



County of Surry Virginia Planning Commission Meeting Minutes November 22, 2021

MEETING CONVENED:

The meeting of the Surry County Planning Commission was called to order at 7:00 PM on Monday, November 22, 2021, in the Surry County General District Court, 45 School Street, Surry, Virginia by Mr. Eddie Brock, Chairperson.

ATTENDANCE: The following members responded to Roll Call Present:

Mr. Eddie Brock, Chairperson
Ms. Judy S. Lyttle
Mr. Giron Wooden, Jr.
Mr. Earl Newby, Sr.
Mr. Thomas Hardy
Mr. Stephen Berryman
Mr. David Coggin
Ms. Dianne cheek
Ms. Carmen D. Judkins

Absent:

Mr. Theodore Lunsford
Mr. William Seward, IV

Also present were Mr. Horace Wade, III, Director of Planning and Community Development
Ms. Regina Hilton, Administrative Assistant, Mr. Lorenzo Turner, Planner I, County Attorney Ms. Danielle Powell, Esquire (via phone), Mr. Jeremy Clark, Mr. Jonathan Jackson

APPROVAL OF THE MEETING MINUTES: Chairperson Mr. Brock asked the Commissioners for the disposition of the minutes for September 27, 2021, and if there were any questions or corrections, if not he would ask for approval.

Ms. Cheek would like to make a correction to page five. A minor update to her name. There is no "S" and to add that in that meeting she stated that the solar farm conflicted with the

comprehensive plan and the solar farm ordinance that we have for that time also found on page 5.

Mr. Brock then noted the correction and entertained a motion to approve. Motion to approve was made by Mr. Hardy with the noted items from Ms. Cheek and seconded by Mr. Newby.

Mr. Brock stated that it was properly moved and approved and asked the commissioners all in favor by saying aye. Commissioners: Aye

OLD BUSINESS:

Conditional Use Permit No. 2021-02:

TRC Environmental Corporation, on behalf of Align RNG, requesting a Conditional Use Permit for Utility Service/Major, per Section 3-302(C) of the Surry 2 County Zoning Ordinance, to construct a regional facility to be used to filter and process raw biogas from multiple farms to create pipeline quality Renewable Natural Gas (RNG) in the (A-R) Agricultural-Rural Zoning District. The subject property is located approximately 625 feet east of Route 31 – Rolfe Highway and 1,150 feet south of Route 604 – Rocky Hock Road along the Surry/Sussex County Line and is identified as Tax Parcel 56-7. The Comprehensive Plan indicates the property is suitable for Rural Preservation.

Mr. Wade provided an update to the project since the public hearing on September 27, 2021. The applicant was present along with the third party engineer, Jonathan Jackson, from Bowman Consulting, whom reviewed the project. There was a community meeting on October 27th where the applicant provided information on the sulfur removal and information on why the proposed location was selected. The applicant also provided information on the noise level, and truck traffic visiting the site annually. The County elected to have Bowman Consulting review the project at the applicant's expense. Mr. Wade then introduced the applicant to address the Planning Commission with any concerns or questions that they may have.

Mr. Clark, Manager of Business Development for The Align RNG addressed the Planning Commission for Align RNG. He addressed questions from the Commission concerning the Align project in Utah, commercial traffic and employees, utility access, fire truck access, pipeline diameter, water coming out of the central facility, frequency of truck traffic, particles emitted in the atmosphere.

Ms. Lytle asked Mr. Brock if our Bowman Consulting representative could address the commissioners.

Mr. Jackson of Bowman stated that he personally was at the community meeting in October as well as the Zoning Subcommittee meeting a few weeks following that. He learned a lot of things from those meetings and just wanted to make sure that those were shared with the group, which he believes they've done in their presentation. For example, he did not know at onset

that there were going to be two to three employees, and that all makes sense and seems reasonable.

Ms. Cheek asked if they would make a recommendation on modifying this CUP in how it is worded and could Mr. Wade would make a comment on it.

Mr. Wade replied that Commissioners could add or delete conditions that were presented as staff recommendations. Any legal questions or concerns can be addressed by the County Attorney, Ms. Powell.

Ms. Cheek stated that her consideration was if additional farms, assuming the project gets off and running and at some time down the road, want to be added. She is recommended that they come back to the Planning Commission to add additional load to the current application, because what we're approving here is what's been described as 20 farms, and we are not anticipating growth. Ms. Cheek stated she concerned about how more farms would mean more input into the facility that's located in Surry. If that condition arises that they should be asked to come back, because now the facility is changing, which is what we are concerned about.

Ms. Powell asked if Ms. Cheek's concern was about more traffic, the access road, or something else.

Ms. Cheek stated her concerns of traffic were a part of it, and the fact that they may have to add additional filters. She questioned that if Align did expand, how would it affect the facility that is in Surry? If Align does anticipate expanding, the Planning Commission may want to consider having Align come back to the Commission if it's going to increase by 50%.

Mr. Brock questioned if privately owned hog farms adjoining the site, that are not owned by Smithfield Foods, could be considered participating by having pipelines coming from their properties to go to the Central Conditioning Facility. His concern is that there would be more gas contributed to the site that they are originally approving.

Align Representative replied that the gas cleaning system is designed with two compressors. It has about a 50% expansion capacity if they maximize the number of membranes that they use at the gas cleaning system. Align will still need to add additional hydrogen sulfide pretreatment filters, but the compressors in the membrane enclosure would be able to handle about a 50% expansion in the amount of gas that they can process at that facility.

Mr. Clark stated the Align project predominantly included the Smithfield farms that are expected to be part of this project. If others hog farms elect participate, the designed capacity

allows room for that growth. And there's not the sizeable farm population like it is North Carolina where there could be a significant expansion beyond what they designed. But that would include quite a bit of work and other approvals from other agencies to do something that Mr. Brock talking about.

Ms. Powell commented that she was concerned that the facility may expand, and there may be additional filters or additional traffic. Instead of having the applicant come back before the commission some years from now, maybe just that there is a can't exceed number, whether that's can't exceed a certain number of filters, to address Ms. Cheek's point, or if there's something that the applicant has to comply with VDOT recommendations for traffic management, maybe those types of conditions can be considered to be added as a part of the CUP instead of waiting for some number to come about with any additional parcels.

The Align Representative stated up to 50% additional gas to be processed through those same two compressor trains. And if you look at the example they gave you from Milford, they have three compressor trains there. So that would be the next step then if they needed additional traffic would be to add a third compressor train. They need to contact Prince George (Electric) at that point, probably, to add to the substations to give them additional power.

Mr. Clark stated that he would just suggest limiting the number of filters might not be the right approach. They want to make sure that Align can treat the gas properly and not to limit the site's ability to operate effectively. If they did go over, they would have to go back to DEQ and get a redetermination. When asked by Mr. Wade the flow rate, the response was 14 standard cubic feet.

Mr. Wade then asked for the output and the response was they would have to go through air covering to see the air covering for the site. There are different permit thresholds for each kind of pollutant. So, they must show them that they are below those thresholds and if they are below, then they can get an exemption from air permit. For example, SO₂ has a threshold of 40 times where at eight, which is well below anything close to needing a permit.

Mr. Wade stated that he had gotten a figure from Mr. Jackson indicating a quote of 200,000 DECA. The response from Align was if they expand beyond that we would be talking a 300,000 DECA per year and that 300,000 would be okay.

Ms. Cheek then suggested that their engineer go back and work with the applicant.

Ms. Lyttle stated questioned if the Commission would move forward with the added additional, would they have to come back. The response from Ms. Powell was no and the Planning Commission will have to decide to recommend approval or denial of the application, which can

include conditions that the Planning Commission thinks will help with the land use if it's a recommendation of approval.

Mr. Wooden asked if the property where the conditioning facility was built was being leased or purchased. The response from Align was that the property was purchased. Mr. Wooden then asked how many acres. And the response was five total.

Mr. Brock asked for the percentage of the easement is for the gas line. Response by Align was four tons. Also stated by Align that they will not exceed an expansion of beyond 50%. Its 150% to be clear and that's a hundred percent mark and they will not exceed 150% that number.

Mr. Wade also noted to Commission of the conversation with Ms. Powell about condition seven and that the conditions where it should expire after two years, but the board can increase it to three years.

Mr. Brock asked for a motion to approve or deny with the stipulations of condition number nine.

Mr. Hardy made the motion approve the conditional use permit 2021-02 with the added notes of bullet point number nine with a request for additional volume. If requested if additional farms are added for the additional air output. It was second by Ms. Cheek.

In favor: (09) Brock, Lyttle, Wooden, Hardy, Berryman, Jenkins, Cheek, Coggin, Newby

Opposed: (0)

Abstain: (0)

COMMITTEE UPDATES: Mr. Wade stated that this public hearing will be forwarded to the Board of Supervisors for their January 2022 meeting.

Mr. Wade then discussed the committee updates. The Bylaws Committee used points from Prince George County and benchmarked a couple other localities, which was received in the packet of the By Laws and Rule of Procedure for the Planning Commission of Surry County, VA. Mr. Wade reviewed the current draft version of the Bylaws with the Commission and stated that Ms. Powell and the attorneys are also reviewing the bylaws.

PUBLIC COMMENTS: Mr. Brock asked for public comment. None

PC SECRETARY COMMUNICATIONS: Mr. Wade stated that FEMA requires the County to update its floodplain ordinance and it must be adopted by April 6th. The County must send a draft ordinance to Virginia Department of Conservation Recreation, by December 2021, for them to review before it is reviewed by the Planning Commission for a public hearing, and it

should be adopted by the Board of Supervisors by March 2022. That means the ordinance amendment would have to be at the Planning Commission by January 2022. Mr. Wade addressed the other updates for the Board of Zoning Appeals. The staff have reviewed a couple of items as regards to the appeals, there are several updates from the state code that have been missed over the years, that need to be updated because of the state code.

Mr. Wade also discussed a new application for a solar development adjacent to Bacon's Castle. The project had two community meetings. They were initially going to try to do a public hearing for the 20th of December. However, Mr. Wade spoke with their attorney on what they were trying to do and was trying to push the meeting to the 20th. The commissioners all agreed except for Mr. Berryman who could not be there.

Ms. Lyttle questioned whether we had only one operating solar farm which was Strata. Mr. Wade response was yes, and he will update the commissioner on solar projects. For SPower, they are reviewing the traffic management plan from the highway safety commission and Ray Phelps. Also, that the traffic planner from the Timmons Group has been very instrumental in working with the developer. The only other project would be the one in Bason's Castle.

COMMENTS BY COMMISSIONERS: Mr. Brock thanked Mr. Jackson and Bowman for all their help and looks forward to working with them in the future.

ADJOURNMENT: Chairperson Brock asked for a motion to adjourn at 8:45 PM until the December 20th meeting. All in favor signal by saying Aye. Commissioners: Aye.