



County of Surry Virginia Planning Commission Meeting Minutes March 28, 2022

MEETING CONVENED: The meeting of the Surry County Commission was called to order at 7 PM on Monday, March 28, 2022, in the Surry County General District Court, 45 School Street, Surry, Virginia by Mr. Eddie Brock Chairperson

ATTENDANCE: The following members respond to Roll Call Present:

Mr. Eddie Brock, Chairperson

Ms. Judy S. Lyttle

Mr. Giron Wooden, Jr.

Mr. Theodore Lunsford

Mr. Earl Newby, Sr.

Mr. Thomas Hardy

Mr. Stephen Berryman

Mr. William Seward, IV

Ms. Dianne cheek

Ms. Carmen D. Judkins

Absent:

Mr. David Coggin

Also present were Mr. Horace Wade, Director of Planning and Community Development, Ms. Regina Hilton, Administrative Assistant, Mr. Lorenzo Turner, Planner, Sarah Seward, Ms. Danielle Power, County Attorney, Ms. Melissa Rollins, County Administrator, Ms. Katherine Meyers, Director of Development for Primergy Solar, Mr. Scott Foster, Attorney with Gentry Lock

PLEDGE OF ALLEGIANCE: All

ADOPTING OF AGENDA:

Chair Brock requested a motion to adopt the meeting agenda as written. Moved to approved by Mr. Seward and seconded by Mr. Newby.

In favor: (10) Brock, Lyttle, Wooden, Lunsford, Newby, Berryman, Seward, Cheek, Judkins, Hardy

Opposed: 0

Abstain: 0

APPROVAL OF CONSENT ITEMS: Chairperson Mr. Brock asked the Commissioners for the disposition of the minutes for January 24, 2022, and the disposition of the minutes for February 28, 2022, and for any correction. Ms. Judkins saw a correction in the spelling of her last name throughout. It's showing Jenkins and it should be Judkins. Mr. Seward moved to accept the consented items with the noted corrections and seconded by Mr. Newby.

In favor: (10) Brock, Lyttle, Wooden, Lunsford, Newby, Berryman, Seward, Cheek, Judkins, Hardy
Opposed: 0
Abstain: 0

OLD BUSINESS: None

NEW BUSINESS

1. Capital Improvement Plan

Ms. Rollins presented a draft the Capital Improvement Plan for the fiscal year 23' to 2027. Ms. Rollins thanked the service of the Planning Commission and the excellent job that Mr. Wade is doing in Surry County. The following points were made:

- A quote from the Deputy Administrator, Mr. Harrison that Surry's greatest asset for implementation of the plan is the relationship that exist between Boards and Commission and Staff. It would take all of us working together collectively and collaboratively to achieve the goals outlined in the 2040 Comprehensive Plan.
- Several strategic initiatives. (1) rural place making, (2) safe and clean communities, (3) good government, (4) economic empowerment, (5) economic growth, (6) education and engagement which includes forging partnerships with our educators to keep and develop and attract youth and other citizens so they can have a positive impact on the Surry County community.
- The county administrator must compile a five year CIP which is incorporated into the consolidated budget.
- The categories of the CIP which is general government administration and community and economic development. The county has 20 plus aging facilities that must be maintained. Three schools which have 31 HVAC units and need roof repairs.
- In terms of benefits, the CIP helps to foster a sound and stable financial means to accomplish the projects on an annual and a five year basis. It provides key knowledge to our stakeholders. It ensures the needs of the community is met.
- Surry is moving towards a new mobile radio communication system and purchasing another fire truck.
- Included in the CIP is a \$300,000 funding set aside to plan for economic development initiatives that is strategically directed to investment in business and industry in Surry County.
- Surry is looking at a \$88,230 downtown development planning. There is also an addition of indoor plumbing and derelict and dilapidated structures in Surry County.
- Elevate water storage at the industrial park. The cost over two years is \$1.9 million.

- The water and wastewater master plan is another project to how we can further protect the health and welfare of the citizens here in Surry by expansion of adequate water and sewer system.
- Improving of the Parks and Recreation outside restroom facilities. The improving of the playground equipment. Upgrading of the inside kitchen in terms of being a commercial kitchen. A major infrastructure repair of \$175,000. A pump house replacement.
- County vehicle replacements due to the miles, group replacements, solid waste convenience site improvements, new roof for the courthouse are also needed projects.
- A new medical unit which is looking for grant funds to help take care of the purchase.
- A fire truck apparatus of the amount of \$678,665. In the current year's budget, a funding is set aside to purchase one new vehicle for the Surry fire station and one for Dendron fire station.
- General comment in terms of expectation for the planning commission, there is a state code that the county administration may come before the Planning Commission and present the CIP to make sure that any projects that relates to the Comprehensive Plan is imputed.

Mr. Brock stated he wanted to add, one of the things he believes in the past that the Planning Commission discussed, there was a need for a better or upgraded facility for the boat launching at the marina. And that may have helped to become the driving force to get the marina that we have now. Mr. Brock also asked if there is a need for a resolution to the board to approve the CIP. Ms. Rollins answered that what was received in the past was in a letter, that would come from the Director that says that the Planning Commission heard the report and if they had any particular questions or if there were any comments. Those comments can be sent and just say that you received it and endorsed or improved , but provide any recommendations that the Planning Commissioners may have.

2. **General Project Description:** The Applicant, Loblolly Solar, LLC, proposes to construct a 150-megawatt (alternating current) photovoltaic solar energy generation facility on approximately +900 acres of a +2,585-acre contiguous tract of timberland consisting of 41 parcels located off of Colonial Trail West/SR 10 (approximately 37°10'51.5"N, 76°59'52.2"W) west of Spring Grove. The project infrastructure will consist primarily of UL listed solar photovoltaic panels, DC to AC inverters, voltage transformers, security fencing and a meter and attachment line to interconnect with existing transmission system. The project involves the following parcels: 10-12, 10-20, 11-24, 11-25, 23-6-1, 23-6-2, 23-6-3, 23-6-4, 23-65, 23-6-5, 23-6-6, 23-68, 23-69, 23-41, 23-42, 23-43, 23-44A, 23-44C, 23-45, 23-46, 23-52, 23-53, 23-49A, 23-50, 23-76, 23-77, 23-78, 23-79, 24-8, 24-8A, 24-1, 24-10, 10- 18, 24-6C, 24-6, 24-5, 10-14, 11-21, 11-1, 10-53, and 10-53A. The Comprehensive Plan indicates the property is suitable for Rural Preservation.

A. Comprehensive Plan Map Amendment No. 2022-02

The Applicant, Loblolly Solar, LLC, seeks a map amendment to the Development Plan Map of the Surry County Comprehensive Plan to reflect that the property is suitable for General Industrial use. The project consists of 41 parcels which are zoned A-R, Agricultural Rural District, and will be located off Colonial Trail West/SR 10 (approximately 37°10'51.5" N, 76°59'52.2" W) west of Spring Grove. The property is the subject of Rezoning Application No. 2021-02.

B. Rezoning Application No. 2022-02

The Applicant, Loblolly Solar, LLC, seeks to rezone +2,585 acres from Agricultural Rural District (A-R) to General Industrial District (M-1) to permit a solar utility use. The project consists of 41 parcels which are zoned A-R, Agricultural Rural District, and will be located off Colonial Trail West/SR 10 (approximately 37°10'51.5" N, 76°59'52.2" W) west of Spring Grove.

C. Conditional Use Permit No. 2022-02

The Applicant, Loblolly Solar, LLC seeks a conditional use permit for a solar generation facility in Surry County. The project consists of 41 parcels which are zoned A-R, Agricultural Rural District, and will be located off Colonial Trail West/SR 10 (approximately 37°10'51.5" N, 76°59'52.2" W) west of Spring Grove. The proposed CUP includes conditions to mitigate any adverse effects of the proposed facility to the affected parcels and immediately adjacent parcels as well as facility decommissioning.

D. Substantially in Accord Determination

Pursuant to Virginia Code Section 15.2-2232(A), Applicant, Loblolly Solar, LLC seeks a determination that the Project, as defined in Conditional Use Permit Application No. 2022-02, is substantially in accord with the Surry County Comprehensive Plan for the proposal to construct and operate a solar energy facility. The project consists of 41 parcels which are zoned A-R, Agricultural Rural District, and will be located off Colonial Trail West/SR 10 (approximately 37°10'51.5" N, 76°59'52.2" W) west of Spring Grove.

Comments were given by Mr. Wade. A question from the Commission was made by Ms. Cheek. Ms. Cheek said In this Comp Plan, it says agricultural forested and natural land that forms the basis, these are important characteristics to preserve. So, my point is that we can't just look at agriculture if we're looking at this Comp Plan, because we have to think about the broader items that they're mentioning and maybe that should be considered differently than it has been. Mr. Wade commented that the project kept the character of the district, and it is now of agricultural and forest.

Mr. Foster, Attorney with Gentry Locke made the following points.

- Primergy will build, own, and operate this project and will be the long term community partner.
- The project will be completely buffered by existing vegetation.
- The Substantially in accord code will be upheld
- Surry is ahead of having solar language in their comprehensive plan. The rezoning of the solar ordinance requires that solar in Surry be developed on M1 or M2 and that a rezoning application as forest profiled has been submitted.
- This project has disclaimed all other uses except for agricultural, silviculture and solar.
- To propose the conditional use permit as a living document.

Ms. Meyers, Director of development for Primergy Solar, made the following comments.

- The project is a 150-megawatt solar facility, which includes 12 private landowners and approximately 2,400 acres. Approximately 900 acres of those are fenced areas.
- The current use of property is planted pines and less than 50% of the 900-acre areas would see panels. The remainder is buffering resource protection area, wildlife corridors, vegetation, pollinators which is only a half percentage of the total acreage in Surry.
- The array is entirely consolidated in the Carsley District and there will be no panels north of Route 10. The only thing north of Route 10 is the transmission line connecting the project south of Route 10 to the existing transmission line to the north. The Comp Plan reads “which minimize the impact of utility scale solar facilities to Surry's natural, agricultural, and cultural resources, as well as the visual impact on Surry's primary transportation routes.”
- The project meets the need of all six of the strategies outlined in that objective of the Comprehensive Plan. The first objective is that the project will avoid and minimize and impact to farmlands and farmland of statewide significance.
- Two, the solar facilities should not be located within Residential Investment Areas. Three, they should be screened from towns, Residential Investment Areas in Route 10 and 31.
- Four, they should not be visually impact scenic and cultural resources. Five, they should be cited as close to existing electric transmission lines as possible and finally, that Surry County should advocate for more flexible taxing options for solar facilities.
- To meet the above objective, no project parcels are in an active agricultural development. The project is not located with or near the residential investment areas around the town of Surry and Route 31.
- The project will commit to a 500’ minimum setback from all residences and a 250’ setback from all roads and finally a 100’ setback from any neighboring properties. The nearest resident to this project is 532’.
- The fenced area allows wildlife corridors to maintain for deer, turkeys, and other wildlife to continue to move throughout the parcel freely.
- A 500-foot buffer would be added to the array. The nearest residence to the array is 200’ and the nearest property boundary is 50’.
- There will be zero construction entrances on local County roads and the tax revenue offered in an excess of 19 million.
- There are no known cultural resources within or near the solar facility, no historic places within 1.9 miles and there are additional layers of control at the state level to do additional surveys.
- The project added a 1,000-foot buffer to their line and within that area are three residences in a one and tree quarter mile corridor with an average of 620’ away from the proposed line.
- The county should advocate for flexible local taxing option. The project will be paying taxes on the underlying real estate where the property is cited. The project will escalate payment of \$1,400 per megawatt in year one. Ten percent every 5 years and an additional \$9 million in contribution over the life of the project, which is estimated to be at least 30 years.

- The comparison of this project to that of Surry Nuclear Facility is that the Power Plant made 13.17 million megawatt hours in 2021. And according to Surry County's 2021 forecasted budget, they would plan to contribute \$13.2 million in taxes to Surry County. Loblolly is producing approximately 328,500 megawatt hours of power per year in year one. The taxing that is proposed by Loblolly would average \$407,000 per year and would be paying \$1.24 per megawatt hour, almost 18% more than Surry Nuclear.
- In addition to the revenue share, the project will offer \$250,000 additional voluntary payment in year one to the county. A \$125,000 payment to Surry's Schools to do technological advancements for the middle schoolers.
- A \$2.4 million over the life of the project to fund a power bill reduction program for eligible Spring Grove residents.
- This project will have a construction traffic management plan in collaboration with VDOT and the county. It will improve and repair County roads as needed prior to and following construction for the use and maintenance of private lanes. The project is to replace vegetation and provide landscaping bonding. The project will be using thuja green giant.
- The RPA's and wetland are not near the array.
- The project is required to decommissioned and restore appropriately. The restore and removal of the property within 12 months.
- The project will enter into a power purchase agreement. A fixed price, long term binding power purchase agreement for 15 to 20 years.
- The disposal of panels, broken panels and leftover panel should be in the conditional use permit to give approximately 180 days to be removed.
- The project has no relationship with Dominion other than Dominion owning the line. The project has an interconnection agreement with PJM which is the oversight board for Dominion. The only money that passes hands between Primergy Solar and Dominion Energy is the reimbursement for the installation of facilities to connect the facility to their line.
- The project proposes a multitude of conditions which include a construction traffic management plan, county road maintenance commitment, screening requirements and bonds, setbacks requirements, a decommissioning bond and a private lane maintenance agreement requirement, soil testing annually, a requirement to do waste removal within 180 days, emergency services training and a local project liaison to ensure that someone can walk the property regularly and alert and address concerns related to wildlife, monitor compliance and communicate with the county.

PUBLIC COMMENTS:

1. Ms. Mary Herring, of the Claremont District, on Forest Lane is not a proponent of solar power. Ms. Herring is very concerned about the impact to the power bills and for those who do not qualify for special consideration. Ms. Herring recently resides in Stafford County where a number of mistakes have been made in every level of development of slow conservative analyzing of how the land is use. Ms. Herring stated that on Forest Lane, they are not interested in having skyline of power lines

over the highway and the damages of property value. There are elements of historical, cultural, and environmental importance.

2. Mr. Albert Shaw, of the Spring Grove District, is opposed to solar farms. The project is in the center of the community of five businesses. The project proposes a payment of the local power bill, but how about the everyone else in Surry County.
3. Mr. Marvin of the Spring Grove District stated that trees produce oxygen. The project will be cutting down trees and that will change his oxygen. This will be like living in the city of asphalt which increasing heat.
4. Ms. Mabel Wilkins, of the Spring Grove District, runs a day care in her home, and she opposes solar farms. Ms. Wilkins addressed the wildlife, and she lives across from solar panels. Ms. Wilkins recently fenced in her property because of the fear of bears, cougars, and bobcats to protects her kids. Ms. Wilkins agreed with Mr. Shaw on paying another resident's electric bill. Surry has enough solar farms and to ride down highway 10, highway 40 and highway 611 to see more panels.
5. Mr. McKinley Bailey lives on the west side of the project that is being considered. Mr. Bailey cannot see how the project adversely affects anything.
6. Ms. Lynetta Davis thought the presentation was good. Traveling down Route 10 and seeing the panels is a very ugly sight. The dislocation of the wildlife, the condition of the roads, big trucks running you off the highway of the other solar project, please don't make that mistake again. There is no decrease in her power bill, property taxes have gone up. The fencing of the project will only trap the deer, bears, and other wildlife. Ms. Davis lives in Guilford Height and the deer and bears are coming into the community. What happen if the company went under? Would the County have to fall only on the bond that was presented. Ms. Davis is opposed to the project.
7. Ms. Sandra Jennings, of Guilford Heights, cannot count the times that she has been run off the road by the solar trucks and big equipment trucks. The other solar project has destroyed the highway. Trees are agriculture and the wildlife is being destroyed. The area is now seeing bears, foxes, and coyotes being displaced.
8. Mr. Demetrius Jones, of the Carsley District is a county school bus driver. Beaverdam Road and Swann Point is undrivable from the destruction of the previous project. The condition of the county's roads is bad and there is no need for another project to come in and destroy the others.
9. Ms. Brenda Drew, from the Spring Grove District, stated that she loves the community and the forest and when the Commissioners vote to keep in mind to preserve our beautiful Spring Grove and the forest and the timber.

10. Mr. Dylan Jones, a resident and property owner in Spring Grove and Carsley, strongly opposes solar farms. He stated Surry is a beautiful place, and the track of land is where he rode his horse and four-wheeler. The impact on wildlife and crops in that area will reduce habitat.

PUBLIC HEARING CLOSED:

COMMENTS BY COMMISSIONERS:

Ms. Cheek asked if the project was proposing if the area where the transmission line is proposed, will it stay agriculture?

Mr. Wade stated that the application has not changed and that it depends on what the Board of Supervisors with the proposed zoning ordinance amendment. The areas that are north of route 10 would apply and only the areas south of 10 would be reserved as M1 and the areas north would just be a condition use permit up to the transmission line. If the board approved the text amendment, then the conditional use permit for all the areas including 10. If the Board do not want to go over the text amendment, they would choose option B of the rezoning everything.

Ms. Cheek asked if the conditional use permit would be complying with the solar ordinance .

Mr. Wade stated the conditions are basically its own ordinance. Ms. Powell applied that it depends on how it's worded.

Mr. Seward commented that like most of the people in the county, he makes his living on timberland. The project would be using a lot of land. What is now a buffer will not be a buffer once the logger goes in and cut.

Ms. Meyers stated that none of the Surry County local secondary farm roads would have construction entrances. The construction entrance to the project will be from the state highway and coordinated closely by the County and VDOT.

Ms. Cheek asked when would the liaison start? Ms. Meyers answered during construction.

Mr. Lunsford asked what type of power line will the project use pole or steel structure will.

Ms. Meyers stated that they will be using steel monopoles. They are between 50 and 80 foot tall. Mr. Lunsford asked how many lines can be attached to a given pole. Ms. Meyers answered three.

Mr. Lunsford then asked if someone could tie into the projects pole. Ms. Meyers asked yes because of the shared use facility agreements.

Mr. Wooden asked would the project be 100% in control of the gen-tie. Ms. Meyers answered yes and if the Commissioners would like to limit that, they would be able to comply.

Mr. Lunsford commented that maybe a condition that no one could tie-in and Ms. Meyers said she could.

Mr. Brock stated that according to the Comprehensive Plan, solar panels would be placed within proximity of the transmission lines. This project is a mile and three quarters, which to him is not in

proximity. Mr. Brock feels that the Commissions hands are tied, and this project is one of the best that has been presented to the Commission, but it does not follow the Comprehensive Plan.

Mr. Wade agreed that the project is one of the best that has been presented to the County and stated that one of the elements that he read verbatim was that the facilities shall be cited as close to existing transmission lines as possible. That as for staff, he makes a recommendation to reevaluate the Comprehensive Plan.

Mr. Lunsford then asked:

- Will the solar panels be converted from DC to AC.?
- Are the lines crossing other rural electrification lines?
- Is there any danger in the wind transmitting into the line?
- If one of the lines were to break, who responsibility to fix the line?

Answered was:

- By converting the lines, will match the current on the existing transmission line.
- PGEC distribution lines runs along route 10.
- If the lines are damaged, a crew will immediately dispatch at the projects expense. And if any damaged done to Prince George line, it will also be fixed at the cost of the project. A local employee will monitor the situation of the lines 24/7.

Mr. Lunsford suggested if this project goes to the Board of Supervisors and said if the applicant were putting in a thousand-acre solar farm and had talked to Amazon who would be putting up a warehouse and employing 30,000 employees, that would be a way of preserving the community.

Mr. Brock commented that the project would be in Surry and the power would be sold somewhere else. Ms. Myers stated that it would.

Ms. Cheek asked about the distance of the project from Spring Grove. Ms. Myers answered that it was three quarters to a mile from Spring Grove. Ms. Cheek then stated that her driveway was a quarter of a mile from her home, so a mile isn't really far from the community.

Ms. Meyers insured that there will be a robust buffer. The project will not be visible. With the 2,400 acres, only 900 will be used.

Mr. Wade commented to the Commission that the current conditions do not address the setbacks for the inverters or substations. The inverters should be approximately 300 feet and the substations should be about 500 feet from the exterior property lines. A discussion of the runaway crossing being overhead. VDOT would prefer the crossing to be underneath the road and gave considerable reasons why. Another element was compliance regarding violation of conditions of ordinance regarding the County access to the site for emergency inspection. The fourth element is the Substantial in Accord.

Ms. Powell stated that under the state code, the Substantial in Accord finding that a decision of the Planning Commission is needed. And if the Planning Commission does not take that up tonight, then they must decide within 60 days and the project will be automatically deemed to be in accord with the

Comp Plan. And if it is deemed in compliance, then it goes to the Board and the Board can make its findings.

Mr. Brock asked if nothing is done, then is there the need of approval of the Substantial in Accord determination. If nothing is done, can it be deferred if no other actions made in 60 days. Ms. Powell stated no that the Commission could defer the question that would go to Mr. Wade of when the application was received. The Commission is supposed to make a finding within 90 days but if the applicant was okay with agreeing to extend or defer past 90 days, it could be done.

Mr. Foster stated the finding on 15.2-2232 and that the Comp Plan is in 60 days.

Mr. Wade stated that there is a siting agreement and if the Board does approve, then it finds it in substantial accord, and they don't need the Substantial in Accord. There is a public hearing that goes to the Board of Supervisor. If the project is approved and the siting agreement is approved as well, it does not need the Substantial in Accord determination at the Planning Commission level.

Mr. Wooden made the following statement: I will be recusing myself from voting due to the financial from Hexagon/Primergy for the support the school system and as you know I'm employed by the school. I will be recusing myself from voting.

Mr. Brock entertained the Planning Commission decision or recommendation for the Comprehensive Plan Map amendment 2022-02. The motion for or against

Mr. Seward make the motion to deny Comprehensive Plan Map 2022-02 that it does not meet the character of the Map Plan amendment and the comments of the community as well to the citizens of Surry County and second by Mr. Berryman.

In favor: (8) Brock, Lunsford, Judkins, Cheek, Newby, Seward, Hardy, Berryman

Opposed:

Abstain: (2) Lyttle and Wooden

Mr. Brock stated next is the rezoning application 2022-02, applicant Loblolly to rezone 2,585 acres from agricultural rural district AR to general district M1 to permit a solar utility use.

Ms. Cheek made the motion to deny the rezoning application 2022-02 for the same reason that the Comprehensive Plan Map Amendment was denied. It was second by Mr. Newby.

In favor: (8) Brock, Lunsford, Judkins, Cheek, Newby, Seward, Hardy, Berryman

Opposed:

Abstain: (2) Lyttle and Wooden

Mr. Brock made the motion to deny the Conditional Use Permit 2022-02, Loblolly seeks a Conditional Use for a solar generation facility in Surry County project. That the project does not meet the Comprehensive Plan with the transmission line not being within proximity. It was seconded by Mr. Berryman.

In favor: (8) Brock, Lunsford, Judkins, Cheek, Newby, Seward, Hardy, Berryman

Opposed:

Abstain: (2) Lyttle and Wooden

Mr. Brock stated the next item would be the Substantial in Accord's determination pursuant to the Virginia Code section 15, 2-2232, Loblolly Solar, LLC, determination that the project as defined in the Conditional Use Permit application 2022-02 Substantial in Accordance with the Surry County Comprehensive Plan for the proposal to construct and operate a solar energy facility.

Ms. Cheek proposed that it be deny based on the entirety of the Comprehensive Plan that calls out the preservation of agriculture and forestry areas and location to our community and towns. She felt that it did address the solar portion of the Comprehensive Plan but must look at the entirety of the comp plan. It was seconded by Mr. Newby.

In favor: (8) Brock, Lunsford, Judkins, Cheek, Newby, Seward, Hardy, Berryman

Opposed:

Abstain: (2) Lyttle and Wooden

Mr. Brook ask for a recess to clear the court room. Mr. Marvin Drew of the Spring Grove District thanked the Board for listening to the community comments. Mr. Albert Shaw of the Spring Grove District also thanked the Board for being considerate and personally for the citizens.

COMMITTEE UPDATES:

Mr. Wade stated that they are working on the Comprehensive Plan. He along with the comprehensive plan committee are working with a consultant. They are working on two focus groups and having a community open house. The community open house will be Wednesday, April 27th from 6:00 to 8:00. Surveys will be sent to the public and on the Surry County website concerning public input on energy projects.

ADJOURNMENT:

Chairperson Brock asked for a motion to adjourn at 10:11 PM until the next meeting on April 25th. All in favor signal by saying Aye.

Commissioners: Aye