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COUNTY OF LOUISA

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COMMUNITY DEVELOPMENT DEPARTMENT

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TO: Louisa County Planning Commission

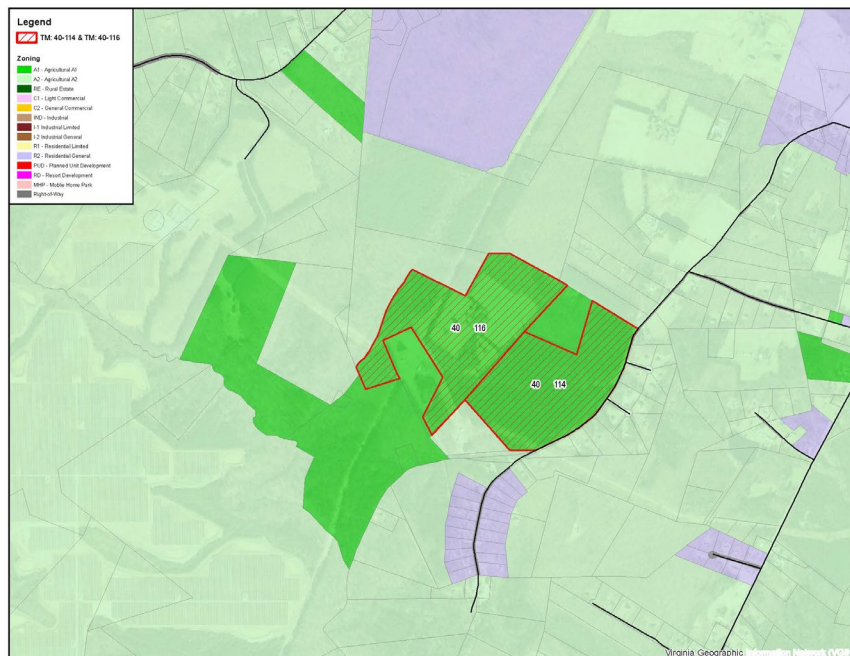
FROM: Staff

SUBJECT: CUP 2026-03, Conditional Use Permit for a Battery Energy Storage System (*Utility Service, Major*) in the Agricultural (A-1) zoning district, in accordance with Section 86-136 - Permitted uses with a conditional use permit of Chapter 86 Land Development Regulations.

DATE: September 28, 2026

The Planning Commission will review this application on Thursday October 8, 2026, at 7:00 PM in the Louisa County Public Meeting Room.

**Parcel location and surrounding zoning
Exhibit A**



REQUEST:

The applicant is requesting the issuance of a conditional use permit for a Battery Energy Storage System (*Utility Service, Major*) in the Agricultural (A-1) zoning district, in accordance with Section 86-136 - Permitted uses with a conditional use permit of Chapter 86 Land Development Regulations. The applicant also plans to construct a project specific substation, distribution and or transmission lines, and install equipment to connect to the nearby substation and power grid.

INFORMATION SUMMARY	
TAX MAP AND PARCEL #:	40-114 & 40-116
ACREAGE:	92.42 Acres
ELECTION DISTRICT:	Patrick Henry
ZONING:	Agricultural (A-1)
SURROUNDING ZONING:	Agricultural (A-1) and Agricultural (A-2) Exhibit A
GROWTH AREA	No
FUTURE LAND USE	Rural
EXISTING USE(S):	Hay, timber, and energy infrastructure
REQUESTED USE(S):	Battery Energy Storage System (<i>Utility Service, Major</i>)
EXISTING LAND USE PERMIT(S):	None

APPLICANT/AGENT:

Ava Energy Center, LLC
East Point Energy, LLC
Mr. Chris Meyer & Mr. Tyler B. Cline

PROPERTY OWNERS:

Betsy & Calvert Compton and Nancy & Brady Pleasants (40-116)
Cherry Family LTD Partnership (40-114)

PROPERTY LOCATION:

The Project is located along the western side of Harris Creek Road (Route 630), at the intersection of the Colonial Pipeline and a Dominion Energy High Voltage Transmission line. The property is in the Agricultural (A-1) zoning district and further identified as Tax Map Parcels 40-114 and 40-116 in the Patrick Henry Election district. The 2040 Louisa County Comprehensive Plan designates this area of Louisa County as Rural, outside of any designated growth area.

PROPERTY HISTORY:

The 1969 Zoning shows that the subject parcels and surrounding area were originally zoned Agricultural. Currently, the project area is primarily farmland and forested land while containing existing energy infrastructure, an abandoned residence, and storage shed. Staff investigation found that, according to aerial imagery, the parcels have not been significantly altered over the years. While it is unclear when the residence was constructed or abandoned, the construction of the Colonial Pipeline, which crosses the property, occurred around 1964.

ENERGY STORAGE BACKGROUND:

As the population of Louisa County and the State of Virginia face challenges stemming from rising electricity demand, affordability, reliability, and renewable integration there has been an increased push for energy storage. In April 2026, the Virginia General Assembly enacted legislation surrounding energy storage which dramatically increased utility scale energy storage targets, directed the development of model local ordinances for energy storage siting, and required additional SCC proceedings regarding safety (Enclosure 2). These actions are intended to increase the deployment of energy storage to lower peak prices for ratepayers.

Sources:

<https://www.governor.virginia.gov/newsroom/news-releases/2026/june-releases/name-1120477-en.html>

<https://lis.virginia.gov/bill-details/20261/HB895>

<https://www.williamsmullen.com/insights/news/legal-news/virginia-enacts-landmark-energy-storage-expansion-bill>

Louisa County is not unfamiliar with energy projects, as it already contains 2,120.71 acres of solar projects and Dominion Energy’s North Anna Power Station, a nuclear power plant generating 1.79 gigawatts of power. No standalone battery storage projects currently exist in Louisa. As the General Assembly has called for the expansion of energy storage, localities across Virginia will increasingly receive applications for energy storage facilities.

DETERMINATION OF SUBSTANTIAL CONFORMANCE WITH THE 2040 COMPREHENSIVE PLAN:

Virginia Code § 15.2-2316.9. Effect of executed siting agreement; land use approval section (c) details how,

“Approval of a siting agreement by the local governing body in accordance with subsection B of § 15.2-2316.8 shall deem the solar project or energy storage project to be substantially in accord with the comprehensive plan of the host locality, thereby satisfying the requirements of § 15.2-2232.”

Therefore, approval of the Ava Energy Center Project Siting Agreement by the Board of Supervisors would establish a Battery Storage Facility (*Utility service, major*) and its general or approximate location, character and extent, is substantially in accord with the adopted 2040 Plan Louisa County Comprehensive Plan.

The Planning Commission is tasked with doing a Conformance Review as the Applicant and Board of Supervisors have not agreed upon a siting policy.

2040 LOUISA COUNTY COMPREHENSIVE PLAN & LAND USE:

In developing the 2040 Louisa County Comprehensive Plan (2040 Plan), three Major themes emerged. (1) Conserve and preserve the County’s rural character and way of life. (2) Recognize that, while change is inevitable, growth management tools can help the community prepare and plan for its future. (3) Protect established and future communities.

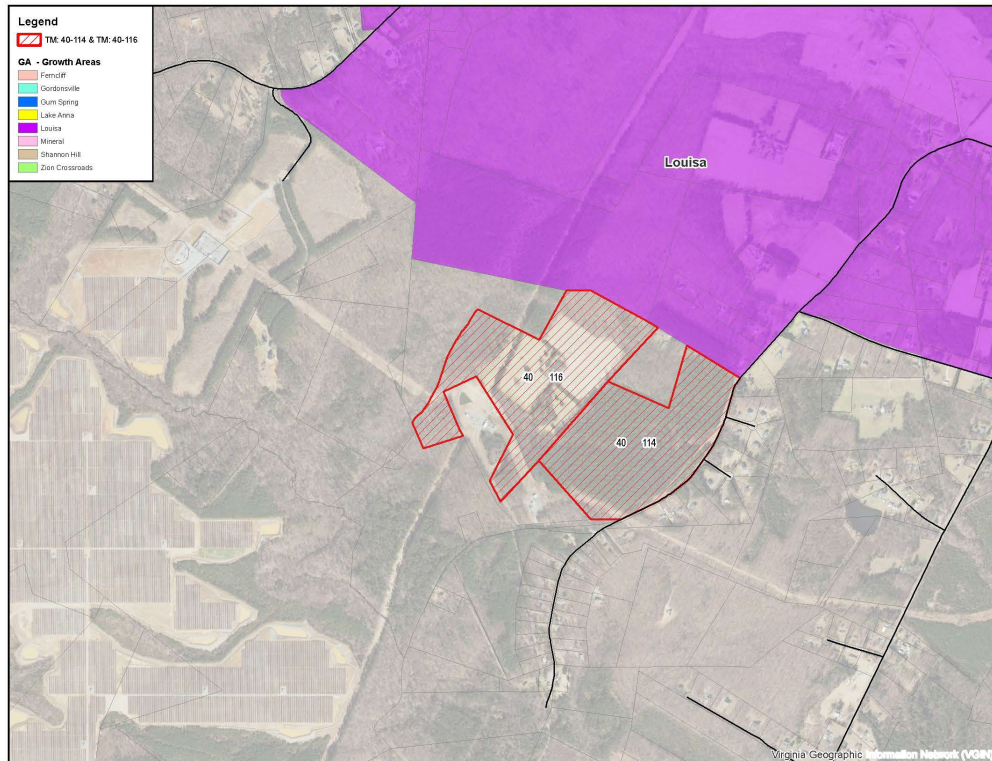
Section 3.1.4 Challenges to Agriculture and Forestry of the 2040 Plan describes these challenges as twofold: “protect the suitable forest land base from further fragmentation; and maintain and enhance forest productivity on those lands suitable for sustained forest management.” To combat further fragmentation of suitable forest land, the applicant has volunteered to put the remaining portions of the project area not being utilized into a conservation easement, which is outlined further in Condition #20. However, once under conservation easement, it is unclear whether the property will continue to be used for forestry.

One of the primary goals of the Land Use Chapter of the 2040 Plan is to “beautify its gateways and roadways” and the plan goes on to detail how vegetative buffers can be used to preserve rural viewsheds. To fulfill this goal, the applicant will have a minimum 100-foot vegetative buffer, which is elaborated further in Condition #8.

In terms of protecting established and future communities of Louisa County, impacts of the proposed project vary. The 2040 Plan states that there should be a focus on “broadening the tax base” and the proposed project will pay yearly tax revenues to the County. Additionally, the project will directly increase the reliability, affordability, and resilience of Virginia’s electrical grid, thus protecting communities and

enabling future growth. However, it is unclear whether it will produce clear cut benefits for Louisa residents specifically.

2040 Future Land Use Map Exhibit B



I. Louisa County Land Development Regulations

Sec. 86-133. - Agricultural (A-1) district—Statement of intent; policy guidance.

The agricultural (A-1) district is intended to accommodate farming, forestry, livestock maintenance and other related farm activities. Such uses are an essential part of the rural economy of the county and the agrarian character of the community. It comprises those areas dedicated to farming and agricultural use and is protected as a valuable part of the rural community. These activities shall not be compromised by development and shall be enhanced by the protection offered herein.

Section 86-136. Permitted Uses - With Conditional Use Permit enables the issuance of a conditional use permit in the Agricultural (A-1) district for *Utility service, major* which is defined as follows:

Utility service, major. Service of a regional nature which normally entails the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, power generation battery storage facilities, or solar arrays generating two MW or more of electricity which leaves the site boundaries, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. Public and private water and sewer systems are excluded from this definition.

II. Agricultural Preservation Review

The proposed Battery Energy Storage System (BESS) is inconsistent with the Louisa County 2040 Comprehensive Plan's goals of protecting agricultural and forestal resources, limiting fragmentation, concentrating development, and preserving the County's rural character. Although the project's Limits of Disturbance is approximately 25 acres, those acres would be converted from rural land to an industrial energy use, introducing substantial electrical infrastructure and an industrial character into the rural landscape.

The applicant's proposal to place the remaining acreage associated with this project into conservation easements is a positive conservation measure. However, for this project, that measure does not fully offset the conversion of rural land to an industrial use. Additionally, the placement of land into a conservation easement does not necessarily ensure the continuation of active agricultural production or agricultural operations on the property.

III. Current Zoning Viability Analysis:

There is no evidence that the current zoning and land use is not economically viable. If the Project was not approved to be a Battery Energy Storage System (Utility Service, Major) then the Agricultural (A-1) zoning would allow for the current forestal and agricultural uses, as well as residential uses by right.

IV. Decommissioning:

At the end of its operational life, the Applicant will decommission the Project in accordance with Condition #9, Decommissioning.

V. Transportation:

Staff has provided the Virginia Department of Transportation's (VDOT) Louisa County Residency office the project's concept plan and narrative for preliminary review, Exhibits D & F of Enclosure 1. The Louisa County VDOT Residency provided preliminary comments which can be found in Enclosure 3.

VI. 2024 Facilities Plans Review

The Board of Supervisors adopted a Public Facilities plan on February 20, 2024, as an amendment to the 2040 Comprehensive Plan adopted August 5, 2019. The Plan aims to ensure that development impacts are adequately assessed and mitigated, to promote sustainable growth and to preserve the community's well-being. As Louisa County grows, the pressure on public facilities and services intensifies. The county expects proposed developments to consider the impacts on Public Facilities and to mitigate the impacts of the development. This mitigation can take various forms, such as impact fees, infrastructure improvements, land dedication, and other items, ensuring that the burden of growth does not disproportionately fall on existing residents and businesses in the County.

This application has therefore been evaluated to determine if it impacts the following areas:

Administration

Community Development staff and the Applicant believe there would be minimal impact to Administration. Community Development Department staff is currently involved in the Conditional Use Permitting Process and would also be involved in future site plan reviews, development permit reviews, and inspections. Additionally, Ava Energy Center will require some review of its property tax submissions by the Commissioner of Revenue.

Fire & EMS

Community Development staff believe that impacts to Fire & EMS would be moderate. Condition #3 outlines the creation of an Emergency Response Plan, in coordination with Fire & EMS. Additionally, the proposed battery storage facility will provide the County training as required by the Conditional Use Permit Conditions. In the event of a fire at the facility, Louisa County Fire may need to respond.

Law Enforcement

Community Development staff does not believe the proposed energy storage system would impact Law Enforcement as the facility will be fenced and gated.

Parks and Recreation

Community Development staff and the Applicant does not believe the proposed project would impact Parks and Recreation as the facility would not require Park and Recreation services nor would it generate new visitors to Parks and Recreation facilities.

Schools

Community Development staff and the Applicant does not believe the proposed project would impact schools as the facility would not generate new students for Louisa County Schools. The Project Owner will attend the Louisa County High School Job Fair the year the Project will start construction. The Project Owner will attend at least one CTE class to provide information on the battery industry to students.

Solid Waste

Community Development staff and the Applicant believe there would be minimal impact to Solid Waste. Ava Energy Center will not generate any regular waste from its operations after construction. The recycling and decommissioning of the batteries and electrical equipment will be done through specialized and licensed facilities outside of Louisa County.

The applicant provided staff with a brief narrative detailing the proposed Battery and Energy Storage Systems impact of Facilities Plans which can be found on pages 25 to 26 of Enclosure 1.

NEIGHBORHOOD MEETING RESULTS September 9, 2026:

A Neighborhood Meeting took place in the Louisa County Public Meeting Room on September 9, 2026, at 4:00 PM at which five (5) individuals attended. Mr. Chris Meyer of East Point Energy, LLC, gave a presentation to those in attendance and then held a question-and-answer session. The applicant received comments and concerns from citizens regarding the following items:

- Fire Evacuation Times
- Proximity of Residences
- Valley Link
- Creating precedence for similar uses in the area
- Disruption to the Rural Character of the area
- What are the benefits to Louisa County and adjacent property owners?
- Lack of Industry Experience with Emergency Incidents
- Disruptions caused by construction

- Impacts to property values

CONSIDERATIONS FOR EVALUATION:

In determining imposed conditions, the governing body shall take into consideration Sec. 86-43. - Intent, requirements, conditions and procedures of Division 5 – Conditional Use and may impose reasonable conditions that:

- (1) *Abate or restrict noise, smoke, dust or other elements that may affect surrounding property. **This has been addressed by the Louisa County Land Development Regulation Chapter 51-Noise and Condition #6 and #3.***
- (2) *Establish setback, side and front yard requirements necessary for orderly development and to prevent traffic congestion. **This has been addressed by the Louisa County Land Development Regulation Sec. 86-142. - Yard regulations and Sec. 86-115. - Setback regulations for buildings and structures—Generally.***
- (3) *Provide for adequate parking and ingress and egress to public streets or roads. **The applicant is responsible for obtaining any necessary entrance permits from VDOT.***
- (4) *Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered detrimental to adjoining property. **This project will include a 100-foot vegetative buffer.***
- (5) *Tend to prevent such use from changing the character and established pattern of development of the community. **The proposed battery energy storage system is surrounded by existing energy infrastructure, residences, and agricultural uses.***

Staff Recommended Conditions:

Staff provides the Planning Commission for consideration of the Ava Energy Project with twenty-six (26) conditions as follows:

1. Project. CUP 2026-03, Ava Energy Center, is to be constructed, owned, operated, and developed by Ava Energy Center, LLC, a subsidiary of East Point Energy, LLC. The Battery Storage facility consist of more or less 25 acres within a total project area of 92.42 acres. The applicant also plans to construct a project specific substation, distribution and or transmission lines, and install equipment to connect to the nearby substation and power grid as identified in the concept site plan prepared by East Point Energy dated August 5, 2026, within Enclosure 1, Exhibit F of the applicant's application.
2. Binding. This Conditional Use Permit is for a Battery Energy Storage (*Utility Service, major*) facility and required transmission and or distribution lines and equipment, to be constructed, owned, operated, and developed by (Ava Energy Center) Ava Energy Center, LLC, a subsidiary of East Point Energy, LLC, and shall be binding on the property owners, Betsye & Calvert Compton, Nancy & Brady Pleasants, and Cherry Family LTD Partnership, any successors, assignees, current or future lessee, sub-lessee, owner, or operator, and designed for a life of forty (40) years from the date of commencement of operations. This conditional use permit may not be phased or extended beyond forty (40) years from the commencement of operations without further approval from the Louisa County Board of Supervisors.

3. Site Plan Requirements. Location of the battery storage containers and other structures shall be generally consistent with the concept site plan prepared by East Point Energy dated August 5, 2026, within Enclosure 1, Exhibit F of the applicant's application. The Applicant or project owner shall provide the following plans for site plan review and approval for the Battery Storage Facility, Utility Scale (the "Project"). The applicant will provide a certified plat(s) of the Project. In addition to all state and local site plan requirements, such plans shall include, at a minimum, those items listed below:
- a. Construction Traffic Management and Mitigation Plan
 - i. The Applicant or Project Owner shall prepare and submit such a plan to the Virginia Department of Transportation (VDOT) and the County of Louisa for review. The Plan shall address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to public or private roads which are necessary due to damage from the Project. If a traffic issue arises during the construction of the Project, the applicant or project owner shall develop a resolution, with input from VDOT and the County, and complete appropriate measures to mitigate the issue.
 - ii. The Applicant or Project Owner shall perform general maintenance during construction. All final repairs shall take place within 30 days post-construction to bring roads to a minimum of the pre-construction condition. A video of the existing road conditions surrounding the project must be provided to VDOT prior to the start of any construction.
 - b. Construction Traffic Control Plan
 - i. Traffic control methods, including, if applicable, lane closures, flagging procedures, directional and informational signage, and designated access points for deliveries and employee access.
 - ii. Designated delivery and parking areas.
 - iii. Designated routes for deliveries of equipment and materials on secondary roads to the property.
 - iv. Plans to direct employee traffic and delivery traffic to specific roadways to access the property to minimize conflicts with local traffic patterns.
 - c. Construction Mitigation Plan
 - i. Dust control and mitigation, using water trucks, mulch, or similar methods.
 - ii. Smoke and burn mitigation and limits, such as containment or similar methods.
 - iii. Noise mitigation, such as the enforcement of hours of operation.
 - iv. Measures necessary to prevent deposits of soil and mud onto adjacent roads from construction-related traffic.
 - v. Daily Road monitoring and policing shall occur along Harris Creek Road (Route 630) including the cleaning of roadways of soil and mud tracked onto these roads from construction-related traffic.
 - vi. All wastewater (both black water and grey water) must be removed from the Project site and disposed of in accordance with County regulations and the Virginia Department of Health.

- d. Traffic Safety Requirements. The Project owner will advise and enforce all contractors to drive no more than 35 miles per hour within a one-mile radius of the Project site.
 - e. PJM Interconnection Application. The Project owner shall provide a copy of the PJM Interconnection Application prior to Site Plan Approval,
 - f. Emergency Response Plan.
 - i. Prior to commencement of operations, the Applicant shall develop an Emergency Response Plan (ERP) and Hazard Mitigation Analysis (HMA) for the Battery Energy Storage System (BESS) facility in coordination with the County of Louisa Department of Fire and Emergency Medical Services. Such plan should be approved by the County of Louisa Department of Fire and Emergency Medical Services by the time of Site Plan approval.
 - ii. The ERP shall include, at a minimum, site access information, emergency contact procedures, incident notification protocols, system safety features, fire response strategy, and general response considerations applicable to battery energy storage systems.
 - iii. The ERP shall be site specific, and include specific considerations for nearby hazards, including but not limited to, gas stations, waste management, and chemical storage. Additional considerations should be given towards site specific vulnerabilities, including but not limited to nearby schools, childcare facilities, nursing homes, etc.
4. Fencing. The Applicant or Project Owner shall install a security fence and/or wall surrounding the Project. The fence or wall shall be a minimum height of six (6) feet, topped with a one (1) foot tall anti-climbing device. Installation of such fencing shall be outside the exterior of any battery storage containers and related equipment and on the interior of the required setbacks/buffers addressed in the following condition #8.
5. Lighting. The project shall not have exterior lighting, except for safety and security, which shall face downward. Such safety and security lighting shall not exceed fifteen (15) feet in height and shall be Dark Sky compliant.
6. Noise. Noise generated from the construction of the project shall comply with the Louisa County Code, Chapter 51 Noise Ordinance. Operation of the Battery Storage facility shall comply with the following sound limits: sound levels generated by the facility shall not exceed 55 dBA, measured at the adjacent parcel boundary. A sound study shall be presented as part of the Site Plan review. A sound study shall be performed once operational and its results submitted to the County to demonstrate compliance, within six (6) months of receiving a certificate of occupancy, or equivalent. The sound studies will be done by a third-party consultant approved by the County and hired by the Applicant. If the sound study demonstrates non-compliance, the operator shall take reasonable corrective actions, which may include operational adjustments, equipment modifications, or installation of sound attenuation measures, to achieve compliance with this condition.
7. Construction and Deconstruction Hours. All sitework (including equipment warm-up and positioning) shall be limited to Monday through Friday between the hours of 7:00 a.m. to 6:00 p.m. only. All decommissioning work will follow the same days and hours above.

8. Existing Vegetative Buffer and Supplemental Plantings. The applicant shall submit a detailed Vegetative Buffer and Supplement Planting Plan, prepared by a licensed or certified landscape designer or arborist, when the site plan is submitted. The vegetation plan shall demonstrate aesthetics, year-round maximum reduction of project visibility from neighboring properties and public by-ways, and viability over the life of the Conditional Use Permit. The vegetation plan is subject to the approval of the Zoning Administrator. The Applicant shall establish and/or maintain all vegetative areas illustrated and noted on the concept site plan prepared by East Point Energy dated August 5, 2026, within Enclosure 1, Exhibit F. Removal of this vegetation requires prior approval from the Zoning Administrator. Criteria for removal shall only involve trees threatening the Project, the property, or neighboring property, including the required clear zone. Supplemental plantings will be required in certain sections of the project that do not contain existing trees and vegetation that would create a sufficient opaque visual barrier. The replacement vegetation requirement shall also apply if existing trees die or become diseased and there is a resulting gap in the visual buffer.
- a. These supplemental planting areas between the property line and perimeter fence will consist of four (4) rows of staggered evergreens ten (10) feet apart and on fifteen (15)-foot centers. Such trees shall be at least five (5) feet tall at the time of planting and expected to grow to a minimum height of twenty (20) feet within ten (10) years.
 - b. The Project may not install stormwater or erosion and sediment control features in the required vegetative buffer area. Access, erosion and stormwater outlet structures, and interconnection to the electrical grid is allowable through setback areas if such are generally perpendicular to the property line or underground.
 - c. Clear Zone Exception – The area within the project’s fence shall be known as the “clear zone” and shall be cleared of combustible vegetation and other combustible growth and shall be surfaced with gravel, concrete, or asphalt. Removal of trees should be minimized to the extent possible.
9. Decommissioning. If the battery storage facility becomes inactive, completely, or substantially discontinuing the storage of electricity for a continuous 365-day period, the Zoning Administrator, in consultation with the project owner and other agencies, shall deem the facility permanently inactive. Upon being deemed permanently inactive, the County shall notify the Applicant or current Project Owner in writing to begin "Decommissioning" the Project within six (6) months of receipt of such notice.
- a. Decommissioning is complete when all real and personal property related to the Project is deconstructed and removed from the Property and the Property is made ready for agricultural or forestall use (as defined in the Louisa County Ordinance). As used herein "deconstructed and removed" shall mean the following:
 - i. Removal from the surface of the Property, any Project facilities and appurtenances installed or constructed thereupon, including permanent foundations.
 - ii. Filling in and compacting of all trenches or other borings or excavations made in

- association with the Project.
 - iii. Removing of all debris caused by the Project from the surface of the Property.
 - iv. Performing and providing the County a Phase I Environmental Site Assessment report detailing compliance with all the Conditional Use Permit requirements when decommissioning is completed.
- b. The project owner or operator shall provide the Zoning Administrator a report detailing compliance with all Conditional Use Permit requirements required for Decommissioning. County staff will review the provided decommissioning report for approval or denial. If denied, a list of corrective actions will be provided to the project owner or operator. Failure to perform these corrective actions will result in the county performing, or causing them to be performed. Cost for such actions will be levied against the Project Owner and/or the surety.
 - c. At the completion of decommissioning the properties will be made ready for agricultural or forestal use, preserving and protecting Louisa County's rural and agricultural character.
 - d. If Decommissioning of the facility does not occur within the specified time after notice, the County may remove or cause removal of the battery storage facility with costs borne by the Project Owner.
 - e. Unless otherwise not allowed by local, state, or federal law, the costs of decommissioning require an adequate amount of surety in a form agreed to by the County Attorney.
 - i. Such surety may include a letter of credit, cash, or a bond, or guarantee by an investment grade entity, posted prior to connection to the electrical grid for testing or for storing power. A third-party engineer approved by the County and hired by the Applicant will determine an initial surety amount approved by the County prior to site plan approval. Updates of the surety cost estimates shall occur every five (5) years by a third-party engineer approved by the County and hired by the Applicant and be provided to the County.
 - ii. At its option, the County may require additional surety amounts based on the total cost of decommissioning the entire project.

10. Fire Prevention

- a. Adherence to NFPA 855 and VSFPC 1207. The project shall adhere to the latest NFPA 855 and VSFPC 1207 codes when finalizing design and presenting its site plan to ensure fire and safety concerns are adequately addressed. The applicant will hire a third-party consultant approved by the County to confirm adherence prior to receiving a certificate of occupancy, or equivalent.
- b. Configuration. Battery cells shall be placed in a battery energy storage system container or similar modular assembly with a battery management system. The battery energy storage system shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire safety systems. The facility shall have 24/7 automated fire detection. Each battery energy storage system shall include fire mitigation technology to prevent the spread of fire among containers or assemblies and shall not require the actions of personnel to suppress or otherwise engage a thermal event or fire. If such a design is not available, Each container or assembly shall include built-in fire suppression technology intended to mitigate the

risk of spread of fire among containers or assemblies.

- i. The Battery Management System shall monitor individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access.
- ii. The battery management system shall be capable of shutting down and issuing an alarm in response to an unsafe condition, including but not limited to thermal runaway.

11. Emergency Response.

- a. Louisa County Staff Training. Upon request, but not more than once per year, the applicant or project owner shall provide materials, education, and/or training, in coordination with the County's Emergency Services staff, to the departments serving the Project in regard to safely responding to on-site emergencies. The first such training shall commence as requested by the Louisa County Fire Chief or designee. All adjoining Counties shall also be invited to attend trainings
- b. NFPA 704 placards shall be placed on building entrances along with emergency contact information.
- c. Reimbursement of Costs. In the event of an emergency event at the facility, Applicant agrees to reimburse the county for overtime wages incurred by the County of Louisa Department of Fire and Emergency Medical Services, and any other localities that provided mutual aid, as a result of responding to the emergency event at the facility. Failure to reimburse within 30 days of receiving the invoices will trigger Condition 26 (Violations) and could result in Condition 9 (Decommissioning).
- d. Environmental Monitoring Following Fire Event. In the event of a confirmed fire involving one or more Battery Storage Container that requires response by the local fire department, the operator shall conduct post-incident environmental monitoring to evaluate potential impacts to air, soil, surface water, and groundwater, as applicable, in the vicinity of the affected equipment. Monitoring shall be conducted by a qualified environmental professional and may include sampling and analysis of airborne particulates, combustion byproducts, soil, and water for constituents commonly associated with fire incidents involving lithium-ion batteries or the current battery chemistry. Monitoring shall be coordinated with the appropriate state or local regulatory agencies, as applicable. A summary report of the monitoring results shall be provided to the County within a reasonable timeframe following completion of sampling. If monitoring identifies contaminant concentrations exceeding applicable state or federal regulatory standards, the operator shall coordinate with the appropriate regulatory agencies to implement any required remediation or corrective actions.
- e. Baseline Well and Soil Testing. Prior to commencement of operations, neighboring parcels within .75 mile of a BESS enclosure shall be offered well and soil testing to measure for any potential contaminant identified in the projects' Hazard Mitigation Analysis in order to provide both the developer and neighboring property owners a baseline of measurement against a potential emergency event. Testing shall be conducted by a third-party consultant approved by the County and hired by the Applicant. Test results shall be shared with respective property owners and the County's Fire and Rescue and Community Development departments. The

testing offer shall be delivered within 30 days of the project's land disturbance permit issuance and through at least two mailings to the mailing address on the property's respective tax ID file and a notification in a local publication.

12. Cemetery Protection and Access. The applicant shall keep all construction activity and material stockpiling at least 100 feet away from any private cemetery that may be found within the limits of the Project and provide an access way for persons visiting the cemetery subject to County review and approval.
13. Heights. Battery Storage containers may not exceed single stacking and a height of 12 feet. Facility buildings shall not exceed a height of 25 feet. The following items are excluded from height requirements: transmission utility poles and any improvements in the electrical substation facility.
14. Agency Approvals. The Project's design, construction and testing shall meet relevant local, state and federal standards as applicable.
 - a. Approval of an Erosion and Sediment Control and Storm Water plan with a surety bond posted with Louisa County is necessary prior to commencing any land disturbance activity.
 - b. The site shall fully comply with all applicable provisions of the Louisa County Land Development Regulations, to the extent not modified herein, throughout the life of this Conditional Use Permit.
15. Project Deadline. The Project shall begin construction within seven (7) years of project approval or this Conditional Use Permit shall become null and void.
16. Soil Stabilization. The Project shall be developed in the following steps to ensure proper soil stabilization during construction. These phases may be modified as required by the Virginia Department of Environmental Quality or the County Erosion and Sediment Control Administrator during site plan review or construction.

Step 1

- a. Building a construction entrance, laydown area(s), and installation of all perimeters, temporary erosion, and sediment control measures.
- b. Wetland and stream limits, conserved open spaces, and the limits of disturbance will be flagged prior to work.
- c. During Step 1, the limits of disturbance will be minimized to only install the necessary erosion control features described above, but in no case shall a Work Area associated with Step 1 activities exceed 25 acres.
- d. No other land disturbing activities will take place until the perimeter controls for the upstream drainage area are in place and deemed stabilized by the County.
- e. As the Step 1 activities are completed and the perimeter controls are approved by the County as provided herein, the Step 2 activities may begin to complete the site work within the protected areas established during Step 1.

Step 2

- a. Establishment of required buffers within the Work Area, clearing, grubbing, and grading of the interior of the site for battery storage containers and roadways within the protected drainage areas.
- b. The limits of disturbance will be minimized to only disturb the necessary areas, but in no

- case shall the limits of any Work Area associated with Step 2 activities exceed 25 acres.
- c. Stabilization of each Work Area will be reviewed and approved by the County Erosion and Sediment Control Administrator. Once a Work Area has been stabilized and approved by the County Erosion and Sediment Control Administrator, another Work Area of the project may begin land disturbance activities.
 - d. Stabilization means seeding with native grasses or a cover crop and application of blankets, matting, hay, mulch, or other surface cover, if necessary, depending on the prevailing weather conditions and time of year.
 - e. Stockpile management of the project including geotechnical study is required for topsoil reuse and will be accounted for in the site plan review process.
 - f. If any problem with stabilization occurs after it has been approved by the County and before construction is complete, the applicant will repair it promptly.

Once features or activities are complete within a given Work Area, the Project Owner will notify the County Erosion and Sediment Control Administrator who will inspect and approve or identify any necessary modifications to the completed area(s).

All disturbed areas shall receive temporary or permanent seeding within seven (7) days in accordance with the Virginia Stormwater Management Handbook. The site plan shall show a note for use of native Virginia grasses and plants, with priority given to pollinator friendly habitat, in accordance with the Virginia Department of Conservation and Recreation's Virginia Pollinator Smart Program's Best Management Practices and Comprehensive Manual. Vegetation types classified by VADEQ or DCR as invasive are prohibited.

- 17. Stormwater Improvements. All approved storm water improvements require inspections and approvals by either Virginia Department of Environmental Quality staff, or a qualified professional engineer, licensed by the Commonwealth of Virginia, before commencing any other site work. Evidence of such inspections shall go to Louisa County staff for review.
- 18. On-Site SWM & ESC Manager. The applicant will provide an individual responsible for performing daily inspections of storm water and erosion and sediment control practices and devices installed throughout construction. This individual will provide the County a monthly status report on the Project and any issues while coordinating with the County Erosion and Sediment Control Administrator & Inspector and the Virginia Department of Environment Quality, as necessary, to resolve any storm water and erosion and sediment control issues that occur on site.
 - a. The County may hire an independent engineer (the "County Engineer") of its choice to check on the progress of the project on a weekly basis to ensure the job is being built according to the Conditional Use Permit. If the County obtains three (3) bids, the cost of hiring the County Engineer will be paid by the applicant.
 - i. In the event there is any problem with construction as determined by the County Engineer, then the County Engineer and the applicant will meet and try to resolve the problem. If a mutually agreeable solution cannot be achieved, then the County Engineer in consultation with the Zoning Administrator will provide written notice to the Applicant of required remediation. If the prescribed remediation is not in process of completion or completed within seven (7) days, the County, or the applicant may halt construction and make an appeal to the Board of Supervisors at the next scheduled meeting of the Board to address the issue and memorialize further plans

for remediation.

- b. At the time the Erosion and Sediment Control Letter is issued, the applicant will post an erosion and sediment control construction bond sufficient to ensure compliance with the construction requirements of the Conditional Use Permit as determined by staff. This bond can be released upon certification by the County Engineer or Zoning Administrator that the Project has been completed and built in compliance with the Conditional Use Permit; whichever occurs sooner. There must also be no outstanding damage to downstream properties that is attributed to the project.
19. Site Plan Approval. Submission and approval of a site plan in accordance with the conditions of this Conditional Use Permit and the Louisa County Land Development Regulations prior to issuance of any building permits.
20. Timbering Operations. Timbering operations by the landowner are also bound by this Conditional Use Permit. The removal of vegetation, other than dead or diseased vegetation without the prior approval of the Zoning Administrator, within the buffers as depicted in the concept site plan prepared by Eastpoint Energy dated August 5, 2026, within Enclosure 1, Exhibit F of the applicant's application shall constitute a violation of this Conditional Use Permit. The owner is responsible for obtaining permits timbering/logging from the Virginia Department of Forestry. Prior to timbering/logging the project owner will survey/properly mark all required vegetative buffers, wetlands, and streams.
21. Project Liaison. The Operator shall designate at least one public liaison, publicize a toll-free phone number and email address for communication with the liaison during construction, and post it on a temporary four (4) foot by eight (8) foot sign at all access points prior to any land disturbance or construction. The sign will be reviewed and approved by County Staff and the sign shall be properly maintained. This information shall appear on the Operator's website and Louisa County may also place it on the County's website and other social media.
 - a. The liaison shall act as a point of contact between citizens and construction crews. The liaison shall be available in person and by phone during active construction hours and shall respond to any questions related to the Facility or Property within twenty-four (24) hours. The liaison role shall commence at the initial pre-construction meeting.
 - b. The public liaison shall prepare a monthly report detailing any complaints, complaint date, resolution, and resolution date of any inquiries. The report shall go to the County Code Enforcement Officer and County Planner on the first business day of each month throughout the construction period and an additional six (6) months following issuance of the final occupancy permit, or equivalent from the County for the Facility.
22. Waste Disposal. Any solids or hazardous waste carried onto the site during construction, operation, or decommissioning will be contained and managed in accordance with applicable rules and regulations. Such materials include but not limited to materials used for the proper functioning of the facility and machinery, hydraulic oil, diesel, petroleum, grease, solvents, lubricants, paints, adhesives, and other oil-based products. The Applicant will also take all steps required to prevent the littering or contamination of the Project site or adjacent properties with such materials. Battery Storage containers and supporting project equipment at the end of the project's life will not be disposed of in the Louisa County Landfill.

23. Job Fair & Career and Technical Education (CTE) Program. The Project Owner will attend the Louisa County High School Job Fair the year the Project starts construction. The Project Owner will attend at least one CTE class to provide information on the battery storage industry to students. This condition is null and void if the Louisa County School System rejects the Project Owner participating in the CTE class or the job fair. The Project Owner will ask the Louisa County Chamber of Commerce to share any job postings with local businesses.
24. Remaining portion of property post-project development to be placed into conservation easement. Prior to Site Plan approval, the remaining portions of the project's parcels not being utilized for easements, access, stormwater, and the project's BESS limits of disturbance shall be placed into a conservation easement.
25. Site Inspection. The Louisa County Board of Supervisors or their designated representative reserves the right to inspect the site at any reasonable time with or without advance notice, so long as notice is provided to the Applicant simultaneously with entry to the site.
26. Violations. Violations of any condition of this permit shall be grounds for revocation of the Conditional Use Permit. The Louisa County Board of Supervisors may choose to hear any violations of the conditions of the permit affording the applicant due process during a public hearing.

Enclosures (3):

Enclosure 1 includes Applicant Documents as follows:

- Exhibit A: Permit Application Form
- Exhibit B: Tax Map
- Exhibit C: Power of Attorney
- Exhibit D: Narrative
- Exhibit E: Voluntary Conditions
- Exhibit F: Concept Plan
- Exhibit G: Example Emergency Response Plan
- Exhibit H: Example Hazard Mitigation Analysis
- Exhibit I: Summary of Battery Storage Fire Incidents and Contamination Findings

Enclosure 2 House Bill 895

Enclosure 3 Preliminary VDOT Comments