-A-10, 101-A-11101-A-13, 101-A-14, 101-A-15, 101-A-16, 101-A-19, 101-A-22, 101-A-23, 101-A-26, 101-A-30, 101-A-31, , 101-A-36, 101-A-36A, 101-A-36B, 101-A-38, 101-A-39, 101-A-40, 101-A-44, 101-A-45, 102-A-5, 119-A-1, 119-A-4, 119-A-8, 119-A-9, 119-A-10, 119-A-25, 119-A-26, 119-A-27, 120-A-4
Proposal:	Conditional Use Permit for Utility-Scale Solar Facility
Application Submitted:	September 29, 2023 Revised March 26, 2024 Revised May 24, 2024 Revised September 6, 2024 Revised December 7, 2024
Applicant:	Cassius Blue Solar, LLC/Geenex Solar, LLC
Representative:	M. Ann Neil Cosby Green Hurlocker, Attorneys at Law Ancosby@greeneHurlocker.com 804-672-4546
Owners:	Meadows 163, LLC; F. Parson & Joyce Parson; Anne Everette; Poole Farms Solar, LLC; Mark Carpenter Spiers; Patricia R. Cabaniss; Loretta D. Mauney; Christopher L. Everett; Anne P. Everett; Julia P. Boyd; Robert W. Grizzard; Dale B. Mauney; Roseburg Resources Co; Lawrence L. Coleman, Jr.; Martin H. Kanipe; Old Hickory Properties, LLC; Clinton W. Holloway, Jr.; Thomas Wesley & George Parson; Douglas W. & Alice Spiers; Robert H. & Faye Spiers, Jr.

PROPOSED DEVELOPMENT

The Applicant is seeking a Conditional Use Permit (CUP) to construct a 394 megawatt (alternating current) photovoltaic solar energy generation facility. The project is located on 38 parcels, or portions thereof, totaling 4,811 acres, while the fenced area of development/disturbance totals approximately 2,214 acres. Approximately 2,473 acres of the project parcels comprise portions of the Iluka Mining site; mining has ceased on associated project parcels and reclamation activities are currently being conducted or have been completed.

The project infrastructure will consist of approximately 760,000 solar photovoltaic modules (PV panels) mounted on steel racking structures, inverters, a transformer, and control cabinet, switch gear, meter, interconnection, and security fencing. PV panels will cover 594 acres or approximately 12% of the total project area or 27% of the development/disturbance area.

The project will be screened from view at ground level at all locations where the project can be seen by the public and adjacent landowners. A 150-foot buffer of existing vegetation will be maintained around the exterior of the Project's fencing. Screening will be no less than 50 feet wide. The trees planted as part of this screening will be no less than five (5) to six (6) feet tall at planting and be in at least three staggered rows, no more than fifteen (15) feet apart.

Construction is anticipated to commence in Q2 2026 with the Project being energized and commercial operation being achieved by Q4 2026.

The Project includes several wildlife corridors throughout. Fencing will not be placed across the wildlife corridors so that they can readily be used by wildlife. The site contains several wetlands. Where electric collection lines cross wetlands they will either span the wetland overhead or be directionally bored under the wetland. These electric collection lines are necessary to connect the solar panels in various parts of the Project.

EXISTING CONDITIONS AND ZONING

The Project land totals 4,811 acres and are entirely zoned A-1, General Agricultural. The Applicant has indicated that the development/disturbance area of the project to be 2,214 acres. There are areas of steep slopes (8% or greater) within the Project site.

The County's Comprehensive Plan identifies the Project to be located within the Rural Area Small Area Plan (SAP) area.

ADJACENT AND SURROUNDING USES

The project area abuts 71 parcels that are zoned A-1, including residences, agricultural and forestry uses. The area surrounding the Project includes mostly forests and farmland with some low-density single family residential dwellings. All adjacent properties are zoned A-1, General Agriculture.

ENVIRONMENTAL AND NATURAL RESOURCES

The Cassius Blue Solar Project site was previously utilized for mining activities, specifically mineral sands, by Iluka Resources, and is currently under reclamation. According to the proposed conditions set by the Conditional Use Permit (CUP), construction of the solar facility cannot begin on parcels where active mining is still occurring until those activities have been completed. Active mining is considered finished when no mineral or overburden has been removed for a consecutive period of 12 months, and reclamation has started.
Construction activities may commence in conjunction with ongoing reclamation efforts, provided that any necessary changes to post-mining intended use are approved by the Virginia Department of Energy, as outlined in the conditions. Certain portions of the land, specifically Tax Parcel 101-A-36A, can be developed for solar use as long as solar panels are set back at least 150 feet from monitoring wells associated with mining operations. Similarly, development on Tax Parcel 101-A-2 is permitted if solar panels are set back 50 feet from the existing ASM River Pipeline.

The project includes plans for remediation, such as ensuring that the site complies with erosion and sediment control standards, with an emphasis on maintaining native vegetation where feasible. The plan also stipulates that all necessary stormwater and erosion control measures must be installed at the outset to protect water quality. This involves a proactive approach to controlling runoff during construction, including the mulching of removed trees and stumps on-site for stormwater management.

Overall, the conditions for the Cassius Blue Solar Project reflect a commitment to responsible reclamation practices while transitioning the previously mined land into a solar energy generation facility.

The project is located near the Nottoway River, a State Scenic River, and concerns were raised about potential impacts on its biodiversity and overall environmental quality. As part of the mitigation efforts, the following have been included as approval conditions:

- A buffer of at least 50 feet from all streams and wetlands is mandated, along with a coterminous 50-foot setback for all installed equipment. This exceeds DEQ standard requirements to protect water bodies.
- Stormwater infrastructure will be installed at the outset of the project, ensuring that water quality is protected from construction-related erosion.
- The project must comply with Virginia's Erosion and Sediment Control Handbook, and a third-party review will be conducted to ensure this compliance.
- Based on the site layout and agreements with landowners, the Cassius Blue project committed to a minimum 400-900 foot buffer from the Nottoway River Conservation Easement and a minimum 200-foot buffer from the Nottoway River.
- The Project mitigation requirements will be subject to review, permitting, and enforcement through the Permit-by-Rule (PBR) process, including DEQ, DHR, DWR, DCR, and the Virginia Department of Energy.

The project intersects three (3) Natural Heritage sites that are known Ecological Cores of High Importance: The Foxtail Bog Conservation site, Little Mills Conservation sites, and The Black Pool Conservation area, including isolated ponds.

CULTURAL AND HISTORIC RESOURCES

A desktop historic architecture study was conducted for the Project. The study indicated that there were historic architectural resources within one (1) mile of the Project: The Crowshaw School, the Stony Creek Depot Battlefield and the approach path, the cemeteries and the Rose Bowe property. Preliminary analysis indicated 70 architectural sites and 34 archaeological resources within a half-mile buffer of the site and could be visually impacted by the Project.

ZONING ORDINANCE

The Application was reviewed to determine completeness and compliance with respect to the County's Zoning Ordinance, specifically to the requirements contained in Article VII, Solar and Battery Facilities. A memorandum from the Berkley Group, dated September 26, 2024, indicated that the Application as proposed and revised was both complete and compliant with respect to applicable submittal requirements of the Zoning Ordinance.

COMPREHENSIVE PLAN

The County's 2004-2005 Comprehensive Plan serves as a policy document to inform planning and land use decision making. The Comprehensive Plan is not a regulatory document but should be used when applicable to evaluate projects and applications. As part of the Comprehensive Plan, most recently the County adopted Small Areas Plans as an addendum to the Plan. The Project is located in the Rural Area Planning Area.

The future vison for the Rural Area land use category is as follows:

- *The Rural Preserve classification includes agricultural, forested, and remote rural residential uses. This category is most similar to the Agricultural, Forested, and Open Space classification in other planning areas and considers locations where agricultural zoning is in effect. Agricultural production and services as well as forest and timber land are predominant and are encouraged to expand. Limited, very low density residential and institutional uses are present along rural roads and arterial rural highways.*

- *Agricultural, forestal, recreational, and remote rural residential areas should be protected and preserved. In addition to allowing widespread agriculture production and forested uses, limited rural residential uses may be allowed at a gross density of one unit per five acres. Limited institutional uses such as religious assembly facilities and civic clubs serving the local rural population may also be allowed. Mining and extraction operations that locate according to the availability of natural resources should have strict limitations to avoid harmful effects on housing, farming, and conservation areas. Similarly, the potential siting of utility-scale solar facilities should follow guidance established in the County Comprehensive Plan that is detailed at the end of this section.*

- *Within these areas, farmers are encouraged to follow best management practices and take advantage of conservation and environmental programs as promoted by the Virginia Department of Agriculture and Consumer Services (VDACS). The main*

purpose of this land use classification is to facilitate existing and future farming operations, allow for the expansion of farm related activity, reduce the effects of soil erosion, and protect watersheds to promote the continuation of farming as one of the primary sectors of the economy. In planning for active agricultural use of parcels in the Rural Area, the County should consider the full scope of modern farming activities, including agritourism, on-site sales, food preparation, and events, and modify local regulations to more easily permit all activities that can help farmers maintain a profitable enterprise. Such activities have the added benefit of drawing visitors to the rural areas of Sussex County for tourism as well as providing additional income to farming operations. Large parcels will remain necessary for sustainable agricultural enterprises in the Rural Area.

- *Outside of sensitive environmental areas, it is the vision of Sussex County that rural areas remain rural, and that active agriculture maintains its importance in the community. A central objective of land use planning in Sussex County is to preserve this valuable land from being developed for residential or other land uses. Once developed, it cannot easily be restored to its original condition. Areas of agricultural conservation should be used for active agricultural and forestry enterprises, and best management practices should be observed relative to land disturbance, support structures, and other facilities that such agricultural/rural operations require.*

- *Surface Mining: Sussex County has both active and inactive surface mining sites on private property, with plans for remediation to restore natural land coverage post-mining. The Concord heavy mineral sands mine, operated by Iluka Resources, is the largest site, currently under remediation expected to conclude by 2023. Other sites supply sand and gravel for paving, including the Titan Mid-Atlantic Aggregate Site, Branscome Site, and GreenRock Site, along with smaller projects near the Nottoway River. Resource extraction significantly alters land coverage and impacts the natural environment, necessitating careful management and permitting. Residential areas should be buffered from these sites to minimize exposure to particulate matter. Reclaimed sites could later host solar facilities, reducing the need for new land disturbance.*

In addition to the above policies and vision for the Rural Preserve land use designation within the Rural Area Planning Area, the Comprehensive Plan was amended on February 17, 2022 to amend policies for solar and battery storage facilitiesas follows:

23. Utility-Scale Solar Facilities

As used in this Comprehensive Plan, a utility-scale solar facility is a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider or a large private user with a generating capacity in excess of one megawatt alternating current (1 MWAC). Sussex's abundant agricultural and forest land combined with its electrical infrastructure and transportation system appear to be attractive to the solar industry. These facilities are an industrial scale land use that occupy significant acreage. Many utility-scale solar facilities are located on agricultural or forested land that may have had other future land use potential or land use designations.

The County will consider utility-scale solar facilities as a primary use in districts zoned agricultural or industrial with preference for brownfields and County-owned capped landfills. The following site features should be addressed to mitigate the potential negative impacts of utility-scale solar facilities on County land use patterns as part of the evaluation of a Conditional Use Permit (CUP) application:

- *the total size shall be 100 acres or more but less than 5,000 contiguous acres;*
- *large contiguous projects are preferred over small decentralized or large discontiguous projects to prevent land fragmentation;*
- *laid out appropriately on the project parcels;*
- *laid out with no more than 65% equipment and building coverage;*
- *located outside planning areas or community hubs;*
- *located outside forested areas to preserve forest resources;*
- *located outside prime agricultural land;*
- *further than three (3) miles from any village or town boundary;*
- *further than two (2) miles from other existing or permitted solar facilities; and*
- *located to minimize negative impacts in proximity to residences; historic, cultural, recreational, or environmentally-sensitive areas; and scenic viewsheds.*
- *located less than or equal to one (1) mile from a transmission line.*

Battery energy storage facilities are also an industrial land use but require more safety requirements than solar facilities. The County will consider battery facilities as:

- *an accessory use to utility-scale solar facilities, other energy generation facilities, or substations; or*
- *a primary use on a parcel contiguous to utility-scale solar facilities, other energy generation facilities, and substations.*

STAFF REVIEW AND COMMENTS

The subject Application is seeking a Conditional Use Permit for a utility-scale solar facility. For solar projects, the planning commission is not required to make a finding that the project is in substantial accord with the comprehensive plan. Instead, pursuant to 15.2-2316.9, a siting agreement, if approved by the Board of Supervisors, fulfills the requirement for a 2232 review. The Applicant has initiated the negotiation of a siting agreement pursuant to Va. Code Section 15.2-2316.6 et seq., for separate consideration by the Board of Supervisors.

Further, per Sections 34-913/Sec. 16-409 and 34-914/16-410 of the Zoning Ordinance, conditions may be imposed on Conditional Use Permits for utility-scale solar and battery energy storage facilities that include, but are not limited to, the following:

- A solar facility shall be constructed, maintained, and operated in substantial compliance

with:

- The development standards under this article.
- The approved concept plan.
- Any other conditions imposed pursuant to a conditional use permit.

- The board of supervisors may, in its sole discretion, by conditional use permit, waive or modify requirements set out in this article for solar or battery storage facilities, based on unique site conditions, if it finds that such waiver or modification promotes good land use planning and is compatible with surrounding land uses, and as long as the project still otherwise complies with applicable state law and local ordinances.

- Dedication of real property of substantial value; or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such conditions are reasonably related to the project.

- Other reasonable conditions as permitted by state law and as otherwise provided for in this Article.

Staff has reviewed the proposed project considering the relevant sections of the County's Zoning Ordinance as well as the Comprehensive Plan and offers the following for consideration by the Planning Commission and Board of Supervisors.

Comprehensive Plan

Based upon policies pertaining to the Rural Preserve land use category with respect to the Rural Area Planning Area, consideration should be given to whether the proposed Project relative to the area:

- Impacts the agricultural economy or rural character of the area;
- Reduces the potential for the expansion of farm related activities or the preservation of agricultural lands from being developed for other land uses;
- Preserves environmentally sensitive areas; or
- Constitutes industrial development not anticipated or recommended within the Rural Areas Planning Area.

Based upon the existing use of Project parcels and adjacent parcels, as well as the use proposed, Staff is of the opinion that it may be in accord with the policies of the Comprehensive Plan.

The Planning Commission and Board of Supervisors should consider the following:

1. *The County will consider utility-scale solar facilities as a primary use in districts zoned agricultural or industrial with preference for brownfields and County-owned capped landfills.*

   The Project parcels are zoned A-1; and, several parcels are considered to be brownfields (former or reclaimed mining sites).

2. *The following site features have been reviewed and should be mitigated for potential negative impacts of utility-scale solar facilities on County land use patterns:*

   - *the total size shall be 100 acres or more but less than 5,000 contiguous acres;*

     The Project is greater than 100 acres. In total, the Project has an area of 2,214 acres, which is inclusive of the active development area totaling approximately 594 acres.

   - *large contiguous projects are preferred over small decentralized or large discontiguous projects to prevent land fragmentation;*

     The Project is determined to constitute a large contiguous project and does not constitute a small decentralized project.

   - *laid out appropriately on the project parcels;*

     Generally, as proposed and laid out, staff is of the opinion that the Project is appropriately laid out based upon the proposed 150' perimeter buffer/setback.

   - *laid out with no more than 65% equipment and building coverage;*

     Based upon the proposed 2,214-acre project area and panel coverage of 594 acres, the proposed coverage is approximately 27%.

   - *located outside planning areas or community hubs;*

     The majority of the project is designated Agricultural, and is located outside of a community hub.

   - *located outside forested areas to preserve forest resources;*

     Based on information provided by the Applicant, the development area, consists of Emergent Forests, Forests, Open Water, and Scrub or shrubbed areas.

   - *located outside prime agricultural land;*

     According to the Application materials, the majority of the site will be developed on reclaimed mining sites.

   - *further than three (3) miles from any village or town boundary;*

     The proposed project area is more than 3 miles from any village or town boundary.

   - *further than two (2) miles from other existing or permitted solar facilities;*

The project is located more than two (2) miles from other existing or permitted solar facilities within the County.

- *located to minimize negative impacts in proximity to residences; historic, cultural, recreational, or environmentally-sensitive areas; and scenic viewsheds.*

  The project's proposed 150' perimeter buffer/setback, as well as 300' setback from residences, work to ensure consistency with this criteria. As noted, the Applicant has wetlands buffers and setbacks of varying widths, but no less than 50'.

- *located less than or equal to one (1) mile from a transmission line.*

  The Project is located within 1 mile of a transmission line, being bisected by an existing 500kV transmission line.

Zoning Ordinance

The purpose of the County's Zoning Ordinance is to generally promote the health, safety or general welfare of the public and of further accomplishing the objectives of the Code of Virginia, § 15.2-2200, and to further the 11 specific purposes as referenced in the Zoning Ordinance, as follows:

- *To reduce or prevent congestion in the public streets;*

  The Project will have 19 access points along Route 619, Route 681, Barnes Road, and Route 616.

- *To facilitate the creation of a convenient, attractive and harmonious community;*

  As noted, the project proposes buffers and setbacks that should ensure consistency with this purpose.

- *To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;*

  As noted, given the number of access points and the conditions of roadways accessing areas of the project, conditions would be warranted to ensure appropriate construction traffic mitigation and the safety of the general public.

- *To protect against destruction of or encroachment upon historic areas;*

  The project does abut identified historic resources within a 3-mile area; however, staff is of the opinion that there are no known project activities that would destroy or encroach upon historic resources.

- *To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other danger;*

  As noted, given the number of access points and the conditions of roadways accessing areas of the project, conditions would be warranted to ensure appropriate construction traffic mitigation and the safety of the general public.

- *To encourage economic development activities that provide desirable employment and enlarge the tax base;*

  The project will undoubtedly enlarge the tax base, however, in and of itself it will not likely encourage long-term economic development activity that provides for long-term employment opportunities. The development of utility-scale solar facilities may result in short-term construction employment opportunities, and may result in increased economic activity during the period of construction.

- *To provide for the preservation of agricultural and forest lands and other lands of significance for the protection of the natural environment;*

  Based upon information provided by the Applicant, the development area, consists of Emergent Forests, Forests, Open Water, and Scrub or shrubbed areas. According to the Application materials, the majority of the site will be developed on reclaimed mining sites.

Additional Comments

Given the size and scale of the project, existing County staffing resources may be strained or insufficient to appropriately manage and monitor the project during development and operation. Should the Project be approved, a condition addressing the need for third-party inspections is recommended by Staff to mitigate this impact.

STRENGTHS	WEAKNESSES
1. Development of existing brownfields (reclaimed mining sites).	1. A portion of the buffer will need to be created and/or enhanced.
2. Will provide a more reliable source of energy to the transmission grid.	2. The project is located within a DCR designated conservation site of high significance.
3. No direct impact to any known cultural and/or historical resources.	3. Proximity to the Nottoway River with significant amount of wetland throughout the project area.
4. Large, contiguous Project.	
5. The project will serve to repurpose portions of the Iluka mining site and	

maintain the site as revenue source via a tax-paying industry.	

STAFF RECOMMENDATION

Based upon a review of the Application and the Staff comments provided herein, staff recommends approval of the requested Conditional Use Permit with conditions. Principally, this recommendation is based upon development of existing County brownfields as well as the Project's general consistency with the Comprehensive Plan's specific policies for utility-scale solar facilities (conditioned as recommended).

Attachments:

A. Staff Recommended Conditions dated March 26, 2025
B. Cassius Blue Solar Completeness and Compliance Review – Berkley Group dated June 20, 2024
C. Agency Comments
D. Revised CUP Application
E. Public Comments (received to date)

Cassius Blue Solar, LLC, (the "Applicant") has applied (the "Application") to the Sussex County Board of Supervisors (the "County") for a Conditional Use Permit (the "CUP") to construct a Utility Scale Solar Facility and associated substation (the "Solar Facility" or "Project") as defined by Appendix B, Zoning, Article I, Section 16-1 of the Sussex County Zoning Ordinance (the "Ordinance") and as permitted by Appendix B, Zoning, Article XXIII, Sec. 16-401 through Sec. 16-410 of the Ordinance. Pursuant to the Application, the Applicant proposes the following conditions, which upon approval of the CUP, shall be in full force and effect. As used in these conditions, the term "Applicant" shall include the terms "Applicant, Owner, Developer, or Operator," and the successors and assigns thereof. The term "Zoning Administrator" shall include the designee of the Zoning Administrator. The terms "Project" and "Solar Facility" shall include the facility in its entirety. The term "Site Plan" shall refer to the approval/permit process as established and regulated in the Sussex County Zoning Ordinance.

The proposed CUP conditions (the "Conditions") are consistent with the Ordinance which shall apply to the Project. In the event of any conflict between the Ordinance and Conditions, the Conditions shall control. All terms and phrases used and not otherwise defined herein shall have the meanings ascribed to them in the Ordinance. The CUP, including any approved plans and CUP Conditions, shall run with the land and shall not be affected by a change in ownership of the Applicant or the Project, nor by any change in the Ordinance.

1. The Applicant shall develop, construct, operate, and maintain the Project site in substantial conformance with the conceptual plan prepared by Stantec, dated July 31, 2024, entitled "Concept Plan for Cassius Blue Solar, LLC 394 MW (AC)(including sheets G001, C001-C004A, C100-104, C300-304, C400, C800 and L800-802) and the supplemental plan prepared Kimley-Horn, dated December 6, 2024, entitled "Conceptual Site Plan" (Sheet Number Ex-1)(collectively, the "Concept Plan") and these conditions. Substantial conformance will be determined by the Zoning Administrator based on his/her review of the record. Deviations determined not to be in substantial conformance with the conceptual plans, or consistent with these conditions as may be necessary or required, shall require review and approval as an amendment to the conditional use permit, following the process for the granting of a conditional use permit.
2. The CUP allows for the construction and operation of the Solar Facility on the tax parcels 82-A-8, 82-A-9, 100-A-2, 100-A-5, 101-A-3, 101-A-6, 101-A-7, 101-A-9, 101-A-10, 101-A-11101-A-13, 101-A-14, 101-A-15, 101-A-16, 101-A-19, 101-A-22, 101-A-23, 101-A-26, 101-A-30, 101-A-31, , 101-A-36, 101-A-36A, 101-A-36B, 101-A-38, 101-A-39, 101-A-40, 101-A-44, 101-A-45, 102-A-5, 119-A-1, 119-A-4, 119-A-8, 119-A-9, 119-A-10, 119-A-25, 119-A-26, 119-A-27, 120-A-4), as identified on page C004A of exhibit C, the Concept Plan, that was included in the conditional use permit application, subject to the following conditions:

    a. For any parcel where the excavation and mining of mineral sands has been authorized pursuant to CUP #1995-04, CUP #2013-01, CUP #2013-02, CUP #2014-01 or CUP #2016-01, the construction of the Solar Facility shall not commence until such time as active mining activities on the parcel have been

completed. For purposes of this condition, active mining activities shall be deemed complete when the Applicant has obtained a written release for the applicable parcel from the Virginia Department of Energy Mineral Mines Division Mining Permit No. 90370AA and said written release has been provided to the Zoning Administrator. The issuance of a Conditional Use Permit (CUP), for a Solar Facility, in no way affects the Applicant's reclamation obligations under the Mining Permit No. 90370AA.

b. Notwithstanding Condition 2.a. above land disturbing activities authorized pursuant to an approved Erosion and Sediment Control Plan, may commence in conjunction with or in place of final site reclamation (i.e., final site grading, seeding, and/or stabilization) only if the Virginia Department of Energy approves in writing (i) of any necessary change in post-mining intended use, where required, and (ii) said approval is provided to the Zoning Administrator prior to any land disturbing activity

c. The Solar Facility may be constructed on any portion of Tax Parcel 101-A-36A that is not being used for monitoring well activities to support mining uses permitted under CUP #1995-04 (including access roads to such wells), so long as the solar panels of the Solar Facility are setback at least 150 feet from any monitoring well. The Solar Facility may also be constructed on any portion of Tax Parcel 101-A-2, provided the solar panels are setback at least 50 feet from the existing ASM River Pipeline.

3. Project capacity shall be limited to a maximum of 394 MW. The active developed area of the site, within the fence line, shall be limited to 2,214 acres. All security fencing shall be installed behind the vegetated buffer.

4. The Applicant shall give the County written notice of any change in ownership or entities responsible for operations or asset management of the project within thirty (30) days after the change.

5. Prior to or in conjunction with Site Plan review, the Applicant shall submit details on the linear facilities (access roads, medium voltage collector systems, and telecom equipment) and associated easements which connect noncontiguous portions of the Project, including secured easements, to the Zoning Administrator for approval. Approval of the Site Plan shall not be granted without prior approval of these connections by the Zoning Administrator, or without the existence of executed easements for the connections.

6. To accommodate wildlife crossing of the site, the Applicant shall refer to the Virginia Department of Wildlife Resources Commission's most recent Solar Energy Facility Guidance in the design of the Site Plan, working with the Zoning Administrator to meet the intent, if not the letter of the Guidance.

7. Setbacks shall be as required by the Ordinance, except where they exceed the requirements of the Ordinance, as shown on the Concept Plan or as may be included in the Site Plan. In all cases, setbacks shall be no less than the perimeter setback required by

the Ordinance for the Project. There shall be no setbacks required between the internal lot lines of parcels in the Site.

8. For all streams and wetlands the buffers and setbacks shall be as follows:
    a. Setbacks and Buffers Applicable to the Nottoway River and its perennial and intermittent tributaries:
        i. There shall be a coterminous minimum setback and buffer consisting of two hundred feet (200') of native vegetation and plant species along perennial tributaries of the Nottoway River.
        ii. There shall be a coterminous minimum setback and buffer of one hundred feet (100') of native vegetation and plant species along intermittent tributaries of the Nottoway River.
        iii. There shall be a coterminous minimum setback and buffer of 300 feet (300') from the Nottoway River consisting of existing, retained vegetation, where applicable.
    b. Setbacks applicable to wetlands and streams not associated with the features covered by Condition 8(a) shall be as follows:
        i. There shall be a coterminous minimum setback and buffer consisting of fifty (50') of native vegetation and plant species along all wetlands.
    c. Greater setbacks and/or buffers from these features may be required as identified on the Concept Plan or to address specific site conditions, with final setbacks/buffers to be determined through the Project's Certificate of Public Convenience and Necessity ("CPCN") as approved by the Virginia State Corporation Commission or the Permit-by-Rule (PBR) process, including DEQ, DHR, DWR, DCR and DOE (as may be applicable) accounting for final detailed site and environmental studies and analysis. All equipment and structures, including fencing, erosion control and stormwater control measures shall be located outside of the setback/buffer, and the buffer shall be undisturbed, except for necessary stormwater outfall structures as depicted and approved on the approved Site Plan. Required buffers shall remain undisturbed for the life of the Project. All stream and wetland mitigation requirements will be enforced through the CPCN or PBR process (as applicable).

9. The Project shall provide for a 150' perimeter setback, as defined by the Ordinance, with encroachments allowed only where generally depicted on the Concept Plan. The setback areas shall include visual buffers to screen the Project from view. Visual buffers shall be comprised of 150' of existing natural vegetation, and there shall be minimal removal of existing buffer vegetation adjacent to road entry points. As a condition of approval of the Final Site Plan, Applicant will conduct a boundary tour with the Zoning Administrator to determine the locations of gaps in existing natural vegetation within a required buffer area and determine the necessary supplemental plantings to facilitate effective screening of the Project which shall be depicted on the Final Site Plan. All security fencing shall be installed on the interior of the vegetated buffer.

10. The Zoning Administrator may, in connection with Site Plan review and approval, require buffers to be supplemented with additional plantings of native and/or pollinator species where compatible with site conditions. Supplemental plantings of trees (approximately six (6) feet in height and 2.5 inches in caliper at time of planting) and shrubs shall be installed as required by the Zoning Administrator. The trees planted as part of this screening will be no less six (6) feet tall at planting and be in at least three staggered rows, no more than fifteen (15) feet apart. Tree and shrub seedlings shall be planted in the remaining screening area. Other perimeter plantings that effectuate sufficient visual screening may be approved by the Zoning Administrator, including, but not limited to native evergreen trees. Buffer plantings, both existing and supplemental planting, shall be maintained in good health to ensure sufficiency of the screening, as determined by the Zoning Administrator; damaged or deceased plant materials shall be replaced within a reasonable time, dictated by best practices, as determined by the Zoning Administrator.

11. All new plantings, specifically in the retention basin mix, pollinator buffer mix, and buffers shall consist of native plant species as identified in DCR's Virginia Native Plant Founder. All new plantings shall exclude the planting of invasive species and/or vegetation types as classified by VADEQ or DCR; the species Wild Bergamot and Brown-Eyed Susan shall be excluded from the Native Solar Pollinator Buffer Mix.

12. Applicant shall post a separate security for the ongoing maintenance of the Project's land cover and vegetative buffers in an amount deemed sufficient by the Zoning Administrator and provided by an issuer in an amount reasonably acceptable to the Zoning Administrator (who may rely on the opinion of a third-party) and in a form reasonably acceptable to the County Attorney. For areas of the Project parcels that remain undeveloped and which are forested, prior to approval of the certificate of occupancy (or equivalent) the Applicant shall submit a forest management plan outlining how these areas will be actively managed by the Applicant during the operation of the Solar Facility consistent with best practices to limit the wildfire risk.

13. As part of the Site Plan review, the Applicant shall submit a Construction Management Plan ("CMP") with the final site plan, to include all entrances, in compliance with all Virginia Department of Transportation regulations and requirements during construction and decommissioning of the Solar Facility and in compliance with the Ordinance.

14. As part of the site plan review, the Applicant shall be required to submit a Construction Mitigation Plan, to be reviewed and approved by the Zoning Administrator. At a minimum this plan shall address and/or include:

    a. A schedule for two (2) public open houses prior to the commencement of construction activities.
    b. A construction schedule, to include construction of the proposed substation.

c. Traffic control methods for all public roads to be used for ingress/egress (in coordination with the VDOT prior to initiation of construction) shall include, at a minimum, plans and procedures for lane closures, signage, flagging, and site entrance design.
d. Coordination with VDOT prior to initiation of construction on the appropriateness of the speed limit on any public access road and support a speed limit reduction, if necessary.
e. Site access planning, including procedures for directing and coordinating employee and delivery traffic. Construction Traffic shall be limited to 7:00 am to 9:00 pm, Monday through Saturday, or as may be approved by the County Administrator upon good cause shown by the Applicant.
f. Site security; security measures shall be implemented prior to commencement of construction activities.
g. Lighting; during construction of the facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and/or safety lighting shall be exempt from this construction lighting condition.
h. Hours of construction. Driving of posts shall be limited to 7:00 am to 6:00 pm, Monday through Saturday. Driving of posts shall be prohibited on state and federal holidays. The Applicant may request permission from the County Administrator to conduct post driving activity on Sunday, but such permission will be granted or denied at the sole discretion of the County Administrator, after consulting with the Board of Supervisors. All other construction activity shall be permitted Monday through Saturday. The Applicant may conduct construction activity on Sunday, in accordance with the County's Noise Ordinance, so long as such activity does not occur within 500 feet of any residential dwelling.
i. Plans for staging and storage of materials and parking. During construction, the setback may be used for staging of materials and parking. No material and equipment laydown area, construction staging area, or construction trailer shall be located within 200 feet of any property containing a residential dwelling.
j. Mitigation of dust.
k. Mitigation of burning operations.

15. The Applicant shall submit a Road Repair Plan applicable to the routes contained in the CMP, in conjunction with the Site Plan application, to include procedures for maintenance and repair of applicable roadways during construction and decommissioning. Applicant shall be responsible for repairing any damage to roadways occurring during construction or following decommissioning of the Project, or any portion thereof. The Road Repair Plan shall include a survey, including video documentation of pre-construction condition of applicable roadways for review and approval by the County. During construction or pre-decommissioning as applicable, the roadways shall be monitored for damage caused by construction activity or traffic. The Applicant, once notified by the County of damages caused by Applicant or upon discovery of damage by Applicant during regular inspections, shall make repairs caused

by construction traffic at the direction and in consultation with the County Administrator and VDOT within 30 days of written notice, subject to any required delays resulting from coordination with VDOT. After Project construction or pre-decommissioning as applicable activities are completed, Applicant will provide a post-construction survey of roadways, including video documentation of the condition of the routes covered by the CMP, for review and approval by the County; the Applicant shall be required to repair any damage necessary to restore such roadways to equivalent or better condition as contained in the pre-construction survey.

16. Prior to approval of the Site Plan and commencement of construction, the Applicant shall provide a bond or other security, in an amount reasonably acceptable to the Zoning Administrator (who may rely on the opinion of a third-party) to cover 100% of the estimated costs of anticipated pre-construction improvements to be made to the public roads and/or public rights-of-way included in the CMP, as well as the anticipated cost of repairs to be necessary during construction and in a form reasonably to acceptable to the County Attorney. After pre-construction improvements have been completed, the amount of the bond/security shall be reduced equivalent to the costs of the pre-construction improvements. County will release bond once all construction is complete upon review and consent of VDOT.

17. The Applicant shall coordinate with the County's Sheriff Department prior to initiation of construction on speed monitoring plans and devices.

18. As part of the site plan review, the Applicant shall be required to submit a grading plan ("Grading Plan"), to be reviewed and approved by the Zoning Administrator. The Applicant shall post a bond or other security for grading operations, from an issuer amount reasonably acceptable to the Zoning Administrator (who may rely on the opinion of a third-party) and in a form reasonably acceptable to the County Attorney. The Project shall be constructed in compliance with the Grading Plan. At a minimum this plan shall address:

    a. Clearly show existing and proposed contours;
    b. Note the locations and amounts of topsoil to be removed (if any) and the percent of the site to be graded;
    c. Limit grading to the greatest extent practicable, and except as may be necessary to accommodate anticipated and required stormwater management, by avoiding development of steep slopes (those greater than 15%);
    d. An earthwork balance will be achieved on-site with no import or export of soil except for importing specific quality soils required for construction. Excavated materials may be used for landscaping, berming/screening, or similar, or may otherwise be stockpiled on site and stabilized;
    e. For any areas of the Project Parcels that are in agricultural production (the production of crops or livestock) at the time of Final Site Plan approval, grading shall be minimized, and where grading is necessary, all topsoil shall be retained and reapplied to the areas from which it was removed.

f. In areas proposed to be permanent access roads which will receive gravel or in any areas where more than a few inches of cut are required, topsoil will first be stripped and stockpiled on-site to be used to increase the fertility of areas intended to be seeded;
g. Take advantage of natural flow patterns in drainage design and keep the amount of impervious surface as low as possible to reduce storm water storage needs.
h. Provide for the installation of all stormwater and erosion and sediment control infrastructure ("Stormwater Infrastructure") at the outset of project construction to ensure protection of water quality. Once all Stormwater Infrastructure is complete and approved by the VESCP authority, no more than 300 acres of the land disturbance areas as reflected on the Site Plan shall be disturbed without soil stabilization at any one time. Stabilization, for purposes of erosion and sediment control, shall mean the application of seed and straw to disturbed areas, which shall be determined by the VESCP authority. When installing Stormwater Infrastructure, Applicant may remove trees, grub stumps and perform necessary grading and filling in those areas necessary for and in furtherance of the installation of Stormwater Infrastructure.

18. The Applicant shall coordinate with state and federal agencies to avoid or limit impacts to any state and federally listed threatened and endangered species that may occur and have suitable habitats in the project area as directed by the respective agency and in accordance with the Project's CPCN.

19. The Erosion and Sediment Control plan shall comply with the most recent version of the Virginia Erosion and Sediment Control Handbook at the time of construction. The County will have a third-party review with corrections completed prior to the County review and approval. The Applicant shall construct, maintain, and operate the Project in compliance with the approved plan. The Applicant shall post an E&S performance bond (or other security) for the construction portion of the Project, to be provided by an issuer in an amount reasonably acceptable to the Zoning Administrator (who may rely on the opinion of a third-party) and in a form reasonably acceptable to the County Attorney.

    a. To the maximum extent practicable, trees and stumps removed during the course of development shall be mulched on site, with such mulch to be used to mitigate and control stormwater runoff during construction.
    b. To the maximum extent practicable, topsoil from the site should be maintained on site for use in areas where grading occurs that exposes unsuitable soils where erosion and sediment control vegetation will not take; soil analysis shall be performed to assess the adequate seed mix for exposed soils.
    c. The stormwater control plan shall comply with the most recent State policies and regulations at the time of design and construction. The County shall have a third-party review with corrections completed prior to submittal for DEQ review and approval. The Applicant shall construct, maintain, and operate the project in compliance with the approved plan. Applicant shall post a stormwater control bond (or other security) provided by an issuer in an amount reasonably acceptable to the Zoning

Administrator (who may rely on the opinion of a third-party) and in a form reasonably acceptable to the County Attorney.

20. Ground cover shall be native vegetation where compatible with site conditions and, in all cases, shall be approved by the Zoning Administrator, who may rely on the assistance of a third-party reviewer.

21. The Applicant shall submit a final Vegetation Management Plan for County approval as part of the building permit application. Only EPA approved herbicides shall be used for vegetative and weed control at the solar energy facility by a licensed applicator. No herbicides shall be used within 150 feet of the location of an approved ground water well. The Vegetation Management Plan shall include an herbicide land application plan, which shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams, and other bodies of water. The Applicant shall notify the County prior to application of pesticides and fertilizers if such applications are not approved in the Vegetation Management Plan. The County may require soil and water testing at the Applicant's cost.

22. The Vegetation Management Plan and Landscaping Plan shall conform with requirements necessary for the Project to achieve Certified VA Pollinator-Smart designation, as defined in the Virginia Pollinator-Smart/Bird Habitat Scorecard, to the maximum extent practical and in coordination with best practices for site stabilization.

23. The security for permanent security fencing shall be maintained as required by the Ordinance. The security shall be provided by an issuer in an amount acceptable to the Zoning Administrator (who may rely on the opinion of a third-party) and in a form reasonably acceptable to the County Attorney.

24. No fence or similar barrier shall cross the main channel of any stream or through a wetland flagged by County staff on the Site Plan.

25. Permanent entrance roads and parking areas, as designated in the building permit application, will be stabilized with gravel, asphalt, or concrete to minimize dust, and impacts to adjacent properties. Roads internal to the site that are not part of ingress/egress to the site may be compacted dirt.

26. All physically damaged panels or any portion or debris thereof shall be collected by the solar facility operator and removed from the site or stored on site in a location protected from weather and wildlife and from any contact with ground or water until removal from the site can be arranged; storage of damaged panels or portion or debris thereof shall not exceed thirty (30) days.

27. The Applicant shall provide a bank letter of credit, surety bond, or other form of security (the "Decommissioning Security") for the Project as a means of assuring payment of

decommissioning costs provided by an issuer in an amount reasonably acceptable to the Zoning Administrator and in a form reasonably acceptable to the County Attorney. The Applicant shall post the Decommissioning Security prior to the Commercial Operation Date. The Decommissioning Security shall include language that failure to renew the current commitment, or provide a new guarantor acceptable to the County, at least ninety (90) days prior to the termination date of the current commitment, will constitute an event of default. If the County receives notice that of the Decommissioning Security has been revoked and Applicant fails to reestablish adequate Decommissioning Security in compliance with this Condition within thirty (30) days after receipt of written notice of such revocation from the County or financial institution providing the letter of credit or surety bond, the County may revoke the Conditional Use Permit and shall be entitled to take all action to obtain the rights to the form of security.

28. The Applicant shall submit a final Decommissioning Plan to the County for approval in conjunction with the building permit. The Applicant shall reimburse the County's reasonable costs for an independent review and analysis by a licensed engineer of the initial decommissioning cost estimates. The Applicant will update the decommissioning costs estimate every five (5) years and reimburse the County's reasonable costs for an independent review and analysis by a licensed engineer of each decommissioning cost estimate revision.

29. Upon decommissioning of the Solar Facility, all physical improvements, materials, and equipment related to the Project, both surface and subsurface components, shall be removed in their entirety; this requirement, and decommissioning in general, shall not apply to the Project's switchyard (at the Solar Facility's point of interconnection) and associated equipment located on Tax Parcel 101-A-38. The soil grade shall also be restored following disturbance caused in the removal process in accordance with applicable Ordinance provisions.

30. Upon decommissioning, all access roads shall be removed, including any geotextile material beneath the roads and granular material. Topsoil shall be redistributed within areas that were previously used for agricultural purposes to provide substantially similar growing media as was present within the areas prior to access road construction. If the current or future landowner requests in writing that the access roads and associated culverts or their related material be exempt from removal, the Applicant shall provide an itemized list of exempt items and copies of request letters in the decommissioning land disturbance application for review by the County and will be approved within the discretion of the County.

31. Within twelve (12) months after the cessation of use of the Solar Facility for electrical power generation or transmission, the Applicant, at their sole cost and expense, shall commence decommissioning of Project in accordance with the Decommissioning Plan approved by the County.

32. If the Applicant fails to timely decommission the Project within twelve (12) months from the cessation of use of the Project, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning security, and the right to dispose of the equipment and materials on the property, without incurring any financial liability to the owner of the Project or the property owner, and the County shall use reasonable efforts to secure salvage value (if any) for the property disposed of. Following the completion of decommissioning the Project arising out of a default by the Applicant, any remaining Decommissioning Surety held by the County shall be released by the County to the designated beneficiary as identified in the Decommissioning Surety. Upon completion of decommissioning and approval by the County, the County shall sign documentation releasing the decommissioning security.

33. Upon a violation by the Applicant in their decommissioning obligations, the County may enter the Site in accordance with Code of Virginia Section §15.2-2241.2. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the Applicant, including under the County's zoning powers.

34. The Applicant shall reimburse the County its reasonable costs in obtaining independent third-party reviews (when applicable County permit fees do not cover assumed costs) as required by these conditions, including but not limited to, the Site Plan (including all specific plans thereof), Erosion and Sediment Control plan, road repair and improvement, decommissioning cost estimates, and bi-annual inspections during operations to verify compliance with all permits and approvals. Independent third-party service providers will be selected by mutual agreement of the County and Applicant, approval of which shall not be unreasonably withheld or conditioned by Applicant. The Applicant shall also fully fund any temporary or permanent signage as requested or required by the County or the Virginia Department of Transportation (VDOT), as well as any costs associated with traffic planning or traffic mitigation.

35. The design, installation, maintenance, and repair of the Project shall be in accordance with the most current National Electric Code (NFPA 70) available (2014 version or later as applicable) and State Building Code at the time of construction.

36. Inspections.

    a. The Applicant will allow designated County representatives or employees access to the facility for inspection purposes during normal business hours with 24-hour notice.
    b. The Applicant shall reimburse the County its reasonable costs by obtaining an independent third-party to conduct inspections required by local and state laws and regulations when those costs exceed the Applicant's building permit fee.

37. Emergency Access, Response, and Training.

a. The Applicant shall submit an Emergency Response Plan (the "ER Plan") with the submission of the Site Plan. The ER Plan shall include fire suppression methods that can be immediately deployed during both the construction and operation of the project and shall include other measures external to the facility, but on the Project site, developed in consultation with the County Fire Chief and intended to further mitigate any risk of spread of fire beyond the project site. The ER Plan shall also include a program of education and training to be provided for County emergency response staff covering onsite emergency response, as well as information on how the facility will be designed, constructed, operated, and maintained to allow for access by County emergency response staff in the event of an emergency.
b. Prior to the end of construction of the Project Site, the Applicant, shall hold training classes with the County's first responders (Fire and Rescue) to provide materials, education, and training on responding to on-site emergencies, to include the provision of information and any necessary equipment to allow first responders to gain access to any part of the Facility in the event of an emergency. The training classes shall be scheduled with the assistance of the County's Public Safety Coordinator or designee.
c. The Applicant shall provide on-going training as deemed necessary by the Public Safety Coordinator or designee.
d. In the event any upgrades or changes in technology associated with the Solar Facility results in any change in emergency procedure, including the manner of access to the facility, the Applicant will notify the County Public Safety Coordinator, who may, at their discretion, schedule an additional training on the new equipment.

38. Compliance. The Solar Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.

39. The CUP shall terminate if the Solar Facility does not receive a building permit within 18 months after the Applicant receives all of the following: (a) any required state approvals; (b) any approvals of the regional transmission organization; and (c) any approvals required by the State Corporation Commission; provided, however, that in accordance with Virginia Code Section 15.2-2209.1:2 no such termination shall occur until at least three (3) years after the date this CUP is approved, unless extended by resolution the Board of Supervisors.

40. If the Solar Facility is declared to be unsafe, due to a violation of building or electrical codes, as determined by the fire marshal or building official, and the Applicant of the Facilities fails to respond in writing to such official within fourteen (14) days after receipt of a written determination by the fire marshal or building official, the County may revoke the right for the Solar Facilities to continue operation until the unsafe condition is brought into compliance with the applicable building or electrical code. Any such written determination by the fire marshal or building official applicable to this Condition shall include what is required of Applicant to remedy or bring into compliance the unsafe condition at issue. If the unsafe condition cannot be remedied within six (6) months after receipt of a written determination by the fire marshal or building official, the Conditional Use Permit shall be terminated, and the Solar Facility shall be decommissioned.

41. The County may engage a professional construction project manager with demonstrated experience in the development of utility-scale solar projects. Reasonable costs of engaging the construction project manager shall be reimbursed by the Applicant. The role of this project manager will be to serve as a primary point of contact between the County and the Applicant with respect to all aspects of the construction and development of the Facility, to provide for Erosion and Sediment Control monitoring and inspection reports, and to assist the County and its staff and any associated third-party consultants in coordinating the compliant development of the Facility consistent with all applicable local, state, and federal permits, ordinances, codes, regulations.

42. The Applicant shall provide an individual responsible for performing daily inspections of stormwater and erosion and sediment control practices and devices installed throughout construction. This individual shall coordinate with any professional engaged by the County for the purpose of inspecting or monitoring the Project and shall also coordinate, as necessary, with the local Soil and Water Conservation District, and the Virginia Department of Environmental Quality, to resolve any stormwater and erosion and sediment control issues that occur on site. Upon request, said individual shall provide a status report to the County.

43. Posting and release of bonds shall be in accordance with the procedures set forth in the Sussex County Zoning Ordinance, Subdivision Ordinance, Erosion & Sediment Control Ordinance and any other applicable local, state laws or regulations.

44. Applicant shall comply with the terms of the Siting Agreement and any violations thereof shall be a violation of this CUP.

45. A Phase I cultural resources survey shall be submitted during site plan review.

MEMORANDUM
Community Development Division

To: Beverly Walkup, Director of Planning
Michael Poarch, Planner II
Sussex County, VA

From: Michael Zehner, AICP, ENV SP, Director of Community Development and Planning
Luke Peters, ENV SP, Planner II
Linds Edwards, ENV SP, Planner II

Date: June 20, 2024

Subject: Zoning Completeness and Compliance Review – Cassius Blue Solar, 394 MW

OVERVIEW AND SUMMARY

As requested, on behalf of Sussex County we are providing a review to determine whether the application submitted by Cassius Blue Solar, LLC, a subsidiary of Greenex Solar LLC ("the Applicant"), for a 394 MW solar facility located on 33 parcels in the far southwest corner of Sussex County (cover letter dated September 29, 2023 and resubmitted May 23, 2024; "the Application") is complete, as well as compliant, with respect to applicable requirements of the Sussex County Zoning Ordinance ("SCZO"). The Application has been reviewed for completeness and compliance with respect to the sections and subsections of the SCZO identified below. **Based upon our review, and detailed below, it is our opinion that the Application is complete and compliant. In our opinion, the Application may proceed to further consideration.**

Please note, this review has only been performed to determine whether the Application includes all required materials and information, as well as materials and information necessary to conduct a complete review pursuant to § 15.2-2232, *Legal status of plan*, of the Code of Virginia and the SCZO, and to determine that the project meets applicable and objective requirements and standards of the SCZO. This review provides no opinion as to whether the project is in accord with the County's Comprehensive Plan and/or satisfies requisite findings associated with the review of a conditional use permit; those reviews would be completed should the Application proceed to further review.

ZONING COMPLETENESS REVIEW

Regulations applicable to the Application, as set forth in the SCZO and relevant to the completeness and compliance of the Application, are as follows, with the Berkley Group's interpretation of application completeness and/or compliance noted in **bold underlined type**:

Sec. 16-1, Definitions

Solar facility, utility-scale means a ground-mounted facility that generates electricity from sunlight on a facility area of not less than 65 acres based upon the 100-acre minimum area requirement contained in Section 16-406(b)(1). In no case shall any utility-scale facility have a maximum coverage area more than 65% in accordance with Section 16-406(b)(2). This size is approximately equivalent to a rated capacity of about one megawatt (MW) alternating current or greater (excluding Solar facility, multi-family shared). Facilities are generally used to provide electricity to a utility provider. These facilities typically include inverters, a substation, a switchyard, and a generator lead line (gen-tie line) to interconnect to a grid transmission line.

Compliant; based upon the generation capacity of the proposed facility (394 MW) and other aspects of the proposal, the facility is a utility-scale solar facility, as defined.

Sec. 16-403, Zoning districts

a. Solar facilities shall be permitted in zoning districts as follows:

Solar Facility	General Agricultural, A-1	Limited Industrial, I-1	General Industrial, I-2	Residential Multi-Family, R-1
Multi-family shared	CUP	CUP	CUP	CUP
Medium-scale	CUP	By-right	By-right	-
Utility-scale	CUP	CUP	CUP	-

Compliant; the facility site is zoned A-1 Agricultural and the Applicant is seeking a conditional use permit. However, please note that several parcels comprising the proposed facility were subject to Conditional Use Permits for mine use; it is recommended that the Applicant submit information detailing the parcels subject to these Conditional Use Permits and the status of operations subject to these Conditional Use Permits.

b. Solar facilities should locate on brownfields, County-owned capped landfills, or near existing industrial uses, where feasible.

Complete; the facility site is partially sited on a former or idle mine site and information regarding the status of mine operations and reclamation is

consistent within Application materials. The Applicant details the status of mine operations and reclamation relative to the various parcels comprising the proposed Application.

Sec. 16-404, Conditional Use Permit process

a. Pre-application meeting. A pre-application meeting shall be held with the zoning administrator to discuss the location, scale, and nature of the proposed use, what will be expected during that process, and the potential for a siting agreement.

Complete; according to the Application, a pre-application meeting between the Applicant or a representative and the Zoning Administrator was held in August, 2023.

b. Neighborhood meeting. A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.

Complete; according to the Application, a number of neighborhood meetings between the Applicant or a representative and the public were held meeting all requirements.

c. Submittal of the permit application and fees.

1. There is a combined application for the 2232 review and CUP permit.
2. There are separate fees for the 2232 review and CUP permit.

Complete; according to County staff, the permit application and fees have been submitted to the Zoning Administrator.

Sec. 16-405, Conditional Use Permit application

a. Application packet including:

1. Completed County application form and checklist.
2. Documents demonstrating the ownership of the subject parcel(s).
3. Proof that the applicant has authorization to act upon the owner's behalf.
4. Identification of the intended utility company who will interconnect to the facility.

5. List of all adjacent property owners, their tax map numbers, and addresses.
6. A description of the current use and physical characteristics of the subject parcels.
7. A description of the existing uses of nearby properties.
8. A narrative identifying the applicant, owner, or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.
9. Aerial imagery which shows: the proposed location of the solar facility, fenced area, driveways, interconnection to the electrical grid, the closest distance to all adjacent property lines and dwellings, and points of ingress/egress.
10. Payment of the application fee and any additional review costs, advertising, or other required staff time.

Complete; the Application includes all the required Application information.

b. Concept plan. A concept plan prepared by an engineer with a professional engineering license in the Commonwealth of Virginia, that shall include the following:

1. Project title information including tax parcel number, zoning, owner names, address, and phone numbers.
2. Neighboring property information including tax parcel number, zoning, and owner names.
3. Existing wetlands, waterways, and floodplains.
4. Locations and types of soils on site.
5. Areas of steep slopes.
6. Existing and proposed buildings and structures including preliminary locations of the proposed solar panels and related equipment.
7. Existing and proposed points of ingress/egress including access roads, drives, turnout locations, and parking.
8. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
9. Fencing or other methods of ensuring public safety.
10. Locations of topsoil to be removed and preserved.
11. Locations of stormwater drainage and erosion and sediment control features.

12. Setbacks
13. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.

Complete; the Concept Plan and Application is complete and included all required information.

c. An estimated construction schedule.

Complete; the Application includes a construction schedule incorporating all required information and content.

d. Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three (3) miles of the proposed project using information provided by the Virginia Department of Environmental Quality (DEQ), the Virginia Department of Conservation (DCR), Virginia Department of Wildlife Resources (DWR), Virginia Department of Historic Resources (DHR), and/or a report prepared by a qualified third party, such as ConserveVirginia or Virginia Cultural Resource Information System.

Complete; the Application includes an environmental inventory and impact statement incorporating all required information and content.

e. A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County.

1. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility.
2. The total number of simulations and the perspectives from which they are prepared shall be established by the zoning administrator after the pre-application meeting.

Complete; the Application includes a visual impact analysis and photographic simulations that incorporate all required information and content.

f. Solar facility inventory. An inventory of all solar facilities – existing or proposed – within a four (4) mile radius.

Complete; the Application notes that no facilities are within a 4-mile radius.

g. Draft traffic study. The study shall include modelling the construction and decommissioning processes. County staff will review the study in cooperation with VDOT.

Complete; the Application includes a Draft traffic study incorporating all required information and coordination with VDOT.

h. Draft landscaping plan. The plan shall indicate:

1. All ground cover, screening and buffering materials, landscaping, and elevations.

    a. Ground cover shall be native vegetation where compatible with site conditions.
    b. Screening vegetation shall include pollinator plants where compatible with site conditions.
    c. Only EPA approved herbicides shall be used for vegetative and weed control at the solar energy facility by a licensed applicator. No herbicides shall be used within 150 feet of the location of an approved ground water well. The Applicant shall submit an herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams, and other bodies of water. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

2. Locations of wildlife corridors.
3. Maintenance requirements.

Complete; the Application includes a Draft landscaping and vegetation maintenance plan incorporating all required information and design elements.

i. Draft decommissioning and reclamation plan. A detailed decommissioning and reclamation plan, certified by an engineer, which shall include the following:

1. The anticipated life of the project. The applicant shall provide the basis for determining the anticipated life of the project.
2. The estimated decommissioning and reclamation cost in current dollars. The applicant shall provide a cost estimate for the decommissioning and reclamation of the facility prepared by a professional engineer or contractor who has expertise in the removal of solar facilities. The decommissioning and reclamation cost estimate shall explicitly detail the cost without any reduction for salvage value.
3. The method of ensuring that funds will be available for decommissioning and reclamation. A proposed method of providing appropriate escrow, surety, or security for the cost of the decommissioning and reclamation plan. The surety shall be updated when the decommissioning and reclamation cost estimate is updated. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County unless otherwise provided for in subsection d below.

    a. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
    b. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon on the owner's or occupant's compliance with the approved decommissioning and reclamation plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
    c. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning and reclamation cost.
    d. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning and reclamation of a solar facility, such as a performance bond, letter of credit, or other security approved by the County.

4. The method that the estimated cost will be kept current. The decommissioning and reclamation cost estimate shall include a

mechanism for calculating increased removal costs due to inflation. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly. If the recalculated estimated cost exceeds the original estimated cost by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost is less than ninety percent (90%) of the original estimated cost, then the County may approve reducing the amount of the escrow account to the recalculated estimate of cost.

Complete; the Application includes a decommissioning plan incorporating all required financial information and was prepared by a licensed engineer.

5. The manner in which the site will be decommissioned and reclaimed. This will include:

   a. Notice to the Zoning Administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
   b. A traffic study submitted with application modelling the decommissioning processes. County staff will review the study in cooperation with VDOT.
   c. An estimated deconstruction schedule.
   d. Removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses.
   e. The site shall be graded and re-seeded or replanted within 12 months of removal of solar facilities to restore it to as natural a pre-development condition as possible. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment. Any exception to site restoration, such as leaving access roads in place or re-seeded or replanted must be requested by the landowner in writing, and this request must be approved by the Board of Supervisors.
   f. Hazardous material from the property shall be disposed of in accordance with federal and state law.

Complete; the Application includes a decommissioning and reclamation plan incorporating all required information and design elements.

j. Additional information may be required as determined by the Zoning Administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

Not applicable at this time.

Sec. 16-406. Minimum development and performance standards

a. A utility-scale solar facility shall be constructed, operated, and maintained in substantial compliance with the approved concept plan with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) or State Corporation Commission (SCC) permit process.

Compliance anticipated; the Applicant has specifically mentioned their intentions to comply with DEQ, and other agency, regulations.

b. Location standards for utility-scale solar facilities. The location standards stated below for utility-scale solar facilities are intended to mitigate the adverse effects of such uses on adjoining property owners, the area, and the County.

1. The minimum area of a utility-scale solar facility shall be 100 or more.

Compliant; the facility is larger than 100 acres.

2. The equipment, improvements, structures, and percent of acreage coverage of a utility-scale solar facility shall be shown on the approved concept plan and site plan. The percent of acreage coverage shall not exceed 65%.

Compliant; the Application notes that the area of disturbance is approximately 2,324 acres, or 46.6% of the total site area.

c. Height.

1. The maximum height of the lowest edge of photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height

of the highest edge of photovoltaic panels shall not exceed 15 feet as measured from the finished grade.

2. The maximum height of other facility structures shall not exceed 15 feet. This limit shall not apply to utility poles or the interconnection to the overhead electric utility grid.
3. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.

Compliance anticipated/required; the Application neither notes that the maximum height of the lowest edge of the solar modules will be ten feet (10') above the finished grade nor that the maximum height of the solar module in the highest position will be fifteen feet (15') above the finished grade; through further processing and review of the Application, Staff will ensure that this is sufficiently confirmed by the Applicant.

d. Setbacks. Solar facilities shall meet all setback requirements for primary structures for the zoning district in which the facility is located and the requirements set forth below (the more restrictive requirements shall apply).

1. The minimum setback of structures and uses associated with the facility, including fencing, PV panels, parking areas, and outdoor storage, but not including landscaping and berming, shall be:

   a. 150 feet from adjacent property lines.
   b. 150 feet from all public rights-of-way.
   c. 300 feet from a dwelling.

2. The Planning Commission or Board of Supervisors may require increased setbacks up to 400 feet in situations where the height of structures or the topography affects the visual impact of the facility.
3. These setback requirements shall not apply to internal property lines of those parcels on which a solar facility is located.
4. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.
5. Vehicular access to the site shall be a minimum of 50 feet from the nearest dwelling located on adjacent property.

Compliant; all setbacks are shown and are distanced appropriately.

e. Buffer. The buffer shall be located within the setbacks required under this Section and shall run around the entire perimeter of the property. The buffer shall be maintained for the life of the facility.

Compliance anticipated; the Application includes a buffer and vegetation maintenance plan. However, the proposed Site Plan shall include the labeled dimensions of all project buffers.

f. Screening. The facilities, including security fencing that is not ornamental, shall be screened from the ground-level view of adjacent properties or a public street in the buffer zone. Screening may also be required in other locations to screen specific uses or structures. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands to satisfy the screening requirement. The wetlands or woodlands shall be permanently protected as a designated buffer and the overall buffer shall measure at least 150 feet. Screening methods may include:

1. Existing Screening: Existing vegetation, topography, buildings, open space, or other elements located on the site may be considered as part of the required screening. Existing trees and vegetation may be retained within the buffer area except where dead, diseased, or as necessary for development or to promote healthy growth.
2. Vegetative Screening: In the event existing vegetation or landforms providing the screening are inadequate or disturbed, new plantings shall be provided in a landscaped strip at least 50 feet wide. Landscaping intended for screening shall consist of a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs, and wildflowers. Trees intended for screening shall consist of a combination of evergreen and deciduous trees that are 5-6 ft. in height at time of planting. A triple row of trees shall be placed on average at 15 ft. on center. A list of appropriate plant materials shall be available at the Planning Office. Species listed on DCR's Invasive Plant Species list shall not be used.

Compliance anticipated; the proposed Project includes both vegetative screening and utilization of the existing vegetation.

3. Berming: Berms shall generally be constructed with a 3:1 side slope to rise ratio, 4-6 ft. above the adjacent grade, with a 3 ft. wide top with appropriate pollinator-friendly native plants, shrubs, trees, forbs, and wildflowers. The outside edges of the berm shall be sculpted such that

there are vertical and horizontal undulations to give variations in appearance. When completed, the berm should not have a uniform appearance like a dike.

4. Opaque Architectural Fencing. Fencing intended for screening shall be at least 75 percent visually solid as viewed on any line perpendicular to the fence from adjacent property or a public street. Such fencing may be used in combination with other screening methods but shall not be the primary method. A typical example is the use of wood privacy fencing and landscaping to screen structures such as substations. Depending on the location, ornamental features may be required on the fence. Fencing material shall not include plastic slats.

e. Security Fence. The facilities shall be enclosed by security fencing not less than six (6) feet in height and topped with barbed wire, as appropriate. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the CUP and the facility's decommissioning.

Complete; the proposed Project includes security fencing.

f. Ground cover on the site shall be native vegetation and maintained in accordance with the landscaping plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated maintenance shall be posted and maintained. Failure to maintain the ground cover shall result in revocation of the CUP and the facility's decommissioning. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

Compliant; the Application addresses the ground cover regulation appropriately. Compliance with the performance bond requirement is anticipated and referenced by the Applicant.

g. The Applicant shall identify access corridor(s) for wildlife to navigate through and across the Solar Facility. The proposed wildlife corridor(s) shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.

Compliant; the Application addresses the wildlife corridor regulation appropriately; however the dimensions of wildlife corridors are not noted within the Plans.

h. The design of support buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and surrounding structures.

Compliance unknown; the Application does not address the design of support buildings regulation appropriately.

i. The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.

Compliance anticipated; the Owner shall maintain the solar facility in good condition.

j. Inspections.

1. The Applicant will allow designated County representatives or employees access to the facility for inspection purposes with 24-hour notice.
2. The Applicant shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

Compliance anticipated; the Applicant will allow for inspections.

k. A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state, and federal building codes and regulations that were in force at the time of the permit approval.

Compliance anticipated with respect to state and federal codes and regulations; noncompliant as noted herein with respect to local regulations.

l. The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator.

Compliance anticipated; liability insurance is not specifically mentioned in the Application, proof would be required prior to beginning construction.

m. Lighting fixtures as approved by the County shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Concept Plan and approved by the zoning administrator.

Compliance anticipated; the Applicant notes lighting will be dark-sky compliant and will face downward.

n. No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

Compliance anticipated; no signage is mentioned in the Application beyond emergency signage.

o. At all times, the solar facility shall comply with the County's noise ordinance.

Compliance anticipated; the solar facility shall comply with the County's noise ordinance.

p. Coordination of local emergency services. Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

Compliance anticipated; the Application includes plans for coordination and education of local emergency services staff.

q. Decommissioning

1. Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of six (6) months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.

2. The owner or operator shall notify the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
3. Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the Concept Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the landowner in writing, and this request must be approved by the Board of Supervisors.
4. The site shall be re-graded and re-seeded or replanted within 12 months of removal of solar facilities. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment.
5. Decommissioning and reclamation shall be performed in compliance with the approved decommissioning and reclamation plan. The Board of Supervisors may approve any appropriate amendments to or modifications of the decommissioning plan.
6. Hazardous material from the property shall be disposed of in accordance with federal and state law.
7. If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

Complete; the Application includes a decommissioning plan incorporating all required information and content.

r. Any other condition added by the Planning Commission or Board of Supervisors as part of a CUP approval.

Not applicable; conditions will be proposed as a part of the CUP process.

Sec. 16-408 Special provisions for substations.

In addition to the above general provisions, application requirements, and development and performance standards, the following additional requirements shall be met for the approval of a substation:

a. Siting. Substations located within the Solar Facility shall be sited in accordance with these regulations.

b. Term and Special Permits. Substations included as part of the Solar Facility shall have the same term as the Solar Facility. However, Substations may have a life longer than that of the larger Solar Facility, and, alternatively, may individually and not as part of a Solar Facility receive a Conditional Use Permit in accordance with these regulations.

Compliance anticipated; substations are included in the project Plans and shall comply with Solar Facility siting regulations.

Michael Poarch

From: Saunders, Paul (Energy) <paul.saunders@energy.virginia.gov>
Sent: Thursday, January 23, 2025 3:23 PM
To: Michael Poarch
Cc: Hamm, Sarah (Energy); Moore, Cale (Energy)
Subject: RE: Conditional Use Permit Application Review for Agencies/Departments - Cassius Blue Solar 2nd Submittal

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Michael,
The issuance of a conditional use permit or special exception would in no way affect Iluka's reclamation obligation under the mining permit.
However, if subsequent to that, the county issues a land disturbance permit for parcels where mining reclamation is ongoing, then the mine operator could change the post mining land use to solar development and request bond release and removal from the mine permit of the acreage covered by the county's land disturbance permit. See 4VAC-31-300.B3 of the Virginia Reclamation Regulations for Mineral Mining.

The thought process here is that it makes no sense to fully re-grade and re-vegetate a site if the post mining use of the land requires it to be immediately re-disturbed for industrial or commercial development. The County's land disturbance permit ensures that the remaining disturbed areas are subject to erosion and sediment control oversight and completion of the construction process.

Please give me a call if you have any questions.

Thanks,

Paul E. Saunders
Manager of Safety & Permitting
Virginia Department of Energy
Division of Mineral Mining
Telephone: (276) 639-9377
paul.saunders@energy.virginia.gov

VIRGINIA Energy

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Permitting Assistance (434)996-5910
Training and Certification Assistance (540)910-5422
Main Office (276)523-8100

From: Michael Poarch <mpoarch@sussexcountyva.gov>
Sent: Thursday, January 23, 2025 2:54 PM
To: Saunders, Paul (Energy) <paul.saunders@energy.virginia.gov>
Cc: Hamm, Sarah (Energy) <Sarah.Hamm@energy.virginia.gov>; Moore, Cale (Energy) <Cale.Moore@energy.virginia.gov>
Subject: Fw: Conditional Use Permit Application Review for Agencies/Departments - Cassius Blue Solar 2nd Submittal

Good Afternoon,

I hope you are doing well. I just wanted to follow up on this question in the forward email.

The main question is confirming that if the County approves a new land use (solar facility) for portions of the Iluka mining site(s) that hasn't been fully reclaimed, will the site(s) remain under the oversight of the Department of Energy mining permits until the reclamation is complete?

Sincerely,

M. Poarch
County Planner
Sussex County Planning & Zoning Department

From: Michael Poarch <mpoarch@sussexcountyva.gov>
Sent: Friday, January 10, 2025 4:52 PM
To: Berryhill, Aaron (Energy) <Aaron.Berryhill@energy.virginia.gov>; Saunders, Paul (Energy) <paul.saunders@energy.virginia.gov>
Cc: Beverly Walkup <bwalkup@sussexcountyva.gov>
Subject: Re: Conditional Use Permit Application Review for Agencies/Departments - Cassius Blue Solar 2nd Submittal

Good Afternoon,

I hope you are doing well. I wanted to follow up with you on the proposal for Cassius Blue Solar. I just wanted to confirm and clarity that if the County approves a new land use for portions of the Iluka mining site(s) that haven't been fully reclaimed, the site will immediately come out of the oversight of the Virginia Department of Energy's mining permits. Therefore, Sussex County would be responsible for any continued reclamation not the VA Department of Energy.

If this is correct, could you clarify what specific responsibilities or obligations will the County be liable for if the conditional use permit was approved?

Sincerely,

M. Poarch
County Planner
Sussex County Planning & Zoning Department

From: Berryhill, Aaron (Energy) <Aaron.Berryhill@energy.virginia.gov>
Sent: Tuesday, June 4, 2024 2:40 PM
To: Michael Poarch <mpoarch@sussexcountyva.gov>
Cc: Beverly Walkup <bwalkup@sussexcountyva.gov>
Subject: Re: Conditional Use Permit Application Review for Agencies/Departments - Cassius Blue Solar 2nd Submittal

Some people who received this message don't often get email from aaron.berryhill@energy.virginia.gov. Learn why this is important

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Hey Michael and Beverly,

I hope you both are doing well. You may remember that I used to work at The Berkley Group. Your email made its way over to me. I am the Solar Program Manager, so I do not see anything that seems unusual about the description of the solar technology. But please let me know if you have any questions. Virginia Department of Energy also oversees the mining permits. I can connect you with Paul Saunders (paul.saunders@energy.virginia.gov), who is the Manager of Safety and Permitting in our Mineral Mining Division if you have additional mining related questions.

One thing that I wanted to make sure you were aware of is that it is my understanding that once the County approves a new land use for the site (such as a CUP for solar), the site will immediately come out of the oversight of the Virginia Department of Energy's mining permits. So at that point Sussex County would be responsible for any continued reclamation and not the Virginia Department of Energy. Our Mineral Mining team should be able to answer more specific questions on that process if you have any concerns.

Best,
Aaron

--

Aaron Berryhill

Solar Program Manager

Virginia Department of Energy

aaron.berryhill@energy.virginia.gov

Office: 804.486.2754 / Cell: 804.839.6978

From: Virginia Energy (Energy) <vaenergy@energy.virginia.gov>
Sent: Monday, June 3, 2024 9:02 AM
To: Berryhill, Aaron (Energy) <Aaron.Berryhill@energy.virginia.gov>
Subject: Fw: Conditional Use Permit Application Review for Agencies/Departments - Cassius Blue Solar 2nd Submittal

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From: Michael Poarch <mpoarch@sussexcountyva.gov>
Sent: Wednesday, May 29, 2024 6:06 PM
To: Fowler, Jason C., PE (VDOT) <jason.fowler@vdot.virginia.gov>; Norris, Joshua (VDOT) <joshua.norris@vdot.virginia.gov>; Hypes, Rene (DCR) <rene.hypes@dcr.virginia.gov>; Jones, Bryan (DEQ) <Bryan.Jones@DEQ.Virginia.gov>; Robb, Jaime Lynn B. (DEQ) <jaime.robb@deq.virginia.gov>; Gwynn, Becky (DWR) <becky.gwynn@dwr.virginia.gov>; Virginia Energy (Energy) <vaenergy@energy.virginia.gov>; DmmInfo (Energy) <mineralmininginfo@energy.virginia.gov>; Massengill, Kevin (VDEM) <kmassengill@dinwiddieva.us>; Mark L. Bassett <mbassett@dinwiddieva.us>; Charlette Woolridge <cwoolridge@greensvillecountyva.gov>; Lin Pope <lpope@greensvillecountyva.gov>; Nick Sheffield <nsheffield@sussexcountyva.gov>; Bassett, Jay S. (DOF) <jay.bassett@dof.virginia.gov>
Cc: Richard Douglas <rdouglas@sussexcountyva.gov>; David Conmy <dconmy@sussexcountyva.gov>; Beverly Walkup <bwalkup@sussexcountyva.gov>
Subject: Conditional Use Permit Application Review for Agencies/Departments - Cassius Blue Solar 2nd Submittal

Good Afternoon,

I hope everyone is doing well. We received a second submittal for an conditional use permit (CUP) application for the proposed Cassius Blue Solar. As part of our review, we wanted to gather initial feedback or comments from each respective agency and/or department. Please note that most of the changes relates to the coordination between the proposed project and the ongoing mining operation and reclamation. Please submit any feedback or comment prior to June 20th. See link below to the CUP application for your review.

Casiuss Blue Solar CUP Application 2nd Submittal - Filed 05232024 1.pdf

Sincerely,

M. Poarch
County Planner
Sussex County Planning & Zoning Department

Michael Poarch

From: David Conmy
Sent: Monday, June 17, 2024 6:27 PM
To: Michael Poarch
Subject: Re: Conditional Use Permit Application Review for Agencies/Departments - Cassius Blue Solar 2nd Submittal

Thanks Michael! Here's my comment:

> From an economic development perspective, this project would benefit Sussex County through the re-use of previously mined lands as a brightfield. Additionally, the estimate local tax revenues generated by the project could help the County make additional future investments in the infrastructure necessary to diversify its economy to a broader array of uses, which would in term produce more local revenue through a positive feedback loop.

Best,
David

J. David Conmy
Deputy County Administrator & Economic Development Director
Sussex County
20135 Princeton Road
P.O. Box 1397
Sussex, Virginia 23884
office: (434) 246-4395
mobile: (434) 632-9766

"Rooted in the Past...Growing for the Future!"

From: Michael Poarch <mpoarch@sussexcountyva.gov>
Sent: Wednesday, May 29, 2024 5:06 PM
To: Fowler, Jason <jason.fowler@vdot.virginia.gov>; joshua.norris@vdot.virginia.gov <joshua.norris@vdot.virginia.gov>; Hypes, Rene (DCR) <rene.hypes@dcr.virginia.gov>; Jones, Bryan (DEQ) <Bryan.Jones@DEQ.Virginia.gov>; Jaime Bauer Robb <jaime.robb@deq.virginia.gov>; Gwynn, Becky (DWR) <becky.gwynn@dwr.virginia.gov>; Virginia Energy (Energy) <vaenergy@energy.virginia.gov>; DmmInfo (Energy) <mineralmininginfo@energy.virginia.gov>; kmassengill@dinwiddieva.us <kmassengill@dinwiddieva.us>; Mark L. Bassett <mbassett@dinwiddieva.us>; cwoolridge@greensvillecountyva.gov <cwoolridge@greensvillecountyva.gov>; Lin Pope <lpope@greensvillecountyva.gov>; Nick Sheffield <nsheffield@sussexcountyva.gov>; Bassett, Jay S. (DOF) <jay.bassett@dof.virginia.gov>
Cc: Richard Douglas <rdouglas@sussexcountyva.gov>; David Conmy <dconmy@sussexcountyva.gov>; Beverly Walkup <bwalkup@sussexcountyva.gov>
Subject: Conditional Use Permit Application Review for Agencies/Departments - Cassius Blue Solar 2nd Submittal

Good Afternoon,

I hope everyone is doing well. We received a second submittal for an conditional use permit (CUP) application for the proposed Cassius Blue Solar. As part of our review, we wanted to gather initial feedback or comments from each respective agency and/or department. Please note that most of the changes relates to the coordination between the proposed project and the ongoing mining operation and reclamation. Please submit any feedback or comment prior to June 20th. See link below to the CUP application for your review.

Casiuss Blue Solar CUP Application 2nd Submittal - Filed 05232024 1.pdf

Sincerely,

M. Poarch
County Planner
Sussex County Planning & Zoning Department

Michael Poarch

From: David Conmy <dconmy@sussexcountyva.gov>
Sent: Tuesday, July 23, 2024 7:19 PM
To: Michael Poarch
Cc: Beverly Walkup; Richard Douglas
Subject: Re: 2nd submittal review comments for Cassius Blue Solar

Michael,

In looking at this application one more time, I have a follow-up comment, especially in the context of the comments the County received from DCR that you recently shared. Apologies I didn't catch this before:

> The County recently began working on a recreational master plan for a blue-greenway along the Nottoway River. It appears that a significant portion of the properties involved in this project abut the Nottoway River. While it's difficult to discern the distance of the solar arrays relative to the Nottoway River, I'm concerned about potential impacts the project could have on the significantly unique biodiversity and overall environmental quality along the Nottoway River, which is a Sate Scenic River and one of only three rivers in the Commonwealth eligible for National Scenic River designation. The County is actively working on ways in which we can promote this natural amenity for outdoor recreation and ecotourism, which are both potentially significant economic development drivers for the County. I recommend that the applicant confer with the appropriate staff in DCR (especially those that drafted their comment letter) in greater detail to mitigate potential environmental impacts that the project could have on the Nottoway River and any of the tributaries that run through the project properties that also feed into the Nottoway. I'm confident this can be accomplished through design methods and request that the applicant address this topic to ensure these potential impacts are mitigated (based on my reading of their CUP application, it seems like they only engaged with DWR, though perhaps I missed something). Finally, in the context of the Nottoway River and providing public access to this recreational amenity, I would encourage the applicant to identify potential locations along the properties abutting the Nottoway where public access could be preserved and/or provided (perhaps through easements).

Thanks!

Best,
David

J. David Conmy
Deputy County Administrator & Economic Development Director
Sussex County
20135 Princeton Road
P.O. Box 1397
Sussex, Virginia 23884
office: (434) 246-4395
mobile: (434) 632-9766

"Rooted in the Past...Growing for the Future!"

From: Michael Poarch <mpoarch@sussexcountyva.gov>
Sent: Friday, July 19, 2024 12:09 PM
To: Amanda Corll <Amanda.Corll@geenexsolar.com>; Kelley Pope <Kelley.Pope@geenexsolar.com>; Ann Neil Cosby <ANCosby@greenehurlocker.com>; Carlena Bronson <Carlena.Bronson@geenexsolar.com>
Cc: Beverly Walkup <bwalkup@sussexcountyva.gov>; Richard Douglas <rdouglas@sussexcountyva.gov>; David Conmy <dconmy@sussexcountyva.gov>
Subject: 2nd submittal review comments for Cassius Blue Solar

Good Afternoon,

Please see attached C&C Review from the Berkley Group along with other reviewing agencies /departments comments.

Planning & Zoning Department comments below:

1. The original application parcel list included 33 parcels. The revised includes 5 additional parcels, bringing the new total parcels listed to 38. Out of the 5 added parcels, 3 are in common with the Iluka CUP bringing the total Iluka parcels in common from 13 to 16 out of 38 parcels. However, the project overview states that the application consists of 47 parcels. Please clarify.
2. Tax certificates were not included under Attachment 4 for the additional 5 parcels.
3. Please provide the acreage for each parcel, which should total 4,984 per the application documents. However, when I add the total acreage for the parcels listed, the total equals 4,876. Please also provide the total acreage of the parcels in common with the Iluka parcels. There are also discrepancies in the supporting documents that list the fenced area as being 2,264 acres versus 2,324. See Exhibit 1.
4. Please revise the application to show that the CUP will apply to the entire acreage, not just the acreage under panel or the fenced area.
5. Please provide the tax parcel # in the condition #30 under Exhibit H, where the substation, switchyard and associated equipment will be located.
6. Under condition #32, should the applicant fail to complete decommissioning activities, it would appear problematic to assign funds to individual owners to complete portions. I would suggest that provision be removed and the County be provided the opportunity to handle decommissioning as deemed appropriate should the applicant default on the decommissioning activities.
7. The Nottoway River Conservation Easement borders the site. Therefore, it may be appropriate to apply a buffer in that area depending on the recommendation from DWR and/or DCR. The document states that coordination with DWR will occur during the permitting process but I'd like to coordinate at this stage to determine if a buffer is recommended so that we may include it in the conditions.
8. There is also mention of the Foxtail Bogs Conservation site and the Little Mill Conservation Site and maps included as Figure 5. However, I cannot determine where these sites actually lie with regard to the solar parcels. These sites need to be shown on Figure 3 to determine the exact location with regard to the project site.
9. Lastly, the cultural and historic resources portion of the report mentions archaeological and architectural sites located within the project boundary. I didn't see where these sites were mapped within the project site and how they will be avoided. If they have not completed enough study to determine the exact locations, they need to do a Phase I study or whatever DHR suggests. However, at a minimum, I suggest that the locations and pictures of the Croshaw School, the Stony Creek Depot Battlefield, the cemeteries and the Rose Bowe property, which are known sites, be included with the application and the appropriate study as recommended by DHR for the other sites be required should be included in the conditions.

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
23116 Meherrin Road
COURTLAND, VIRGINIA 23837

June 14, 2024

Michael Poarch
Community Development
Sussex County
P. O. Box 1397
Sussex, VA 23884

RE: Cassius Blue Solar
Tax Map #'s Assorted
Assorted Routes (Routes 665, 681, 619, 616, etc.)
Sussex County

The Residency has completed its review of the subject conditional use application dated May 23, 2024, and received by the VDOT Land Development Office on May 29, 2024. We have no additional comments at this time.

ADVISORY

a) Upon final plan approval, a Land Use Permit will be required prior to performing any work within State maintained right of way limits or easements. Additional information about Land Use Permitting as well as the required forms can be found on the VDOT website at:

http://www.virginiadot.org/business/bu-landUsePermits.asp

If you have any questions, please contact me at 757-346-3068 or Joshua.Norris@vdot.virginia.gov.

Sincerely,

Joshua R. Norris
Land Use Engineer
Virginia Department of Transportation
Franklin Residency

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
23116 Meherrin Road
COURTLAND, VIRGINIA 23837

December 7, 2023

Michael Poarch
Community Development
Sussex County
P. O. Box 1397
Sussex, VA 23884

RE: Cassius Blue Solar
Tax Map #'s Assorted
Assorted Routes (Routes 665, 681, 619, 616, etc.)
Sussex County

The Residency has completed its review of the subject conditional use application dated September 28, 2023, and received by the VDOT Land Development Office on November 15, 2023. We offer the following comments:

1) All entrances onto the public right of way must be designed in accordance with Appendix F of the VDOT Road Design Manual and will be reviewed during the site plan process.

2) Any utility installations within the public right of way will need to be owned and maintained by a public utility company registered with Virginia 811.

3) The application does not provide useable exhibits clearly showing proposed locations and types of overhead/underground electrical crossings, any new transmission lines, etc., that will cross or otherwise occupy the public right of way.

4) A culvert will be required within the existing ditch lines to maintain roadside drainage. The minimum culvert size within State maintained right of way shall be 15" unless otherwise approved by the Department. Pipe sizing calculations should be submitted as part of the site plan. 9" of cover over the culvert pipe is required and the culvert pipe should extend a minimum of one foot beyond the toe of the stabilized slope.

5) Sight distance for entrances must be evaluated for compliance in accordance with Appendix F of the VDOT Road Design Manual. Sight distance lines shall be shown to scale on the site plans.

Based upon the provided photographs, some of the proposed entrances appear to be deficient in sight distance and may require final location adjustments during the site plan process.

6) VDOT will assist Sussex County in reviewing proposed Traffic Management Plans, roadway condition evaluations, and repair plans in accordance with the proposed CUP conditions, particularly numbers 4(b)(i), 4(b)(ii), and 4(b)(iii).

ADVISORY

a) Upon final plan approval, a Land Use Permit will be required prior to performing any work within State maintained right of way limits or easements. Additional information about Land Use Permitting as well as the required forms can be found on the VDOT website at:

http://www.virginiadot.org/business/bu-landUsePermits.asp

If you have any questions, please contact me at 757-346-3068 or Joshua.Norris@vdot.virginia.gov.

Sincerely,

Joshua R. Norris
Land Use Engineer
Virginia Department of Transportation
Franklin Residency

Travis A. Voyles
Secretary of Natural and Historic Resources

Matthew S. Wells
Director

Andrew W. Smith
Chief Deputy Director

Frank N. Stovall
Deputy Director for Operations

Darryl Glover
Deputy Director for Dam Safety, Floodplain Management and Soil and Water Conservation

Laura Ellis
Deputy Director for Administration and Finance

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

June 13, 2024

Michael Poarch
Sussex County
20135 Princeton Road
Sussex, VA 23884

Re: Cassius Blue Solar

Dear Mr. Poarch:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information in our files, the Black Pool Conservation Site is located within the project area. Conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support. Conservation sites are polygons built around one or more rare plant, animal, or natural community designed to include the element and, where possible, its associated habitat, and buffer or other adjacent land thought necessary for the element's conservation. Conservation sites are given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain; on a scale of 1-5, 1 being most significant. The Black Pool Conservation Site has been assigned a biodiversity rank of B3, which represents a site of high significance. The natural heritage resources associated with this site are:

Carex decomposita	Cypress-knee sedge	G3G4/S1/NL/NL
Didiplis diandra	Water-purslane	G5/S1/NL/NL
Hyla gratiosa	Barking Treefrog	G5/S2S3/NL/NL
Sida elliottii var. elliottii	Elliott's sida	G4G5TNR/S1/NL/NL

DCR recommends avoiding the conservation site to the greatest extend possible. In addition to the documented occurrences of the associated resources according to a review by DCR biologists' there is potential for these resources to occur elsewhere within the project area. Elliott's sida is known to occur in powerline rights-of-way (ROWs) just outside of the project area and could occur in similar habitats, including any ROWs, within the project area. Water-purslane and Cypress-knee sedge are wetland plants that could occur within the project boundary on the northside of the Nottoway River.

A DCR biologist has identified multiple isolated ponds from a desktop review that could provide breeding habitat for the Barking Treefrog, the Oak Toad (*Anaxyrus quercicus*, G5/S2/NL/NL) and Mabee's Salamander

(*Ambystoma mabeei*, G4/S1S2/NL/LT). They are located at the following coordinates: 77.5774620°W 36.8547209°N, 77.5735524°W 36.8591714°N, 77.5584420°W 36.8698018°N,77.5670790°W 36.8794270°N, 77.5444831°W 36.9092218°N, 77.5435588°W 36.9109890°N, 77.5404889°W 36.9118767°N, 77.5421905°W 36.9142629°N). DCR recommends avoiding construction around these ponds for the protection of breeding amphibians. Please note that the Mabee's salamander is currently classified as threatened by the Virginia Department of Wildlife Resources (VDWR).

Due to the potential for this site to support populations of natural heritage resources, DCR recommends an inventory for these resources in the study area. All ROWs within the project area should be surveyed for Elliott's sida, and the northside of the Nottoway River should be surveyed for Water-purslane and Cypress-knee sedge. The isolated ponds found at the listed coordinates and any others identified onsite should be surveyed during the breeding season for rare amphibians. With the survey results we can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources.

DCR-Division of Natural Heritage biologists are qualified to conduct inventories for rare, threatened, and endangered species. Please contact Anne Chazal, Natural Heritage Chief Biologist, at anne.chazal@dcr.virginia.gov or 804-786-9014 to discuss availability and rates for field work.

Due to the legal status of the Mabee's Salamander, DCR supports coordination with the VDWR, Virginia's regulatory authority for the management and protection of this species to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570) as indicated in Attachment 9: Environmental Inventory and Impact Statement.

Additionally, according to the information in our files, the Nottoway River - Hardwood Creek Stream Conservation Site (SCS) is located within the project area. SCSs encompass stream/river reaches, waterbodies, and terrestrial contributing areas containing or associated with aquatic or semi-aquatic resources, including upstream and downstream reaches and tributaries up to 3-km stream distance from the aquatic resources. The size and dimensions of an SCS are based on the hydrology of the waterway and surrounding landscape, taking into consideration dam locations and whether the waterway is tidal. SCSs are also given a biodiversity significance ranking (B-rank) based on the rarity, quality, and number of element occurrences they contain. The Nottoway River - Hardwood Creek SCS has been given a B-rank of B1, which represents a site of outstanding significance. The natural heritage resources associated with this SCS are:

Elliptio lanceolata	Yellow Lance	G2/S2/LT/LT
Lampsilis cariosa	Yellow Lampmussel	G3G4/S2/NL/NL
Percina rex	Roanoke Logperch	G1G2/S1S2/LE/LE

The Yellow Lance occurs in mid-sized rivers and second and third order streams. To survive, it needs a silt-free, stable streambed and well-oxygenated water that is free of pollutants. This species has been the subject of taxonomic debate in recent years (NatureServe, 2009). Currently in Virginia, the Yellow lance is recognized from populations in the Chowan, James, York, and Rappahannock drainages. Its range also extends into Neuse-Tar River system in North Carolina. In recent years, significant population declines have been noted across its range (NatureServe, 2009). Please note that this species is currently classified as threatened by the United States Fish and Wildlife Service (USFWS) and the Virginia Department of Wildlife Resources (VDWR).

The Yellow Lampmussel ranges from Nova Scotia to Georgia in Atlantic slope drainages (NatureServe, 2009). In Virginia, it is recorded from the Roanoke, Chowan, James, York, and Potomac drainages. It is found in larger streams and rivers where good currents exist over sand and gravel substrates and in small creeks and ponds (Johnson, 1970).

Considered good indicators of the health of aquatic ecosystems, freshwater mussels are dependent on good water quality, good physical habitat conditions, and an environment that will support populations of host fish species (Williams et al., 1993). Because mussels are sedentary organisms, they are sensitive to water quality degradation related to increased sedimentation and pollution. They are also sensitive to habitat destruction through dam construction, channelization, and dredging, and the invasion of exotic mollusk species. The Yellow lance may be particularly sensitive to chemical pollutants and exposure to fine sediments from erosion (NatureServe, 2009).

The Roanoke Logperch is endemic to the Roanoke and Chowan River drainages in Virginia (Burkhead and Jenkins, 1991) and inhabits medium and large, warm, and usually clear rivers with sandy to boulder spotted bottoms (NatureServe, 2009). Please note that this species is classified as endangered by the United States Fish and Wildlife Service (USFWS) and the Virginia Department of Wildlife Resources (VDWR).

The Roanoke logperch is threatened by channelization, siltation, impoundment, pollution, and de-watering activities (Burkhead & Jenkins, 1991).

In addition, the Nottoway River has been designated by the VDWR as a "Threatened and Endangered Species Water" for the Roanoke Logperch, the Dwarf Wedgemussel (*Alasmidonta heterodon*, G1G2/S1/LE/LE) and the Atlantic Pigtoe (*Fusconaia masoni*, G1/S2/LT/LT).

Furthermore, according predicted suitable habitat modeling and a review by a DCR biologist, there is potential for the Eastern big-eared bat (*Corynorhinus rafinesquii macrotis*, G3G4T3/S2/NL/LE) and other rare bats to occur in the hardwood riparian forests along the Nottoway River and its tributaries if suitable habitat exists on site. The Eastern big-eared bat is named for its enormous ears twice the length of its head, is extremely rare in Virginia and is currently known only from the southeastern portion of the state. Although widespread throughout the southeast, they are never found in large numbers. These bats roost singly or in small groups in hollow trees or abandoned buildings. They forage only after dark primarily in mature forests of both upland and lowland areas along permanent bodies of water (NatureServe, 2009). The details of this bat's feeding behavior and much of its natural history remain a mystery. Lack of information regarding the ecology of the Eastern big-eared bat, and their sensitivity to disturbance, make them particularly vulnerable to destruction of roost sites and feeding areas where their presence goes undetected (Handley and Schwab 1991, Harvey 1992).

Threats to this species include forest destruction, particularly hollow tree removal, decreasing availability of abandoned buildings, and possibly, insecticides. Please note that this species is currently classified as endangered by the Virginia Department of Wildlife Resources (VDWR).

To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations, establishment/enhancement of riparian buffers with native plant species and maintaining natural stream flow. For the protection of aquatic resources and rare bat species, DCR recommends that the existing riparian and hardwood forest be kept intact to the greatest extent possible.

Due to the legal status of several species associated with the Nottoway River, DCR recommends coordination with the US Fish and Wildlife Service (USFWS) and the VDWR, Virginia's regulatory authority for the management and protection of these species to ensure compliance with protected species legislation. DCR recommends avoiding tree removal in bottomland habitats along the Nottoway River and assessing any large potential roost trees and/or abandoned structures on the property for bat presence/absence. DCR also recommends coordination with DWR, Virginia's regulatory authority for the protection of this species, if removal of potential roost habitat for the Eastern big-eared bat becomes necessary to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).

Additional Comments

Additionally, the proposed project will impact multiple Ecological Cores **(C1 C2, C3, C4 and C5)** as identified in the Virginia Natural Landscape Assessment (https://www.dcr.virginia.gov/natural-heritage/vaconvisvnla). Mapped cores in the project area can be viewed via the Virginia Natural Heritage Data Explorer, available here: http://vanhde.org/content/map.

Ecological Cores are areas of at least 100 acres of continuous interior, natural cover that provide habitat for a wide range of species, from interior-dependent forest species to habitat generalists, as well as species that utilize marsh, dune, and beach habitats. Interior core areas begin 100 meters inside core edges and continue to the deepest parts of cores. Cores also provide the natural, economic, and quality of life benefits of open space, recreation, thermal moderation, water quality (including drinking water recharge and protection, and erosion prevention), and air quality (including sequestration of carbon, absorption of gaseous pollutants, and production of oxygen). Cores are ranked from C1 to C5 (C5 being the least significant) using nine prioritization criteria, including the habitats of natural heritage resources they contain.

Impacts to cores occur when their natural cover is partially or completely converted permanently to developed land uses. Habitat conversion to development causes reductions in ecosystem processes, native biodiversity, and habitat quality due to habitat loss; less viable plant and animal populations; increased predation; and increased introduction and establishment of invasive species.

DCR recommends avoidance of impacts to cores. When avoidance cannot be achieved, DCR recommends minimizing the area of impacts overall and concentrating the impacted area at the edges of cores, so that the most interior remains intact.

The proposed project will with very high (C2) to outstanding ecological integrity (C1). Further investigation of these impacts is recommended and DCR-DNH can conduct a formal impact analysis upon request. This analysis would estimate direct impacts to cores and habitat fragments and indirect impacts to cores. The final products of this analysis would include an estimate of the total impact of the project in terms of acres. For more information about the analysis and service charges, please contact Joe Weber, DCR Chief of Biodiversity Information and Conservation Tools at Joseph.Weber@dcr.virginia.gov.

DCR supports the following conditions as outlined in the "Application to Sussex County, Virginia for Conditional Use Permit", dated September 23, 2023 and the "Supplemental Submission" submitted May 23, 2024:

- Prohibit use of vegetation types classified by VADEQ or DCR as invasive.
- Development of a vegetation management plan as included in Attachment 12.
- Monitoring the site for the lifetime of the project using the Pollinator-Smart Comprehensive Manual Monitoring Protocol and the development of an adaptive invasive species monitoring plan as stated on page 9 of Exhibit M.
- The inclusion of the continued maintenance of the site according to the submitted vegetation management plan, and the use of native vegetation and pollinator species were possible as conditions of the conditional use permit.
- The planting of Virginia native pollinator plant species that bloom throughout the spring, summer, and fall to maximize benefits to native pollinators.
- The use of native plants as defined by the Virginia Native Plant Finder https://www.dcr.virginia.gov/natural-heritage/native-plants-finder in the retention basin mix, pollinator buffer mix, and buffer tree species lists in the Revised Landscaping Plan, Exhibit C.
- DCR supports CUP condition number 22, found in the Revised Proposed CUP conditions, Exhibit H: "Ground cover shall be native vegetation where compatible with site conditions and, in all cases shall be approved by Zoning Administrator, who may rely on the assistance of a third-party reviewer."

DCR has evaluated the Native Solar Pollinator Buffer Mix, found in the Revised Landscaping Plan Exhibit C using the Virginia Native Plant Finder (formally the solar site native plant finder). DCR recommends replacing the following species in the seed mix: Wild Bergamot and Brown-eyed Susan. While these species are all native

to Virginia, they are rare or infrequent in the Coastal Plain according to the Digital Atlas of the Virginia Flora and therefore, not recommended for planting in Sussex County as they may fail to thrive on site.

According to a DCR biologist's review of this project there is potential for rare bees and a high diversity of native bees to occur on site. This potential is based on the location of the project and the high abundance of sand. Therefore, DCR recommends leaving existing native vegetation whenever possible and revegetating with a seed mix composed of southeast Virginia natives. DCR also recommends the use of southeast ecotypes when available and the inclusion of species adapted to sandy soils.

DCR supports planting these southeast Virginia native species in at least the buffer areas of the planned facility and recommends considering including them in other areas within the project site including the panel zone. For screening zones outside the perimeter fencing, DCR supports the use native species appropriate for the region. DCR recommends replacing the Eastern Red Cedar "Brodie" cultivar with the non-cultivar native species. Guidance on plant species can be found here: https://www.dcr.virginia.gov/natural-heritage/native-plants-finder. In addition, Virginia native species alternatives to the non-native species listed in the Virginia Erosion and Sediment Control Handbook (Third Edition 1992), can be found in the 2017 addendum titled "Native versus Invasive Plant Species", here: https://www.deq.virginia.gov/home/showpublisheddocument?id=2466. Page 3 of the addendum provides a list of native alternatives for non-natives commonly used for site stabilization including native cover crop species (i.e., Virginia wildrye).

Longleaf pine (*Pinus palustris*) is included in both the buffer plant list and reforestation plan in the Revised Landscaping Plan, dated April 4, 2024. Before European settlement Longleaf pine was one of the dominant forest species in southeastern Virginia, occurring south of the James River expect on the Eastern Shore where it extended further north (Creighton et. al, 2014) Longleaf pine and its habitat have been largely decimated in Virginia, with less than 200 trees identified as part of those original populations, and DCR-DNH's Stewardship section is heavily involved in the restoration of these habitats.

Longleaf pine does not thrive in the presence of competition and is adapted to fire ecosystems (Creighton et. al, 2014). For Longleaf pine to successfully establish, it needs an open canopy and little competition for soil nutrients. Therefore, Longleaf pine may fail to thrive under the current planting and management plan included in Revised Landscape Plan for Cassius Blue Solar.

The northern populations which covered southeastern Virginia and northeastern North Carolina, are genetically distinct from the southern populations which cover North Carolina, South Carolina and extends into Alabama and Georgia. Provenance studies conducted by the US Forest Service have found that when seedlings sourced from the southern populations are planted in Virginia, they are less likely to survive than seedlings sourced from the northern populations (Creighton et. al, 2014). DCR recommends that any longleaf pine planted at the site is sourced from the northern populations of longleaf pine.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please re-submit a completed order form and project map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

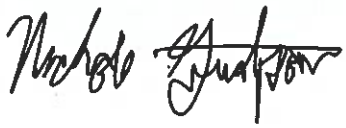
The U.S. Fish and Wildlife Service (USFWS) utilizes an online project review process (https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process) to facilitate compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884) (ESA), as amended. The

process enables users to 1) follow step-by-step guidance; 2) access information that will allow them to identify threatened and endangered species, designated critical habitat, and other Federal trust resources that may be affected by their project; and 3) accurately reach determinations regarding the potential effects of their project on these resources as required under the ESA. If you have questions regarding the online review process, please contact Rachel Case at rachel_case@fws.gov.

The Virginia Department of Wildlife Resources (VDWR) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed https://services.dwr.virginia.gov/fwis/ or contact Hannah Schul at Hannah.Schul@dwr.virginia.gov.

Should you have any questions or concerns, feel free to contact me at 804-625-3979. Thank you for the opportunity to comment on this project.

Sincerely,



Nicki Gustafson
Natural Heritage Project Review Assistant

Cc: Hannah Schul, VDWR
Susan Tripp, DEQ
Rebecca Wilson, DCR-Stewardship

Literature Cited

Burkhead, N.M. and R.E. Jenkins. 1991. Roanoke logperch. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. p. 395-397.

Creighton, J., Cumbia, D., Darden, H., van Eerden, B., Myers, R., Sheridon, P. 2014. From the Brink! The Effort to Restore Virginia's Native Longleaf Pine. Virginia Department of Forestry Status Report.

Handley, C.O., and D. Schwab. 1991. Eastern big-eared bat. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. p. 571-573.

Harvey, M.J. 1992. Bats of the Eastern United States. Arkansas Game and Fish Commission, Little Rock, Arkansas. pp.46

Johnson, R.I. 1970. The systematics and zoogeography of the Unionidae (Mullusca: Bilvava) of the southern Atlantic slope region. Bulletin Museum of Comparative Zoology vol 140(6): 362-365.

NatureServe. 2009. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available http://www.natureserve.org/explorer. (Accessed: April 27, 2010).

Williams, J.D., M.L. Warren, Jr., K.S. Cummings, J.L. Harris, and R.J. Neves. 1993. Conservation status of freshwater mussels of the United States and Canada. Fisheries 18: 6-9.

Michael Poarch

From: Brann, Lee (DWR) <Lee.Brann@dwr.virginia.gov>
Sent: Wednesday, December 27, 2023 1:41 PM
To: mpoarch@sussexcountyva.gov
Cc: nhreview (DCR); Strawderman, Nicole (DWR); Watson, Brian (DWR); Pinder, Michael (DWR); Kleopfer, John (DWR); Martin, Amy (DWR); Gwynn, Becky (DWR)
Subject: ESSLog# 44654_Cassius Blue Solar CUP_DWR_HLB20231227
Attachments: Mabees-Salamander.pdf; mussel-guidelines-11-2018.pdf

You don't often get email from lee.brann@dwr.virginia.gov. Learn why this is important

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Mr. Poarch,

We have reviewed the subject project that proposes to construct a utility-scale solar facility in Sussex County. The project site models out as potential habitat for State Threatened Mabee's Salamanders. The Nottoway River in the project area is designated a Threatened and Endangered Species Water due to the presence of Federally Endangered State Endangered Dwarf Wedgemussels, Federally Threatened State Threatened Atlantic Pigtoes, and Federally Endangered State Endangered Roanoke Logperch. It is also designated a confirmed Anadromous Fish Use Area, known to support several species of anadromous fish.

It is difficult to tell, from the information provided, whether suitable habitat for Mabee's Salamander is available at the project site. Therefore, we recommend that a habitat assessment for this species be performed throughout the project site. The habitat assessment should be performed by a qualified biologist and should clearly depict, via narrative and photographic description, all wetlands habitats on site along with the representative uplands whether proposed for impacts or not. This habitat assessment should be made available to Lee Brann at Lee.Brann@dwr.virginia.gov and John (JD) Kleopfer at John.Kleopfer@dwr.virginia.gov. The habitat assessment and associated correspondence should reference the five-digit ESSLog# in the subject line of this email. Upon review of the habitat assessment, we will make final comments regarding protection of Mabee's Salamanders associated with this project.

To best protect listed mussels from activities associated with this project, we recommend that a mussel survey be performed from 100 meters upstream through 400 meters downstream of any impact areas proposed in any perennial tributaries to the Nottoway River. This survey should be performed by a qualified, permitted biologist, preferably no more than six months prior to the start of construction. If mussel relocations are necessary, they should be coordinated with Brian Watson, DWR Region II Aquatic Resources Biologist at 434-525-7522 or Brian.Watson@dwr.virginia.gov, and no federally listed species should be relocated without first coordinating with the USFWS (804-693-6694). All survey and relocation activities should adhere to the attached guidance. In addition, we recommend a time of year restriction on all instream work (not including any mussel surveys) from March 15 through July 31 and August 15 through October 15 of any year, protective of Dwarf Wedgemussels and Atlantic Pigtoes.

Survey results should be made available to Lee Brann at Lee.Brann@dwr.virginia.gov and to Brian Watson at Brian.Watson@dwr.virginia.gov. Upon review of the results, we will make final recommendations regarding the protection of listed species known from the area. All survey reports should reference the five-digit ESSLog# displayed in the subject line of this email.

If the applicant prefers, they may provide us with good, representative photographs of the impact area(s) for our review. The photos should clearly depict the size of the stream, the substrate type, and the banks up and downstream of the site. Upon review of the photos, we may be able to rule out the need for a mussel survey based on the habitat available on site.

Additionally, we recommend a time of year restriction on any instream work in perennial tributaries to the Nottoway River, with impacts occurring within one river mile upstream of the Nottoway River, from February 15 through June 30 of any year, protective of anadromous fish. If work in intermittent or ephemeral tributaries can be completed entirely in the dry, when there is no water in the channel, a time of year restriction protective of anadromous fish will not be necessary in those streams. However, if any such work cannot be completed entirely in the dry, we recommend a time of year restriction on such work from February 15 through June 30 of any year.

Given the scope and location of the proposed work, we do not anticipate it to result in significant adverse impacts upon Roanoke Logperch.

We recommend protecting from impacts a naturally vegetated buffer of at least 100 ft on both sides of all intermittent or perennial streams, including those known to support anadromous fishes, a buffer of at least 200 ft on both sides of all perennial tributaries to waters known to support listed aquatic species, and a buffer of at least 300 ft on both sides of waters known to support listed aquatic species.

We recommend protecting from impacts a naturally vegetated buffer of at least 100 ft on all sides of any wetland. We recommend no impacts upon wetlands or vernal pools known to support any listed species. We also recommend protecting from impacts and preserving, planting, and/or enhancing an undisturbed naturally vegetated buffer of at least 900 feet on all sides of any wetland known to support a listed species.

We recommend conducting any in-stream activities during low or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time (minimal overlap of construction footprint notwithstanding), stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures. We recommend that instream work be designed and performed in a manner that minimizes impacts upon natural streamflow and movement of resident aquatic species. If a dam and pump-around must be used, we recommend it be used for as limited a time as possible and that water returned to the stream be free of sediment and excess turbidity. To minimize potential wildlife entanglements resulting from use of synthetic/plastic erosion and sediment control matting, we recommend use of matting made from natural/organic materials such as coir fiber, jute, and/or burlap. To minimize harm to the aquatic environment and its residents resulting from use of the Tremie method to install concrete, installation of grout bags, and traditional pouring of concrete, we recommend that such activities occur only in the dry, allowing all concrete to harden prior to contact with open water. Due to future maintenance costs associated with culverts, and the loss of riparian and aquatic habitat, we prefer stream crossings to be constructed via clear-span bridges. However, if this is not possible, we recommend countersinking any culverts below the streambed at least 6 inches, or the use of bottomless culverts, to allow passage of aquatic organisms. We also recommend the installation of floodplain culverts to carry bankfull discharges.

The project site is located within an area of the Commonwealth known to have a year-round presence of Federally Endangered State Endangered Northern Long-Eared Bat (NLEB). If your project has a federal connection (nexus), the U.S. Fish and Wildlife Service in Virginia has developed a website that provides the steps and information necessary to allow any individual or entity requiring review/approval of their project to complete a review and come to the appropriate conclusion regarding potential project impacts on Northern Long-Eared Bats. This site can be accessed at https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process. You may also need to coordinate with the appropriate federal agency that is authorizing, funding, or carrying out the proposed activity.

If your project has no federal nexus, we recommend the options below to avoid impacts upon NLEB:

Option 1: Assume that NLEBs are present on site and adhere to a time of year restriction on any tree clearing from December 15 through February 15 and April 15 through July 30 of any year.

Option 2: Hire a consultant to perform a NLEB survey, in adherence to Service protocols, throughout the project/activity site and coordinate the results of that survey with DWR.

U.S. Fish & Wildlife Service Survey Protocols are available here:

https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines.

Coordinate with DWR: Rick Reynolds, DWR Mammologist, at 540-248-9360 or Rick.Reynolds@dwr.virginia.gov and with DWR's Environmental Services Section at 804-481-5296 or ESSProjects@dwr.virginia.gov. Upon review of the survey results, the DWR will make final comments regarding the protection of Northern Long-Eared Bats associated with your project.

This project site is also located within close proximity of historic and/or active bald eagle nests. To ensure protection of bald eagles in compliance with the Bald and Golden Eagle Act, we recommend using the Center for Conservation Biology (CCB) Eagle Nest Locator to determine if any active eagle nests are known from the project area. If active bald eagle nests have been documented from the project area, we recommend that the project proceed in a manner consistent with state and federal guidelines for protection of bald eagles; including coordination, if indicated, with the U.S. Fish and Wildlife Service regarding possible impacts upon bald eagles or the need for a federal bald eagle take permit.

In addition to the listed species and wildlife resources mentioned above, a number of species designated as Species of Greatest Conservation Need in Virginia's Wildlife Action Plan are likely to occur, if suitable habitat exists, in and around the project area. We recommend that the Virginia Wildlife Action Plan (available through www.bewildvirginia.gov) be reviewed to determine what threats are known to these species, what constitutes suitable habitat for these species, and how to best protect them and their habitats from harm.

To minimize adverse impacts of solar energy facilities upon wildlife and other natural resources, we recommend adherence to the project design, site development, and operational guidance found within the document at the following link: https://www.dwr.virginia.gov/wp-content/uploads/media/Solar-Energy-Facility-Guidance.pdf.

This project is located within 2 miles of a documented occurrence of federally-listed species. To ensure protection of such species, we recommend coordination with the USFWS through their Online Project Review Process (https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process).

This project is located within 2 miles of a documented occurrence of a state or federal threatened or endangered plant or insect species and/or other Natural Heritage coordination species. Therefore, we recommend coordination with VDCR-DNH regarding protection of these resources.

Thank you,

Lee Brann
Environmental Services Biologist
Wildlife Information and Environmental Services

P 804.367.1295

C 804.481.1934

Department of Wildlife Resources
CONSERVE. CONNECT. PROTECT.

A 7870 Villa Park Drive, P.O. Box 90778, Henrico, VA 23228
www.VirginiaWildlife.gov

Michael Poarch

From: Bellville-marrion, Jennifer (DHR) <Jennifer.Bellville-Marrion@dhr.virginia.gov>
Sent: Monday, November 20, 2023 10:37 AM
To: mpoarch@sussexcountyva.gov
Cc: Kirchen, Roger (DHR)
Subject: Conditional Use Permit Application Review for Agencies/Departments - Cassius Blue Solar (DHR File No. 2023-5388)

You don't often get email from jennifer.bellville-marrion@dhr.virginia.gov. Learn why this is important

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Mr. Poarch,

Thank you for your email regarding the the Cassius Blue Solar project.

The conditional use permit application states: "There are 30 previously recorded archaeological sites and 10 architectural resources located within the Project Boundary. None of the sites or resources within the Project Boundary are currently listed on the National Register of Historic Places (NRHP); however, two of the resources, the Croshaw School (091-5201) and the Stony Creek Depot Battlefield (091-5025) have been determined potentially eligible. There are also two previously recorded cemeteries (Carraway Cemetery and Stewart Chappell Family Cemetery) located within the Project Boundary. Lastly, there are 70 previously recorded archaeological sites and 34 architectural resources located within the Project Boundary buffer. One of the resources within the buffer is listed on the NRHP. The Rose Bower property (026-0090) is located 0.4 miles north of the Project Boundary and could be visually impacted by the Project." Given that there are multiple recorded resources in or near the project area, means there may be potential impacts to historic properties. In order to provide more detailed comments about the resources and potential impacts of the project, DHR recommends that a phase I survey be conducted within the project area.

To date, DHR has not received a phase I survey for the solar project. Typically, for utility scale solar projects we recommend that a phase I cultural resources survey be conducted within the project area. The phase I survey should include an archaeological survey within the project area and an architectural survey of all architectural resources that are 45 years old and older within 0.5 miles of the proposed project area. We recommend that the survey and report be submitted to DHR for review and comment prior to submission to the SCC or DEQ permitting programs.

If you have any questions, please let me know.

Sincerely,

Jenny Bellville-Marrion

Archaeologist

Department of Historic Resources

Email jennifer.bellville-marrion@dhr.virginia.gov

Phone 804-482-8091

2801 Kensington Ave, Richmond, VA 23221

www.dhr.virginia.gov

Outlook

Fwd: Winfield Solar- CASSIUS BLUE PROJECT

From Lawrence Diehl <ldiehl@barnesfamilylaw.com>

Date Fri 3/28/2025 6:55 PM

To Richard Douglas <rdouglas@sussexcountyva.gov>; Michael Poarch <mpoarch@sussexcountyva.gov>; Beverly Walkup <bwalkup@sussexcountyva.gov>; 'Otto Wachsmann' <owachsmann@yahoo.com>; Molly Dowless <brickhill1747@gmail.com>; Frances Chambers <fchambers@nsacademy.org>; Eric Fly <fly@sussexva.com>; rotttrucks@aol.com <rotttrucks@aol.com>; 'Rufus Tyler' <rtyler@impassoc.org>; Steve White <steve.white@dbhds.virginia.gov>; phyllistolliver2@gmail.com <phyllistolliver2@gmail.com>; Thomas Baicy <tbaicy@sussexcountyva.gov>; Wayne Jones <jonesfamily2@msn.com>; tmassenburg29@gmail.com <tmassenburg29@gmail.com>; jlebigfoot@gmail.com <jlebigfoot@gmail.com>; deltea@aol.com <deltea@aol.com>; Andy Mayes <amayes@commonwealthenvironmental.com>; shands301@gmail.com <shands301@gmail.com>; Kevin Bracy <bornajunker@hotmail.com>; rogerking33@gmail.com <rogerking33@gmail.com>

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MRS. WALKUP- PLEASE MAKE THIS EMAIL A PART OF THE RECORD IF THE CASSIUS BLUE SOLAR PROJECT FILE- YOU DONT NEED TO INCLUDE A PRINTOUT OF THE ATTACHED WINFIELD REPORT WHICH ALL CAN READ.

Just to confirm my comments as to the denial of the Winfield project, here is the report and recommendations of our own planning department. SEE PAGE 13. Our own planning dept included in their recommendation to reject this project very specific concerns about the excessive amount of reduction of agricultural and forest lands in stated weakness no. 6. The language is clear It's in English. It's not ambiguous. And the Winfield project had proposed 501 acres of land impacted. THAT WAS CLEARLY STATED AS A REASON TO DENY RECOMMENDATION OF APPROVAL OF THIS PROJECT. See Page 13- Report.

So how in the world can our own dept. be concerned about 501 acres as not consistent with our county policies- yet even consider for a minute over 2,000 acres for Cassius Blue where 2/3rds of that acreage would also reduce timber, forests and agricultural land. Much more than Winfield.

Has something magical happened to cause our county to ignore their own concerns, priorities and our solar ordinance requirements? Of course not. So I sure hope our planning dept is consistent in their stated concerns. If 501 acres is too large for Winfield - 4 times that size - over 2,000 acres for Cassius Blue must be a stated concern justifying a recommendation of rejecting this project. If the project is recommended for approval- something more is going on which I hope is not the case.

Thank you.

Sent from my iPhone

Outlook

Re: Cassius Blue/Greenex Solar Application

From Lawrence Diehl <ldiehl@barnesfamilylaw.com>
Date Fri 3/28/2025 5:16 PM
To Beverly Walkup <bwalkup@sussexcountyva.gov>
Cc Richard Douglas <rdouglas@sussexcountyva.gov>; Michael Poarch <mpoarch@sussexcountyva.gov>; Molly Dowless <brickhill1747@gmail.com>; Frances Chambers <fchambers@nsacademy.org>; 'Otto Wachsmann' <owachsmann@yahoo.com>; Eric Fly <fly@sussexva.com>; rotttrucks@aol.com <rotttrucks@aol.com>; 'Rufus Tyler' <rtyler@impassoc.org>; Wayne Jones <jonesfamily2@msn.com>; phyllistolliver2@gmail.com <phyllistolliver2@gmail.com>; Thomas Baicy <tbaicy@sussexcountyva.gov>; Steve White <steve.white@dbhds.virginia.gov>; shands301@gmail.com <shands301@gmail.com>; tmassenburg29@gmail.com <tmassenburg29@gmail.com>; Kevin Bracy <bornajunker@hotmail.com>; deltea@aol.com <deltea@aol.com>; Andy Mayes <amayes@commonwealthenvironmental.com>; rogerking33@gmail.com <rogerking33@gmail.com>; jlebigfoot@gmail.com <jlebigfoot@gmail.com>

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MRS. WALKUP: PLEASE MAKE THIS EMAIL A PART OF THE RECORD IN THE CASSIUS BLUE/GREENEX SOLAR PROJECT MATTER:

Thank you so much for the info I needed So it appears that not all of the proposed 2,000+ acres of disrupted land to be used is only on mining land which conflicts with the misinformation on their Cassius Blue websites and to some degree their application. Over twice of the disrupted land - over 1364 acres- is timber and agricultural land- and only 699 is mining. Once again very misleading and a lack of transparency by this company consistent with my investigation I have done with most solar companies.

So this shows the proposed destruction of agriculture and timber lands which clearly conflicts with our ordinances and Plan restrictions which prohibit solar projects that disrupt that type of land. Based on this- and remember Winfield only had about 500+ acres of disrupted land as I recall- clearly this project has 2 and 1/2 times the amount of prohibited land to be disturbed as Winfield so it should be dead on arrival. I didn't want to make such analysis of this conclusion until I had the facts- but now we all know those facts and now YOU and OUR planning department knows.

And I know of no exception to our county solar ordinance prohibition which was enacted to preserve the goal of our Comprehensive Plan to preserve our rural heritage that would not permit such land use. I read the ordinance as mandatory, or at the best, clearly the basis of a denial of a recommendation approving this project- just like your department report did for the 500+ acres in Winfield. Here we have over 2,000 acres- 2/3rds of which are agricultural and forest lands promoted by our ordinance.

So thank you for getting me this information. Based on this- I don't see anyway any recommendation to approve this project can be made. And that is apart from the details showing clear potential damage to the Nottoway River and protected lands due to the close proximity of the solar panel areas to the River. The concerns about the impact of this project in the the Nottoway Protected Area are replete in their

application. Even the smallest runoff due to the short distance would ruin our River forever. A risk I hope you will not recommend. I canoe this River and never want to float on a mud bath.

SO I hope you will do your duty to follow our ordinance and recommend denial of this project. The objective facts and the lack of transparency of GREENEX mandate that result.

And TO THE PLANNING COMMISSION AND BOARD:

Remember, the decision to approve or reject this project is YOURS- not the planning dept. I don't know what the planning dept will recommend - the above shows what it SHOULD recommend, but even if it is recommended to be approved, you MUST reject this project just like you did for BIG PINES/RWE. And read the Winfield report - the words are very clear to anyone who can read English why that project was rejected. Any different conclusion for this project would be inconsistent with that analysis.

Do the right thing- don't risk the destruction of our timber and agricultural lands and please protect our pristine Nottoway River. If you buy any attempt to assure you that there will be no environmental damages - remember Waverly Solar and the cess pool it has created notwithstanding assurances initially that there would be no problems , remember the RWE DEQ order and fine in Virginia for another of their project which the PC voted to reject despite a favorable recommendation report, remember the $500,000 fine in Alabama for a Clenera initiated project ruining their river , etc etc. And take a look at the recent Powhatan Dominion solar project rendering 3 of their clear lakes to mud holes which was shown on tv Channel 6 this past week. And also remember Greenex was denied a solar project in another Virginia county (Mecklenburg I think) for the same reason- it conflicted with their Plan similar to ours.

Hope you all get it and defeat this project. The future of preserving the rural nature of our beautiful county depends on it. Thank you.

Sent from my iPhone

> On Mar 28, 2025, at 4:11 PM, Beverly Walkup <bwalkup@sussexcountyva.gov>

> <Land Use Map.pdf>

Beverly Walkup

From: Lawrence Diehl <ldiehl@barnesfamilylaw.com>
Sent: Friday, March 28, 2025 1:57 PM
To: Beverly Walkup
Cc: Richard Douglas; Molly Dowless; Eric Fly; Frances Chambers; 'Otto Wachsmann'; Michael Poarch; deltea@aol.com; Andy Mayes; tmassenburg29@gmail.com; Kevin Bracy; rogerking33@gmail.com; shands301@gmail.com; Steve White; phyllistolliver2 @gmail.com; rotttrucks@aol.com; 'Rufus Tyler'; Thomas Baicy; Wayne Jones; jlebigfoot@gmail.com
Subject: Re: Cassius Blue/Greenex Solar Application

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MRS.WALKUP: PLEASE MAKE THIS EMAIL PART OF THE RECORD IN THE CASSIUS BLUE SOLAR PROJECT MATTER:

Thank you. But I seriously don't understand how the planning dept can even consider such a solar application without knowing the info I've asked for. How can it even be approved if even part of the land impacted is agricultural or forest? Our ordinance does not seem to permit that and I don't read any exceptions just because it's a solar project.

And I have reread Winfield and I think it's very clear in both your report actually citing that part of our Plan and ordinance that the impact on agriculture and forest land was a critical part in denying the project. Sounds like you have already decided this case without a similar analysis as Winfield and I'm frankly surprised you yourself don't even have the acreage impact info I've asked for. Sounds like you don't even know what acreage is being impacted for agriculture and forest destruction- is that correct? You don't even know?

Now if all of the solar land to be disrupted area is ALL on old mining land - 100%- that certainly makes a difference. But if you recall, many months ago, I called you about this issue and to the best of my recollection you said not all land impacted was on the old mine land. Something like that. So I wonder how any planning report can be fully adequate on that issue if you don't even know the acreage and where it is in relation to panel installation areas. Their application even stated (which I'm sure you read) that the project had significant impact on agricultural and forest land- but not knowing the facts, the actual acreage and location at this stage seems to reflect a serious issue as it relates to the mandates of our ordinances. Why didn't their application state specifically that information? Hiding something by omission?

And all of thus pales in what I believe was in their application that the Nottoway River is only 200' from the closest solar panel. If you think for an instant that any assurances of runoff damage to the most pristine river in our county will protect that river- don't but that for a minute. We got the same assurances from Waverly Solar which is now a cess pool. And most other applicants now pending have had DEQ orders, fines and runoff damages in other locations (RWE in Georgia ruining the lands a many landowners)which, luckily for the protection of this beautiful county, my investigations have disclosed as verified by orders and documents.

And I hope you've seen this week the reports on the local tv stations about Dominion's solar project in Powhatan County which have polluted 3 lakes by runoff shown by videos and from the report, have now gone into the James River. The videos of one lake look like mud. Yet, just like most other solar companies, they initially assured the county there would be no damage or risk to the county. Yeah, right. So do we want to risk that in our county? Ruin Nottoway River? Assurances by solar companies should fall on deaf ears.

Anyway, can't you just call this third party working on this application by phone and just get this info in time for our planning commission to review unit. Just a simple phone call? We really need to know and I don't see why this "third party" expert would not know this important info. Time is of the essence.

Thank you.

Sent from my iPhone

> On Mar 28, 2025, at 12:28 PM, Beverly Walkup <bwalkup@sussexcountyva.gov> wrote:
> Dear Mr. Diehl:
>
> Typically, that information is provided by the applicant. I have requested the information and I am still waiting.
>
> I understand that is the focus of your review with each application; however, with the Cassius Blue application, the focus was actually on the reuse of brownfields. There were a number of issues to be resolved with the Iluka project phasing out and the status of reclamation activities prior to allowing disturbance for the proposed solar project, if approved. Staff's focus was to make sure the CUP for the Iluka project would be closed on portions of the brownfield lands prior to consideration of the reuse under a CUP for solar.
>
> Staff listed the impact to agricultural and forestry as a weakness in the Winfield application, but that was not the primary basis for recommending denial.
>
> The comp plan includes discussion on minimizing the impact to agricultural and forestry land; however, that statement is very general and may need to be revisited since the County is primarily rural. If that is to be the main focus of approval, I would think it should depend on where you are in the County and weighing the importance of one over the other in terms of impacts because if property has not been developed for residential, commercial or industrial, it is going to be agricultural or forestry or wetlands.
>
> Please know that I am not making light of the impacts to agricultural and forestry, it's just that from the onset of the Cassius Blue application, focus has been on the reuse of brownfields because the land has already been disturbed, i.e. how much new land is being impacted since this project was represented as being a brownfield project and reclamation of the Iluka properties prior to consideration of approval.
>
> I will provide the breakdown as soon as it is received. Let me know if you would like to further discuss.
>
> Sincerely,
> Beverly
>
>
>
> -----Original Message-----
> From: Lawrence Diehl <ldiehl@barnesfamilylaw.com>
> Sent: Friday, March 28, 2025 9:04 AM
> To: Beverly Walkup <bwalkup@sussexcountyva.gov>
> Cc: Richard Douglas <rdouglas@sussexcountyva.gov>; Molly Dowless
> <brickhill1747@gmail.com>; Eric Fly <fly@sussexva.com>; Frances
> Chambers <fchambers@nsacademy.org>; 'Otto Wachsmann'
> <owachsmann@yahoo.com>; Michael Poarch <mpoarch@sussexcountyva.gov>
> Subject: Re: Cassius Blue/Greenex Solar Application
>
> CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

>
>
> Have you had a response yet on the questions of acreage I had requested? The planning commission hearing is coming up soon and since our comprehensive plan and solar ordinance includes a provision protecting agricultural and forest lands from solar projects (and as you know, that was a major factor in your report denying recommendation for approval of the Winfield project- 500 or so solar acreage which was about 1/4th the acreage shown for Cassius Blue- over 2,000 acres)- I assume you should know the acreage impacted and my question since I assume your dept ultimately makes your recommendation. Knowing the actual acres of agricultural and forest land impacted is critical for you and the citizens to know so that you can know that and follow the mandates of our ordinances just like you did with Winfield.
>
> So can you please follow up on info you certainly should know and let me know as soon as you can? Thank you so much.
>
>
> Sent from my iPhone
>
>> On Mar 25, 2025, at 1:36 PM, Beverly Walkup <bwalkup@sussexcountyva.gov> wrote:
>>
>> Dear Mr. Diehl: I have forwarded your request to the outside
>> Berkley team which is the County's third party reviewer for solar projects.
>> The County has always engaged the outside Berkley team, in
>> coordination with on-site staff, primarily to review solar
>> applications and to provide the staff report and recommended
>> conditions. The solar ordinance allows for this coordination for
>> which the applicant reimburses the County for any fees. I will get
>> back to you as soon as I can. Sincerely, Beverly
>>
>> -----Original Message-----
>> From: Lawrence Diehl <ldiehl@barnesfamilylaw.com>
>> Sent: Saturday, March 22, 2025 5:48 PM
>> To: Beverly Walkup <bwalkup@sussexcountyva.gov>; Michael Poarch
>> <mpoarch@sussexcountyva.gov>
>> Cc: Richard Douglas <rdouglas@sussexcountyva.gov>; Molly Dowless
>> <brickhill1747@gmail.com>; Eric Fly <fly@sussexva.com>; Frances
>> Chambers <fchambers@nsacademy.org>; 'Otto Wachsmann'
>> <owachsmann@yahoo.com>
>> Subject: Cassius Blue/Greenex Solar Application
>>
>> CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.
>>
>>
>> MrsWalkup: I've reviewed once again the CUP application and all of the information you have previously sent me on the above. Based on that and the Notice of Hearing for the planning commission for April 8th, I understand the total acreage for the project is around 4,811 acres and that the equipment will be on 2,214 acres.
>>
>> But I've looked and looked- but I just haven't seen the exact breakdown of acres that are considered agricultural and/forest that would be impacted or removed for the solar panel areas or any other part of the project. That info may be on the charts, maps or exhibits and if so, I apologize in advance, but I just haven't seen it or figured it out.
>>

>> But since I assume you have this info since you are working on your report, would you please let me know both the agricultural acreage being impacted, and the forestry (pine breakdown if you have that too) being removed and impacted, so I can have this info asap in order to prepare my input in this. I hope that getting me this info should not be too burdensome or hard to get since I assume you would need that also for you consideration.
>>
>> Once again, I appreciate your cooperation and will look forward to your prompt response. Thank you!
>>
>> Sent from my iPhone
>> **WARNING**
>> This email originated from outside of the Barnes & Diehl email network.
>> DO NOT CLICK ANY LINKS and/or DO NOT OPEN ANY ATTACHMENTS unless you
>> recognize the sender, solicited the information and know the content is safe.
>> NEVER give out any user names, pins and/or passwords
> **WARNING**
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> DO NOT CLICK ANY LINKS and/or DO NOT OPEN ANY ATTACHMENTS unless you
> recognize the sender, solicited the information and know the content is safe.
> NEVER give out any user names, pins and/or passwords

Cassius Blue Solar

RECEIVED
JAN 16 2025
Sussex County
Administration

January 13, 2025

Sussex County Board of Supervisors
20233 Thornton Sq.
Sussex, VA 23884

Sussex County Planning Commission
20135 Princeton Rd
Stony Creek, VA 23882-3643

Dear Sussex County Board of Supervisors and Sussex County Planning Commission,

Enclosed please find five (5) support letters from community members of Susse County in support of the Cassius Blue Solar project.

Best,

Carlena Bronson
Director, Community Relations
Carlena.bronson@geenexsolar.com

Enclosure(s)

Sussex County Board of Supervisors
Chairman Wayne Jones
Rufus Tyler
Thomas W. Baicy, III
C. Eric Fly, Sr.
Alfred G. Futrell
Phyllis Tolliver
Steve White
25359 Blue Star Highway
Jarratt, VA 23867

Sussex County Planning Commission
Chairman Terry Massenburg
J. Lafayette Edmond
Rudolph Shands
Roger King
Dennis Mason
Andrew Mayes
Kevin Bracy
P. O. Box 330
Stony Creek, VA 23882

Dear Supervisors and Members of the Planning Commission,

I want to urge you to approve the permit application for the Cassius Blue Solar project being developed in Sussex County.

The Cassius Blue Solar project represents tangible growth and development for Sussex County. It generates sustaining annual revenues and construction jobs. As a resident of Sussex County, I am always in favor of supporting development within our community.

Cassius Blue Solar also brings benefits to critical municipal services, including schools and fire departments. These community benefits create opportunities for new businesses and more development in Sussex County that positively impact our way of life.

In addition to the wonderful benefits our community would receive, Cassius Blue Solar would ensure Virginia remains at the forefront of innovation. To maintain our reputation, we must continue to encourage development of all kinds, including diverse energy development such as solar, within our state.

Thank you.

Name: Delbert Dellinger

Address: 12019 Palestine Rd
Stony Creek, Va.

cc: Sussex County Planning and Zoning

RECEIVED
JAN 16 2025
Sussex County
Administration

Sussex County Board of Supervisors
Chairman Wayne Jones
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Thank you.

Name: Dallia Massenburg

Address: 9214 Sussex Dr.
Stony Creek Va. 23882

cc: Sussex County Planning and Zoning

RECEIVED
JAN 16 2025
Sussex County
Administration

Sussex County Board of Supervisors
Chairman Wayne Jones
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In addition to the wonderful benefits our community would receive, Cassius Blue Solar would ensure Virginia remains at the forefront of innovation. To maintain our reputation, we must continue to encourage development of all kinds, including diverse energy development such as solar, within our state.

Thank you.

Name: Vicki M. Boone

Address: 9214 Sussex Dr.
Stony Creek VA. 23882

cc: Sussex County Planning and Zoning

RECEIVED
JAN 16 2025
Sussex County
Administration

Sussex County Board of Supervisors
Chairman Wayne Jones
Rufus Tyler
Thomas W. Baicy, III
C. Eric Fly, Sr.
Alfred G. Futrell
Phyllis Tolliver
Steve White
25359 Blue Star Highway
Jarratt, VA 23867

Sussex County Planning Commission
Chairman Terry Massenburg
J. Lafayette Edmond
Rudolph Shands
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Andrew Mayes
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P. O. Box 330
Stony Creek, VA 23882

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Thank you.

Name: Sharee Capel
Address: 12038 Palestine Rd
Stony Creek VA 23882

cc: Sussex County Planning and Zoning

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Sussex County Administration

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Chairman Wayne Jones
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Thank you.

Name:

Address: 12317 Flowers Road
Stony Creek, Va. 23882

cc: Sussex County Planning and Zoning

RECEIVED
JAN 16 2025
Sussex County
Administration

Outlook

Re: Cassius Blue/Greenex Solar Application

From Lawrence Diehl <ldiehl@barnesfamilylaw.com>
Date Fri 3/28/2025 5:16 PM
To Beverly Walkup <bwalkup@sussexcountyva.gov>
Cc Richard Douglas <rdouglas@sussexcountyva.gov>; Michael Poarch <mpoarch@sussexcountyva.gov>; Molly Dowless <brickhill1747@gmail.com>; Frances Chambers <fchambers@nsacademy.org>; 'Otto Wachsmann' <owachsmann@yahoo.com>; Eric Fly <fly@sussexva.com>; rotttrucks@aol.com <rotttrucks@aol.com>; 'Rufus Tyler' <rtyler@impassoc.org>; Wayne Jones <jonesfamily2@msn.com>; phyllistolliver2@gmail.com <phyllistolliver2@gmail.com>; Thomas Baicy <tbaicy@sussexcountyva.gov>; Steve White <steve.white@dbhds.virginia.gov>; shands301@gmail.com <shands301@gmail.com>; tmassenburg29@gmail.com <tmassenburg29@gmail.com>; Kevin Bracy <bornajunker@hotmail.com>; deltea@aol.com <deltea@aol.com>; Andy Mayes <amayes@commonwealthenvironmental.com>; rogerking33@gmail.com <rogerking33@gmail.com>; jlebigfoot@gmail.com <jlebigfoot@gmail.com>

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

MRS. WALKUP: PLEASE MAKE THIS EMAIL A PART OF THE RECORD IN THE CASSIUS BLUE/GREENEX SOLAR PROJECT MATTER:

Thank you so much for the info I needed So it appears that not all of the proposed 2,000+ acres of disrupted land to be used is only on mining land which conflicts with the misinformation on their Cassius Blue websites and to some degree their application. Over twice of the disrupted land - over 1364 acres- is timber and agricultural land- and only 699 is mining. Once again very misleading and a lack of transparency by this company consistent with my investigation I have done with most solar companies.

So this shows the proposed destruction of agriculture and timber lands which clearly conflicts with our ordinances and Plan restrictions which prohibit solar projects that disrupt that type of land. Based on this- and remember Winfield only had about 50O+ acres of disrupted land as I recall- clearly this project has 2 and 1/2 times the amount of prohibited land to be disturbed as Winfield so it should be dead on arrival. I didn't want to make such analysis of this conclusion until I had the facts- but now we all know those facts and now YOU and OUR planning department knows.

And I know of no exception to our county solar ordinance prohibition which was enacted to preserve the goal of our Comprehensive Plan to preserve our rural heritage that would not permit such land use. I read the ordinance as mandatory, or at the best, clearly the basis of a denial of a recommendation approving this project- just like your department report did for the 500+ acres in Winfield. Here we have over 2,000 acres- 2/3rds of which are agricultural and forest lands promoted by our ordinance.

So thank you for getting me this information. Based on this- I don't see anyway any recommendation to approve this project can be made. And that is apart from the details showing clear potential damage to the Nottoway River and protected lands due to the close proximity of the solar panel areas to the River. The concerns about the impact of this project in the the Nottoway Protected Area are replete in their

application. Even the smallest runoff due to the short distance would ruin our River forever. A risk I hope you will not recommend. I canoe this River and never want to float on a mud bath.

SO I hope you will do your duty to follow our ordinance and recommend denial of this project. The objective facts and the lack of transparency of GREENEX mandate that result.

And TO THE PLANNING COMMISSION AND BOARD:

Remember, the decision to approve or reject this project is YOURS- not the planning dept. I don't know what the planning dept will recommend - the above shows what it SHOULD recommend, but even if it is recommended to be approved, you MUST reject this project just like you did for BIG PINES/RWE. And read the Winfield report - the words are very clear to anyone who can read English why that project was rejected. Any different conclusion for this project would be inconsistent with that analysis.

Do the right thing- don't risk the destruction of our timber and agricultural lands and please protect our pristine Nottoway River. If you buy any attempt to assure you that there will be no environmental damages - remember Waverly Solar and the cess pool it has created notwithstanding assurances initially that there would be no problems , remember the RWE DEQ order and fine in Virginia for another of their project which the PC voted to reject despite a favorable recommendation report, remember the $500,000 fine in Alabama for a Clenera initiated project ruining their river , etc etc. And take a look at the recent Powhatan Dominion solar project rendering 3 of their clear lakes to mud holes which was shown on tv Channel 6 this past week. And also remember Greenex was denied a solar project in another Virginia county (Mecklenburg I think) for the same reason- it conflicted with their Plan similar to ours.

Hope you all get it and defeat this project. The future of preserving the rural nature of our beautiful county depends on it. Thank you.

Sent from my iPhone

> On Mar 28, 2025, at 4:11 PM, Beverly Walkup <bwalkup@sussexcountyva.gov>

> <Land Use Map.pdf>

Mrs. Walkup: PLEASE MAKE THIS EMAIL PART OF THE RECORD IN THE CASSIUS BLUE PROJECT MATTER. THANK YOU.

To Ann and Emily: When I met with you and other Greenex representatives at the neighborhood meeting, I had reviewed and relied upon the representations that were contained in your Cassius Blue website. That site merely said the project was on land formerly used for a granite mining operation. No further disclosure of any other land use characteristics was mentioned. None. That would lead any citizen, like myself, or any reasonable person relying on the information your company furnished, that your proposed project would be limited to land used for mining.

After further review of your application and related materials furnished to the county planner, and other info I received, your website is not transparent at all and is totally misleading. Your statement in your general CUP summary specifically states that "a large part" of the intended location and use has timber or some agricultural current use that would be impacted. Although I am waiting for the exact acereage involved for these uses, the initial info is that around 2,400 acres of the total 4,800 acres tract related to the prior mining operation. Again, subject to final and accurate computation by the county, that indicates about 50% of this project is not on the mining land, but would be on the timber land you admit would be impacted.

This omission of this info from your website public disclosure is deceiving and unacceptable. Just like my review of most of the other solar project proposals in this county - most have similarly been non transparent on many issues by either inaccurate statements or by omissions intended, like this, to make the public think this project will not have an impact on other land uses. Nothing upsets me more than these types of sneaky attempts to lead on the public on solar proposals.

Further, your representations as to the monetary benefits to the county is also clearly misleading. It does not inform the public that monetary benefits (whether taxes or any other monetary benefits) are not legal or proper considerations by a local governing body for the approval of a CUP. I've advised our PC and BOS of this fact many times. Any CUP decision must be made based on land use factors only as set out in the code and ordinances and nothing in Virginia law permits the PC or BOS to even consider possible financial benefits.

And yes- I certainly know that such benefits can be considered IF there is a siting agreement entered into by the applicant and Board. As an attorney, I know that. But as of now, there is no such siting agreement- so without clarifying to the public the accurate law on what can be considered, all your promises and incentives of financial benefits to the county are legally irrelevant. At the very least, this should be disclosed to the public so they are not mislead that this can be a proper factor to consider. So another lack of transparency by your company.

And you might want to reread the Comprehensive Plan of our county. Our vision statement, goals repeated throughout our plan, and land use priorities in the county and specific district land use goal in the affected district - all clearly have as the NUMBER ONE priority, the preservation of timber and agricultural land and the preservation of our centuries of our rural character.

You plan is inconsistent with our plan priorities by impacting on timber lands and agricultural lands- that is in direct contradiction to our plan which is why myself and many other citizens are upset to know the real impact of your project on our county. Only former granite mining land as implied by your repeated representations in your site summaries website? Nope, land that is to be preserved under our plan if our plan has any substance to it. And nothing says it's okay to gut and remove those timber lands if there is a buffer- it's the goal to keep such land "intact" - gutting the middle of certain parcels of land is not keeping it intact. Period

Due to your lack of transparency and the reasons set forth above, any indication that I might be okay with your project is withdrawn. I oppose this proposal and think it should be dead on arrival. I'm sure I will have other reasons such as wetlands impacts that I've heard concern many citizens and will present all of these reasons at any future public hearing on this issue.

And I look forward to at least full transparency in your responses to the requests for the information in the emails below.

Thank you.

Sent from my iPhone

> On Oct 25, 2024, at 4:39 PM, Lawrence Diehl <ldiehl@barnesfamilylaw.com> wrote:
>
> I've done some further research on Greenex and came across some information that raises a need for further info in the interests of transparency. Specifically, I noted that some years ago Greenex appears to have been denied an application for a solar project in Mecklenburg County, Va and was further denied an expanded farm or maybe a new solar farm in Clark County, Ky. The article on Clark County described their Board's actions as "pulling the plug" on your solar project.
>
> So, in the interests of transparency and the disclosures our planning department should have to assess the integrity of Greenex, I would appreciate your providing the following information:
>
> 1. A list of any lawsuits or litigation involving Greenex or its related entities involving solar projects, whether in Virginia or any other state. Provide the location (court name), dates of each case, name of the claimant, and a brief description of the nature of the claim and the results of each case or whether the case is pending.

2. A list of all solar applications of Greenex that were denied by the local authority, whether in Virginia or any other state, and the date, location and nature of that denial. Include the details on the items I noted above since I've uncovered them.

3. Any notice or orders entered by any state department (in Virginia the DEQ) addressing any violations by Greenex relating to its solar projects of any regulations, conditions or environmental standards and the date, location and nature of any such notices, claims or orders.

I am not suggesting any negative implications on the above, but in light of the actions which I've discovered, I would appreciate your prompt response so we can have full disclosure before any public hearing on your project. And I might add that the articles I saw quoted Emily Williams as apparently appearing on the issues above, so I am sure she would have knowledge of the questions I've asked above.

Thank you and your prompt response would be appreciated.

geenex

September 9, 2024

Sussex County Board of Supervisors
20233 Thornton Sq.
Sussex, VA 23884

Sussex County Planning Commission
20135 Princeton Rd.
Stony Creek, VA 23882

RECEIVED
SEP 19 2024
Sussex County
Administration

RE: Cassius Blue Solar Project - Support Letters

Dear Sussex County Board of Superviors snd Sussex County Planning Commission,

Enclosed please find support letters from Sussex commuity members on behalf of Cassius Blue Solar project.

Sincerely,

Carlena Bronson
Director, Community Relations
(704) 491-1557
carlena.bronson@geenexsolar.com

Enclosure(s)

Geenex Solar LLC
1000 NC Music Factory Blvd.
Suite C3
Charlotte, NC 28206

980-237-7926

info@geenexsolar.com
geenexsolar.com

Sussex County Board of Supervisors
Chairman Wayne Jones
Rufus Tyler
Thomas W. Baicy, III
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Steve White
25359 Blue Star Highway
Jarratt, VA 23867

Sussex County Planning Commission
Chairman Terry Massenburg
J. Lafayette Edmond
Rudolph Shands
Roger King
Dennis Mason
Andrew Mayes
Kevin Bracy
P. O. Box 330
Stony Creek, VA 23882

Dear Supervisors and Members of the Planning Commission,

As an elected official within Sussex County, I am writing to voice that Cassius Blue Solar has continuously been a thoughtful community partner to our organization and many others.

Cassius Blue Solar has performed various kinds of project studies such as civil, cultural, and environmental to ensure that it is a good fit for the citizens within the project area. They have done their due diligence ensuring that the area their project is proposed in has remained considered throughout the siting process. The developer of Cassius Blue Solar has worked hard to identify and address local concerns.

We commend the developer for their approach in this project and encourage other businesses in Sussex County to use similar good business practices.

Thank you.

Name: Robert A. Jones

Address: 23114 Jones Rd.
Stony Creek, VA.

cc: Sussex County Planning and Zoning

Nellie Williams

Sussex County Board of Supervisors
Chairman Wayne Jones
Rufus Tyler
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Thank you.

Name: Nellie Williams

Address:

cc: Sussex County Planning and Zoning

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Thank you.

Name: Melitta Tweh

Address: 14811 Whitley St. Chester, VA 23836

cc: Sussex County Planning and Zoning

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Thank you.

Name: Georgie P. Atkins

Address: P.O. Box 253,
Stony Creek VA 23882,

cc: Sussex County Planning and Zoning

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Name: Catherine P. Owens

Address: PO Box 32
Stony Creek, VA. 23882

cc: Sussex County Planning and Zoning

Sussex County Board of Supervisors
Chairman Wayne Jones
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Thank you.

Name: JOHN A. HINES

Address: 8528 WREN ST.
PRINCE GEORGE, VA 23875

cc: Sussex County Planning and Zoning

Sussex County Board of Supervisors
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Thank you.

Name: Rev. Dr. Jerry Parham, Pastor First Baptist Church

Address: 217 South County Dr.
Wakefield, VA 23888

cc: Sussex County Planning and Zoning

Sussex County Board of Supervisors
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Dear Supervisors and Members of the Planning Commission,

I am a resident of Sussex County in favor of the proposed Cassius Blue Solar project.

Cassius Blue Solar will be a clean, quiet neighbor to our county while bringing the advantages of expanding our tax revenues and producing the energy necessary to power our homes and businesses. Many municipalities, including our schools, will profit greatly from the creation of this project.

This is a win-win for local taxpayers, reducing the burden of raising taxes through levies and ensuring the school has a robust revenue stream for years to come.

I am proud to be a part of supporting economic development that will have a lasting, positive impact on the education of our children within Sussex County.

This project is a great opportunity to show support for the development of Sussex County in a responsible way that benefits our community.

I urge you to support Cassius Blue Solar.

Name:

Chaz Dodds

Sussex County Board of Supervisors
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Thank you.

Name: DeVon Coleman

Address:
23240 Moore's LN
Jarratt, VA 23867

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Thank you.

Name: [redacted]

Address: 1732 Sussex Dr Ne, Emporia, VA 23847

To: Sussex County Planning Commission and Board of Supervisors

From: Nancy Kay Carraway Winn

In re: Cassius Blue Solar project proposal

Date: March 11, 2024

While I am not a Sussex Couty constituent, I own farms in Dinwiddie County that adjoin the proposed footprint of the Cassius Blue project, along our shared county line. I am optioned in the Dinwiddie phase, and pray it will proceed. There are unique reasons why this project makes commonsense, responsible land use for the public safety, health and welfare.

I am well aware that Sussex has a number of solar proposals on its plate. I have sat where you do today, several years ago, as the past Planning Board Chairman of Northampton County (NC). I came to that position solely as an active advocate for farmland preservation and protection.

My home farm is a Virginia Century Farm, so I am mindful of making decisions that last for a generation, and often many more. I have had to date FIVE solar proposals for my land. I chose Cassius Blue because I am familiar and comfortable with Geenex (its parent) as a neighbor and corporate citizen.

As you know, Cassius Blue in Sussex and Dinwiddie seeks to site largely on the post-mined lands of the ILUKA Resources heavy mineral sands mining operation. This presents a perfect marriage of now-marginal land (brownfield) with a growing societal need for clean energy.

To assist ILUKA in restoring farms to production, I hosted a Virginia Tech Research Farm project for ten years (2004-2014). Even in the hands of what are to me the best agronomists on the planet, it became clear that the productive capacity of that formerly bountiful cropland is lost. If you want more specifics, please let me know, and I will gladly share them with you.

I spent a number of years assessing other potential land uses, asking the most knowledgeable advisors the Commonwealth has to offer. Again, I can provide information on the results of those efforts. All you need do is call.

Residential use was ruled out, as septic absorption on fill was deemed problematic.

The Uniform Building Codes office in Richmond said we would have to "engineer a foundation to the basement," which in many areas meant 40 feet deep. Under no theory is that feasible for building of any type.

Forestry visited, and I was given advice based upon that visual assessment: The pines planted on portions of the farm as the mining operation staged out, had clubbed off at the crowns, which means the roots are pruned, likely by soil chemistry and compaction by heavy mining equipment. The trunk diameters are a fraction of those of a stand planted across the road on a neighbor's farm at the same time, on their unmined land.

A small VA Tech biomass tree project, conducted to assess biomass and biosolids utilization, was also implemented. I have left those trees standing, largely dying before they produce tonnage at any economically viable rate.

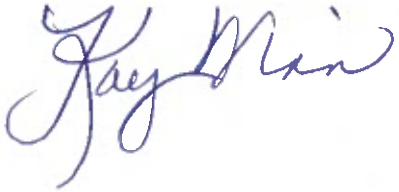
At present, my land has been "parked" in warm season native grasses. It is, as a friend of mine says, "holding the World together," but not much more.

Even the minor USDA PLC/ARC payment I had historically received was cut in half in 2022 and went to zero in 2023. I'm paying minimal property taxes as-is.

I have been a farmer for all my nearly 70 years. I cannot find anything but solar development that makes this mined land in any way a productive asset for my children and grandson, and consequently for the community and County.

If a site visit would help you picture anything I have written more clearly, please call or text me at (252) 578-9466.

Respectfully submitted,



THE EVERETT FAMILY
26975 COURTHOUSE RD
STONY CREEK VA 23882

February 28, 2024

Sussex County, Virginia
Attn: Board of Supervisors, Planning Commission, and County Officials
PO Box 1397
Sussex VA 23884

Re: Cassius Blue Solar Project

Dear Honorable Members and County Officials:

As landowners and taxpayers in Sussex County, Virginia, we are writing in support of the Cassius Blue Solar Project currently being developed by Geenex Solar. If approved, this project will provide a plethora of benefits not only to the landowners that have a vested interest in the project, but also to Sussex County as a whole. First and foremost, the project is being developed on repurposed mine lands formerly under lease with Iluka Resources. It has been determined by soil scientists that the disturbed land is not suitable for sustainable farming operations or for other business ventures such as housing development. Solar appears to be the highest and best use for this reclaimed land and converting the land from a current non-productive state to a productive state seems to be a sensible alternative. This initiative which is often referred to as Brown Fields to Bright Fields would help the Commonwealth of Virginia meet its goals for energy production (powering 30% of Virginia' electric system with renewable energy resources by 2030 and 100% by 2050) while increasing tax revenues to Sussex County. Additionally, this project will create good local jobs during construction and operation of the facility and in turn will increase visits to our local businesses to include restaurants and hotels.

As our local officials, we hope that you will also show support for the Cassius Blue Solar Project by voting in favor of the project. We would also encourage you to learn more through their website at www.cassiusbluesolar.com or by visiting with their project team.

Please reach out to us if you have questions or would like to discuss Cassius Blue Solar in more detail. We look forward to hearing from you.

Sincerely:

Christopher L. Everett
(804) 704-1061

Lance V. Everett
(804) 704-7777

L. Randy Everett
(804) 586-7847