



County of Surry Virginia Planning Commission Meeting Minutes September 26, 2022

MEETING CONVENED: The meeting of the Surry County Commission was called to order at 7 PM on Monday, September 26, 2022, in the Surry County General District Court, 45 School Street, Surry, Virginia by Mr. Eddie Brock, Chair.

ATTENDANCE: The following members respond to Roll Call Present:

Mr. Eddie Brock, Chairperson
Ms. Judy S. Lyttle
Mr. Giron Wooden, Jr.
Mr. Earl Newby, Sr.
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne Cheek
Ms. Carmen D. Judkins

Absent:

Mr. Theodore Lunsford
Mr. Thomas Hardy
Mr. Stephen Berryman

Also present was Mr. Horace Wade, Director of Planning and Community Development;
Ms. Regina Hilton, Administrative Assistant; Ms. Sarah Seward; Ms. Lola Perkins, County Attorney

PLEDGE OF ALLEGIANCE: All

ADOPTING OF AGENDA: Chair Brock entertained a motion to adopt the meeting's agenda. It was moved by Mr. Wooden and seconded by Ms. Lyttle.

In favor: (8) Brock, Lyttle, Wooden, Newby, Judkins, Coggin, Seward, Cheek,
Opposed: 0
Abstain: 0

APPROVAL OF CONSENT ITEMS: Chair Brock asked the Commissioners for the disposition of the minutes for June 22, 2022, and August 22, 2022. Mr. Wade presented the advisement to the Commissioners for the August 2022 correction and the noted correction in Ms. Cheek's last name. It was spelled with an "S", in the June 2022 minutes. A motion to approve was made by Mr. Wooden and seconded by Ms. Judkins. The consent items were approved with the noted correction for June 2022 by Mr. Brock.

In favor: (8) Brock, Lyttle, Wooden, Newby, Judkins, Coggin, Seward, Cheek,
Opposed: (0)
Abstain: (0)

The disposition of August 22, 2022, minutes, with the noted advisement corrections, was moved to be approved by Mr. Wooden and seconded by Ms. Lyttle.

In favor: (8) Brock, Lyttle, Wooden, Newby, Judkins, Coggin, Seward, Cheek,
Opposed: 0
Abstain: 0

OLD BUSINESS:

1. Energy Projects Comprehensive Plan Update & Discussion
 - a. Review Draft Amendment
 - b. Discussion
 - c. Next Steps

Mr. Wade presented the Comprehensive Plan updates to the Commissioners followed by a discussion, review of the draft amendment, and next steps. He stated that it wasn't the final document but a solid draft to give feedback or changes to the consultants. There will be a community open house on October 12th at the Surry Community Center and hopefully, the draft will be completed with all changes and comments.

Ms. Cheek asked if there will be public comments in November. Mr. Wade answered and said that hopefully there will be a solid draft ready for a public hearing in October and a public hearing would be scheduled for November 21st.

Mr. Wooden asked Mr. Wade if the questions asked of the consultants were answered for the Commission and does he feel the same about Staff. Mr. Wade answered yes. Some things should be reviewed thoroughly, with a fine comb, to make sure that everything was addressed. Mr. Wooden said the discussion of setting a limit for usable land that would be devoted to energy projects, "is highlighted under strategy 4 and recommended under category 4 for 10% of developable land to be used for the project". Mr. Wade said it was just a starting point and if you feel that the percentage should be more, that is where Staff and the consultants should start.

Mr. Coggin asked what the currently approved percentage is if the total allowable percentage of developable land starts with ten. Mr. Wade stated, presently we are now at 5.41%. Mr. Coggin stated it would make available 7,500 acres plus or minus for the future. Mr. Wade stated that you could not legally limit the amount of a solar development based on acres. "We may not be able to a cap off and say no more applications. It could be considered a moratorium, which we are unable to do". Mr. Wade suggested that it would be a question for Mrs. Perkins, County Attorney.

Mrs. Perkins stated in terms of placing a cap, she would have to research the rules and regulations regarding solar activities, and as Mr. Wade previously stated that it would be a moratorium. Ideally, you would put something in place when the ordinance was enacted that would provide for a sunset clause and grandfather all the preexisting projects that had been approved.

Mr. Brock stated that he would like to be able to put a percentage of the total acreage. Also, he thought it was a state requirement and the county or the localities would decide to what level. Mr. Wade stated that the plan tonight is to set up guidelines for approval, the kind of projects that the County will accept or be willing to accept with quality projects in a suitable area. The comprehensive plan is a guide.

Mr. Brock's next question referred to the mile buffer for historical properties. The mile buffer would be appropriate because he's not sure that we can buffer the solar panel project so that they are not in a viewshed of the historic site. Ms. Cheek also agreed, which was one of the comments she submitted.

The suggestion to the Commissioners, made by Mr. Wade, was for them to develop a consensus based on staff and the consultant recommendations listed on page two. "No part of the project site should be placed within one-half mile of historic sites. There should be a viewshed analysis submitted by the developer of the project at the developer's cost for any proposed energy project that is within a mile of a historic site to ensure that no equipment, structures, or fencing are visible from the historic site entrance or structure". Ms. Cheek stated that she believes it should be a mile and require a viewshed analysis on any project.

As staff, Mr. Wade stated the viewshed analysis breaks down the flexibility of a project. It makes the project very limited. The point would have the same within that mile radius and would account for the screening or some type of viewshed analysis. Tonight's objective will only be completed at the Planning Commission level and would have to be approved at the Board level.

Mr. Brock asked if the half-mile of buffering is from the property line or the dwelling site. Mr. Wade used the historic site for example, that it would be from the property line. Mr. Wooden stated a need to decide or define what is meant by the property line or the actual dwelling. "If you go half a mile from the house, is one thing, but if you go half a mile from the property line, you might already be at the half-mile". Mr. Wade felt that the mile would be limited.

Mr. Wooden said that he does agree with Ms. Cheek that every project should have some type of viewshed analysis either at the Commission level or when it goes to the Board of Supervisors. Mr. Brock stated when attending the Board meeting, he believes the Board of Supervisors will think a mile is too

far. If you use half of a mile or slightly above three-quarters of a mile from the property line, that should provide a good buffer from the facility.

Mrs. Perkins made a point of Clarification. On page seven, “a historic site is defined as a structure identified on the National Register of Historic Places, the Virginia Landmark Register or the Surry County Local Historic District including the entirety of the parcel on which the structure is located”. Her legal interpretation would be that the entirety of the parcel would be included.

Ms. Cheek stated a mile because a half mile may be reasonable but having it from the property boundary and not from the steps. Mr. Wade asked to keep in mind that this is a comprehensive plan. There may be some things you can do if it’s a good project that may be within the half-mile buffer and may go over what’s considered in substantial accord. With that in mind, Ms. Cheek stated that it may be reasonable to do the half-mile with the consideration of other setbacks. In addition, Mr. Wooden stated with the definition given by Mrs. Perkins, it’s the property line, which he can agree with the half mile from the property line.

Mr. Coggins asked did we have both the half-mile, and the quarter-mile buffers. Mr. Wade stated that the half-mile buffer on page six is still pertinent because it states that it requires a viewshed analysis for any project. Remove the mile buffer and keep the half-mile buffer with the requirement of a viewshed analysis, which must be submitted. Take out within a mile of a historical site.

Mr. Wooden asked if the document mentions churches and religious sites. Mr. Wade stated in the bullet point on page two, states “the project site is screened and buffered with landscaping from any place of worship or cemetery”. Mr. Brock asked if the projects were screened and buffered based on the setbacks that we have in place. Mr. Wade said that the screening and buffering may be something you would like to spell out. This is the planning policy for solar development. Currently, the ordinance spells out the minimum setbacks.

Mr. Wooden asked if a church decides to have a cemetery in the future, should the Commission set some type of guide for solar farms in a certain proximity of a church, like that of historic sites. Maybe not a half-mile, but some type of number within the radius of the church property line. Maybe a thousand feet from the property line or something reasonable which will allow a church to possibly put in a cemetery or a need to expand. Mrs. Perkins stated from a legal perspective, “unless there is a restriction somewhere else in our ordinances that restricts the location of a cemetery to not be within a certain number of miles from a solar facility, the requirement that we would be placed pursuant to this document would be on the solar facility. So, they would not need to do anything if the solar facility was there first. They would not have to go back in time as if the cemetery were there when they first came through. They would be operating, and they would be grandfathered in to use a term that’s very familiar to all. They would not need to put in screening requirements or do anything else that would be required of a solar project located close to a cemetery. The actual construction on the cemetery would not prohibit that from happening simply because the solar facility was there.”

Mr. Wade said maybe putting in a defined number and the consideration given to adjacent landowners whether it be a church or a cemetery to find an acceptable setback or buffer. Encouraged during a

community meeting, outreach to nearby Churches and developers to have something upfront and start with 500 feet. Mr. Brock suggested 700 or 750 feet. Mr. Coggin asked, based on what we have, would the project be screened?" Mr. Wade answered yes. Mr. Coggin then asked about wind turbines. Mr. Wade stated that the Comprehensive Plan Amendment is not primarily about solar but about all energy projects.

Mr. Wooden said it was being talked about by Dominion. They reached out to the school as an educational tool for the community. Mr. Wade stated that is the reason to develop policy to address policies upfront to determine how the project would affect adjacent property owners if they were living next to an energy project and the impact of how it would affect their lives.

Mrs. Lyttle stated when companies come into the community looking for properties and places, they have already screened the owners and the citizens in the area and have already gotten approval. They have done a lot of that work themselves. What needs to be considered is when they offer money to the property owner, a certain amount per acre, and the neighbor isn't offering anything. That is where she believes the conflict lies. "Are we supposed to be looking out for them as Planners and as supportive Board members, that person who needs that extra income or wants to participate with the company or those neighbors who don't want it because I'm not going to be getting anything out of this? So, there's probably one reason I don't want it." Some may think it's ugly, so, in our planning, we must think that we are looking at two sets of people that have different motives or different things that they want to accomplish with their property. So, in our planning we need to consider everybody's property rights first and that they can do pretty much what they want to do with their property. Those are my thoughts. That has happened with all our projects."

Mr. Brock stated "I'd make more money on a solar panel project than I've ever made in farming. But do I want to give up what I call the beauty of our county? They're going to put panels on every acre they can. Wouldn't it be more feasible for them if they decrease the number of panels and did a little bit more buffering? Instead of having 400 megawatts, have 350 megawatts and do away with two rows of panels. But that has never been offered. So, that's my whole thing, I've got to look out for myself. I'm in a position where I must look out for everybody. I've got to hear what the guy who is trying to make money off his project is saying and hear the guy that's standing screaming because I moved over here for the peace and quiet. That's why I think there should be a buffer around the churches and the historical sites. Now for the church, we must go one step further. We must look out for the churches in the area and the cemeteries in the area and throughout the county."

Mrs. Lyttle also made the following objectives:

- There shouldn't be a lot of restrictions for upcoming projects.
- Surry County is allotted 10% of the land for solar and we now have almost 5%. Bacon's Castle had one approved and we are looking at two more.
- What is important would be the screening of the project. Natural vegetation as screening dies out in the winter.

Mr. Brock stated that the project should leave a natural buffer. Mr. Coggin said, for example, the bike project on route 5 that goes to Richmond has all natural buffers. Mr. Wade stated that localities have ordinances in place to require developers to preserve a specific amount of vegetation. Most of the time in forestry there is a requirement of at least a 50-foot buffer. Mr. Seward stated that they must leave 50 feet untouched unless it's solar which cuts down to the road.

Mrs. Lyttle said the project by Mt. Nebo, the gentleman planted trees that grow from the bottom and are extremely dense. They are fast-growing trees. If we can get a list of the types of trees to suggest for upcoming projects, it would be good.

Mr. Wade stated Ms. Cheek sent notes on Strategy Six that the county will support the use of agrivoltaics. The panels would be elevated higher than normal to allow plants to grow. Mr. Wooden stated for small projects but not a 2,000-acre project.

Mr. Wade also stated that Ms. Cheek mentioned on page number two, number seven that we would be supportive of working for community benefits or joining advocacy organizations such as the Rural Development Coalition or some advocacy organizations. Mrs. Lyttle stated maybe changing the wording from should, should be an option. Mr. Wade said the word gives you an option and Mrs. Lyttle said should is good.

Mr. Coggin spoke of page two which says the facility utilizes best practices to maintain biodiversity and soil quality. When it rains and you travel on Hollybush Road and turn onto Beaverdam, it is as brown as coffee from the soil that washes off the solar farm to the creek. Mr. Wade said it was governed by DEQ which is under the guidelines until 2024. Maybe we can work with Ms. Perkins on finding a way to have additional conditions for stormwater because some of the adjacent properties are affected. Mr. Seward asked if we have a stormwater plan and Mr. Wade said no but the solar farm has a stormwater plan which they base on a post of the actual panels. They are regulated by DEQ which regulates any project over an acre.

Mr. Wade said at this time on page six, it looks as if we are reducing the historical property buffer to 0.5 miles and adjusting text on page two. The public hearing date is November 21st and an open house on will be held on October 12th which is on Facebook.

NEW BUSINESS: None

PUBLIC COMMENTS: None

Chair Brock asked for the motion to adjourn at 8:26 PM until the next meeting October 24, 2022. All in favor signal by saying, Aye.

Commissioners: Aye