



To: Berkley Group
Michael Zehner, AICP, ENV SP, Environmental Programs Director
Lindsay Edwards, ENV SP, Environmental Planner
Richard Street, PE, Environmental Programs Executive Manager

From: SolUnesco, LLC as agent for Randolph Virginia, LLC
Francis Hodsoll, CEO, SolUnesco LLC
Sean Millot, P.E. – Project Engineer, Kimley-Horn and Associates, Inc.
Jonathan Puvak, Partner, Gentry Locke

Date: March 21, 2022

Subject: Randolph Solar Conditional Use Application, Response to Berkley Group February 28th, 2022 letter, and March 8th, 2022 meeting

Dear Michael,

Thank you for your time on March 8th to discuss the Berkley Group letter dated February 28, 2022. In follow up to this March 8 meeting, we submit the following to address the comments raised in the February 28th letter and the subsequent discussion in the March 8th meeting. Our response includes this letter, an updated Preliminary Site Plan, two new maps addressing project density, and a new map identifying the areas under panels within the parcels subject to the permit. The Applicant has uploaded these documents in the Box.com folder titled 'Berkley Group Respsns 22.03.21', which is a subfolder to the same folder the County and the Berkley Group previously accessed for the Randolph Solar application dated February 2nd, 2022.

1. **COMMENT** Footnote #4 included as part of Section 1, Summary of Application, has not been revised to reference the revised acreage to be in the fence-line.

RESPONSE

Section 1, Footnote #4 is revised to read as follows:

The Applicant forecasts that it has more land under site control agreements ~~has been placed under Option~~ than will be required to achieve the 800 MWs. After zoning approval and ~~During~~ the environmental analyses, state permitting, design, and engineering, Utility-scale solar projects will often determine that ~~a significant portion of land~~ ~~once~~ initially deemed useable for ~~housing~~ solar equipment and other project components no longer can be used. Further, additional undeveloped parcels will

likely be used to meet stormwater quality requirements through the use of preserved open space. However, the Applicant expects that some portion of the land under Option will not be used for the Randolph Solar project and ~~will~~ may be released from the permit once the final engineered site plans are presented to the County for the building permit. Based on due diligence and analyses completed to date, the Applicant has identified and engineered ~~6,800~~ 3,050 acres to be in-the-fence-line under solar panels and in the fence line based on the Application's engineered layout.

2. **COMMENT** The Application is using terminology that is confusing, and perhaps inconsistent. Specifically, the term “Project Footprint” has no basis in the County’s Ordinance, and the calculation of “project area” with respect to the County’s density regulation, does not seem to be consistent with the requirements of the regulation. The reviewers would suggest that Section 1, Summary of the Application, and Section 3, Project Details, be revised as applicable to plainly note the acreage of parcels subject to the Application (i.e., the project parcels), the area of the project that is to be fenced (and the corresponding percentage of the areas of the project parcels subject to the Application), the area under solar panel coverage, and, for the purpose of the density regulation (10-23-5), the area that is fenced-in and constitutes the required landscaped buffer zone. Specific attention should be given to clarifying the footnote #2, as follows, with **underlined bold** language needing to be addressed (see questions in the paragraph to follow):

“The Project Footprint is defined as a **boundary constructed** to encompass all parcels for which the Applicant seeks this zoning determination. The parcels included in the Project Footprint are identified in Attachment 5.16: Optioned Parcels within the Project Footprint. **Within the project footprint there are more than 5,000 acres that are not part of any real estate or other form of agreement with the Applicant and will not be included in the Project or this zoning determination.** Further, **landowners owning 14 parcels representing 874 acres had entered into a real estate Option agreement, but these parcels will not be part of the Project.**”

What constructed boundary is this referring to, is Project Footprint intended to be the same as area within the fence line? How can the Project Footprint encompass all parcels subject to the Application, but also include 5,000 acres not subject to the Application? Are the 14 parcels/874 acres part of any calculation? If they are not subject to the Application, is there any need to reference these parcels?

Finally, the Applicant should ensure that terminology and calculations are consistent with information included on preliminary plan sheets.

RESPONSE

The Applicant defined Project Footprint with the intent to describe the area within Charlotte County that encompasses the Randolph Solar Parcels – parcels incorporated in the Application – and intended to convey that the Randolph Solar Parcels are a subset of the Project Footprint. Neither Project Footprint nor the term Project Extent discussed at the March 8th meeting are defined by Charlotte County code. Based on your March 15th email, you state that Project Extent “... concept is from Johnson County, Kansas. It is a proposed regulatory concept ... [o]bviously, Charlotte County has a different definition of the project area.” While we define Project Footprint differently than the Project Extent rectangle,¹ both provide an area that fully encompasses all the parcels subject to the Conditional Use permit and includes parcels not subject to the Conditional Use Permit application.

We agree with the reviewer that the term “constructed boundary” could create confusion. The boundary or shape encompassing all the project parcels is an arbitrary interpretation of what constitutes the Project Footprint or Project Extent.

Hence, the Applicant has incorporated an additional map into the Application, Project Vicinity Map with Panels. We identify in red the parcels that are included in the permit application (Project Parcels) and draw a black line that encompasses all the Project Parcels. We feel this line is similar to the Project Extent concept as it includes parcels that are not part of this Application. The difference is that Project Extent appears to require a rectangular shape to define the area in the Project Extent. There is some discretion needed to draw this line, and we recognize that others could draw the line in a slightly different way. However, minor variations in the line’s location will not have a significant result on the general understanding of the Project Footprint. The Project Vicinity Map with Panels map visually demonstrates that significant areas of land located within the Project Footprint are not included in our permit application.

Furthermore, arbitrarily using a rectangular shape would incorporate thousands of acres located more than a mile from any project parcel. Hence, in our opinion, a rectangle would provide limited informational value.

Specifically addressing the questions above, the 3,050 acres under panel and within the fence line as defined by this layout is a subset of the 21,071 acres of parcels subject to this permit, which is a subset of the area within the Project Footprint. Furthermore, we released the 14 parcels/874 acres from the project prior to our June 7, 2021 submission.

¹ March 15 email, “(e) A Project Extent encompassing all of the parcels and lease parcels comprising the Project Area shall be established for the purpose of determining the geographical extent to which the proposed US Solar Facility is distributed. The Project Extent is defined as the area of the smallest rectangle that encompasses the Project Area in its entirety.”

These parcels are not included in any calculations and do not need to be referenced in this Application.

Section 1, Footnote #2 is revised to read as follows:

The Project Footprint is defined as ~~a boundary constructed to encompass~~ the area within the black line as shown in the Project Vicinity Map with Panels. The Project Footprint includes all parcels for which the Applicant seeks this zoning determination. The parcels included in ~~the Project Footprint~~ this Application are identified in Attachment 5.16: Optioned Parcels within the Project Footprint. Within the Project Footprint there are more than 5,000 acres that are not part of this Application. ~~any real estate or other form of agreement with the Applicant and will not be included in the Project or this zoning determination. Further, landowners owning 14 parcels representing 874 acres had entered into a real estate Option agreement, but these parcels will not be part of the Project.~~

3. **COMMENT** Pursuant to Section 10-23-5, Density, of the County’s Zoning Ordinance:

“Absent specific authorization by the Board of Supervisors as part of a Conditional use Permit, no more than three percent (3%) of the land area in any given five mile radius shall be approved for use as the project area for Utility-Scale Solar Energy Systems. For the purpose of calculating density, the project area for a Utility-Scale Solar Energy System shall consist of the entire fenced-in area and the required landscaped buffer zone. Under circumstances deemed appropriate by the Board of Supervisors, the Board may approve a more dense development for Utility Scale Solar Energy Systems, and establish the maximum density permitted for the subject Utility Scale Solar Energy System.”

The Application includes no specific calculation, methodology, or supporting graphic representation to identify how the project relates to this regulation. While application materials indicate that “within any five-mile radius encompassing the project, every acre inside the fence line will correspond to more than seventeen acres outside of the fence line,” and “If the Moody Creek Solar project is fully encompassed in the five-mile radius for every acre in the fence line 18.6 acres will be outside of the fence line,” as noted above under comment #2, the regulation requires both the area that is fenced-in and the area that constitutes the required landscaped buffer zone to be included in this calculation, and the corresponding area of the Moody Creek Solar project should be included. Staff would recommend that a graphic be prepared that shows all areas where the 3% limit would be exceeded within a 5- mile radius, and the percentage of these areas.

Related, the Application should include a request to the Board to authorize the 3% limit to be exceeded.

RESPONSE

The Applicant has updated the maximum density calculations to include the buffer areas associated with the panel locations. Per the County’s request, the Applicant has calculated the density of the project under the following two conditions: (1), the maximum density for any five-mile radius which only incorporates the Randolph Solar Project; and (2), the maximum density for any five mile radius which includes all of the Moody Creek project. The Applicant incorporates into the Application the following maps with five-mile radius circles and the resulting density maximum density: 5 MILE DENSITY MAP – RANDOLPH SOLAR and 5 MILE DENSITY MAP – RANDOLPH & MOODY CREEK SOLAR.

The County’s zoning ordinance permits the Board of Supervisors to approve projects that are more dense than the 3% of the land area in any five mile radius, and as a result the Applicant requests that the Board approve this Conditional Use Permit application to allow a more dense development. If the Board approves a more dense development, this authorization will be included in the resolution or the conditions. We do not believe that any additional requests are necessary.

- 4. **COMMENT** The reviewers would recommend that technical information on the project be presented in materials separately from policy positions.

RESPONSE

As discussed at the March 8th meeting, this is a stylistic preference and, as a result, no revisions have been made to address this comment.

- 5. **COMMENT** Some plan sheets identify approximate locations of residential structures, and others only the approximate location of public structures. Plan sheets should be consistent and identify the location of all existing buildings and structures.

RESPONSE

The Applicant has revised the CUP Preliminary Plans and addressed on Sheet C6.0 the incorrect legend label indicating the blue dots were for public structures. The legend now labels blue dots as residential structures.

- 6. **COMMENT** Plan sheets should note distances from proposed structures and panels to property lines.

RESPONSE

The plan sheets are drawn to scale and indicate the proposed setbacks and buffers. As discussed at the March 8th meeting, no revisions are required to address this comment.

7. **COMMENT** Plan sheets should identify the location of any proposed substation(s), along with the means of connecting to the substation, ancillary equipment, buildings, and structures.

RESPONSE

The Applicant has updated the CUP Preliminary Plans to show the substation location. As previously submitted, the Application narrative describes the interconnection facilities in Section 3.3.3. Interconnection Facilities.

8. **COMMENT** Plan sheets should reference right-of-way widths of roads and/or note that road lines depicted are intended to be centerlines.

RESPONSE

As discussed at the March 8th meeting, no revisions are required to address this comment. Where applicable, the Application identifies the public right-of-ways based on the County GIS information. The County Ordinance defines all road setbacks to the centerline.

9. **COMMENT** Plan sheets at more detailed scales should include insets identifying the area/locus of the overall project which is reflected.

RESPONSE

As discussed at the March 8th meeting, no revisions are required to address this comment. The Preliminary Site Plan provides indices on plan sheets C5.0 and C6.0.

If you would like to discuss any aspects of this response or other elements of our Application, we will make ourselves available at your convenience.

Sincerely,



Francis Hodsoll
CEO, SolUnesco LLC
Agent for Randolph VA, LLC