County of Surry Virginia
Planning Commission Meeting Minutes
June 27, 2022

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7 PM on Monday, June 27, 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
Mr. Giron Wooden, Jr. Vice Chairperson
Mr. Earl Newby, Sr.
Mr. Stephen Berryman
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne Cheek

Absent:
Ms. Carmen D. Judkins
Ms. Judy S. Lyttle
Mr. Thomas Hardy
Mr. Theodore Lunsford

Also present were Mr. Horace Wade, Director of Planning and Community Development, Mr. Lorenzo Turner, Planner I, Ms. Regina Hilton, Administrative Assistant, Ms. Sarah Seward, and Mr. Noah Foster, Consultant for Summit Design and Engineering Services.

PLEDGE OF ALLEGIANCE: All

ADOPTING OF AGENDA:
Chair Brock requested a motion to adopt the meeting agenda as written. Moved to approved by Mr. Berryman and seconded by Mr. Newby.

In favor: (7) Brock, Wooden, Newby, Berryman, Coggin, Seward, Cheek

Opposed: 0
Abstain: 0

<u>APPROVAL OF CONSENT ITEMS</u>: Chairperson Mr. Brock asked the Commissioners for the disposition of the minutes for March 28, 2022. Ms. Cheek then stated that she had questions. One was concerning the statement on page three that stated Mr. Brock stated a need for a better or upgraded facility for the boat launch and she did not remember that discussion. Ms. Cheek also mentioned that Mr. Wade had updated the minutes. Chair Brock made the motion to defer the minutes to the next meeting in July and was seconded by Mr. Wooden.

In favor: (7) Brock, Wooden, Newby, Berryman, Coggin, Seward, Cheek
Opposed: 0
Abstain: 0

<u>OLD BUSINESS</u>: None

<u>NEW BUSINESS</u>

1. Energy Projects Survey Results
    a. Presentation by Summit Design & Engineering Services (Consultants)
    b. Discussion
    c. Next Steps

Mr. Wade stated Summit Design and Engineering Services, one of the consultants, was here tonight to share the survey results. He commended the subcommittee, Ms. Cheek, Mr. Coggin, and Mr. Newby for their assistance throughout the project.

Mr. Noah Foster, Planner I with Summit Design and Engineering Service made the presentation to the Commission with the following comments.

- An understanding of the political will, desires of the Planning Commission, and the desires of residents are needed to move forward.
- The state of energy projects, especially utility-scale solar, will serve as a guide for staff and Planning Commission for an amendment to the Comprehensive Plan and can be critical in reviewing applications. The goal of the Comprehensive Plan will help inform for updates to the solar energy ordinance, the benefits to property owners, and to avoid sensitive areas such as historic viewsheds and cultural resources. The current solar energy ordinance reiterates avoiding steep slopes, helping maintain the farming heritage and economy of Surry, and providing evergreen buffers so that it’s not an eyesore.
- 181 responses were recorded from the survey. There were two focus groups with residents, industry representatives, and community leaders. Also, there was an open house where anyone could come, talk and ask questions.

- A slide was presented of a bar chart to show where the County now stands with the proposed Pine Gate facility which showed that the utility-scale solar facilities in Surry County represent 7.1% of the county's developable land. Dominion Nuclear Plant is 0.9% of developable land.
- A large concern with utility-scale solar is the conversion of farmland, particularly prime farmland, which is that the currently existing facilities take up 9.9% for Surry County and with Loblolly, it would take up 11.5%.
- Another concern is historic properties and the impacts that large utility-scale solar facilities can have on their viewsheds. Surry has a lot of historic sites.
- Another concern from the focus group would be farmland and timberland and how it would impact the local economy on the way of life for families who have lived in the county for generations.
- The previous solar developments, according to responses, left some impacts such as stormwater, runoff, traffic, issues with wildlife passage, and variance from site plans which may have included a 100-foot buffer from the property line that wasn't enforced. Some members of the group were concerned about the lack of jobs in the County.
- Other concerns were the disposal of components, explicitly resulting from solar, we have enough in our County, and we have done our fair share.
- 70% of respondents said energy products should be limited to a very small percentage of land in the county and the most significant impacts were the displacement of wildlife, loss of farmland, and timberland, and loss of historic and agricultural character of the County.
- Another question asked was if Surry County is to pursue other economic development activities instead of energy projects, what would you prefer? The top responses were outdoor recreation, tradesman, vocational education, and agritourism.
- Some of the top responses were providing fully developed plans for review that would be wholly followed as to the increased community development, community benefits, and increased buffering both in terms of actual distance from residential property lines and vegetation to protect the viewshed, distance from high voltage transmission lines, the size of projects and capacity, conversion of agricultural land, protection of wildlife corridors or allowing wildlife passageways through facilities.
- Three scenarios to present to the Board of Supervisors. One would be no additional energy projects in the county, which would be guidelines in the Comprehensive Plan Amendment and actual regulations that would be adopted in the solar energy ordinance to prevent additional projects.
- Scenario two is the middle ground that limits energy projects. Adding the language avoidance of historic properties, preservation of farmland and timberland, projecting historic view sheds, requiring best practices for stormwater management, and outlining best construction practices to limit overall disruption.
- The third scenario is no change as we are reaffirming what we've already done.

Mr. Brock then asked if the Commission would get support from the Board of Supervisors for what is needed by the Commission. Mr. Wade commented that he would like to attend a Board of Supervisors meeting to have a chance to talk one-on-one. Should changes be done to the current Comprehensive Plan and should we take another look at the Ordinance as well? Mr. Wade stated he would not like to be in a place where we have a Planning Commission public hearing and it's the first time the Board of Supervisors hears about the Comprehensive Plan update at a public hearing at the Board of Supervisors meeting.

Mr. Wooden stated the legal ramification is to adopt an amendment to our solar ordinance under scenario one because it is related to a moratorium. Mr. Wade stated according to our Attorneys, legally other localities should not have passed moratoriums. Mr. Wooden asked for clarification. Mr. Wade stated maybe we should change the language in saying we don't want any more projects because there could be a great project in which they could sue the County. Unless the Code of Virginia says that we could, we could place parameters that avoid prime farmland.

Mr. Brock suggested maybe a limit or caps and the number of acres or percentage used for future projects. Mr. Wade commented that by itself, each project can't be decided by that cap and each project should be on a case-by-case basis.

Mr. Coggin asked what the process would be. Should an amendment be drafted and then recommended to the Board of Supervisors? Mr. Wade stated that we would need to start talking with the Board if should there be any changes to the current Comprehensive Plan or should be looking at the ordinance as well to assure that everyone is going in the same direction. Mr. Wade stated that we should not be in a place where there's a public hearing in the Planning Commission and it's heard for the first time at the Board of Supervisors public hearing. Mr. Wade commented that a presentation will be made to the Board in July, but tonight, he needed feedback from the Commission.

Mr. Wooden stated that the Commission could make a recommendation for scenario one. In his opinion, the presentation should be made to the Board of Supervisors so that they could mull it over and try to decide which way they should go. The Commission is not a policymaking body, only recommendations.

Mr. Wade stated that could be done if we all come to a consensus that scenario one is the Planning Commission recommendation. The task tonight is to provide the best recommendations to the Board of Supervisors regarding the direction in which the county should take.

Mr. Berryman commented that he doesn't know of anyone in the County that wants another solar farm. He knows the County needs projects, but no one has come to him and said, I can't wait until they build one over here.

Mr. Brock made the following comments:

- When he attended the Board of Supervisors meeting, only two citizens in favor of the project spoke. One was the landowner with 900 acres and a teacher.
- The teacher presented the project to her class as the greatest project ever, but Mr. Brock wished the kids could come to a meeting to see the whole picture of cutting down trees, broken panels, or decommissioning of panels.

- At the beginning of the solar projects, they only offered the County very little. And at the last meeting, they offered the County much more. Mr. Brock stated it was originally $800,000 for the first year and now it's $200,000 for 40 years and money for the schools and 4H.
- Scenario one would be his choice and some stipulations with scenario two.
- Direction is needed by the Board.

Mr. Wade stated that what the Commission is saying, present the objectives before the Board and let them inform the Commission of what is needed, and the Commission can take it from there. We can share what the public says and those are the facts. Find out which direction the Board of Supervisors would like to take. Take it back to the Planning Commission to draft the amendments for approval.

Mr. Coggin commented that Ms. Anne Darby, consultant for Summit, told him that the solar layout is flawed. That the runoff water for the solar panels was based on a four-by-four I-beam. When it rains or no sun, the beams are lying flat and there is a 4,000-acre parking lot of water. The people on Beaverdam are complaining about their property washing away. Mr. Coggin stated that he believed a grant was given to keep water from running into the James River.

There was a brief discussion on the acreage report. And the 15,800 acres of land taken up by the three solar projects (Spring Grove One and Two, and Cavalier) are based on overall site acreages and may include vegetative buffers.

There was discussion on farmland of statewide significance. Mr. Wooden stated that most people consider prime farmland as row cropland. Mr. Wade noted that Loblolly, based on the map is prime farmland.

Ms. Cheek asked if we all agree in this meeting that prime farmland includes forested land, and it was agreed by Mr. Berryman and Mr. Wade.

Mr. Wade stated that if the Board of Supervisors asked him, what the Planning Commission wants to do, then he would ask for their feedback. And if the Board asks what the Planning Commission wants them to do, just from tonight, the answer is between one and two, not three.

Mr. Foster stated that the point of tonight's meeting is just for discussion. That an evolved dedication of time in knowing the projects and what the Commission thought was important to discuss.

Mr. Brock stated Scenarios one and two and gave reasons. Mr. Wade commented that the survey results speak, and they adhered to the citizens and their experiences with different public hearings regarding the same issues.

Ms. Cheek asked Mr. Wade if they are asking the Board for guidance somewhere between scenarios one and two and to come back to the Commission so that the amendment update process begins.

Mr. Wade stated correct, and the end goal would be a Comprehensive Plan Amendment, confirming one accord for Surry County for working with energy projects. Mr. Wade suggested that maybe a couple of Commissioners would like to speak to the Board and share points of view they have experienced as a

Planning Commissioner. Also, to give the experiences from the public hearing and things you've heard from the public.

Mr. Wade asked the Commission for a decision. Mr. Brock stated scenario one and Mr. Wade stated one and two and not a full one.

Mr. Coggin commented to what is the purpose of the Commission. The Commission was doing this to give the Board information. Why can't a consensus of scenario one or two and say this is the consensus of the Commission?

Mr. Wooden stated that half of the Commission is not here, and several projects have gone to the Board from the Planning Commission one way and ended up another when it gets to the Board of Supervisors. It may not be done in a public forum but will listen to a presentation. The Commission, if there isn't feedback from the Board, can put something together.

Mr. Brock asked if the responses are presented at a work session for the Board of Supervisors. Mr. Wade stated that the consensus is that it appears as though the Commission is looking between scenarios one or two, and not three at all. And that most of the discussion has been about utility-scale solar and that we could start looking at how we address other energy projects.

PUBLIC COMMENTS: None

PUBLIC HEARING CLOSED:

COMMITTEE UPDATES:

Ms. Cheek stated that when you have a decision as a Commission, such as a solar farm, and the Commission votes a certain way, she would recommend that be documented in its letter or memo, separate from the minutes, and separate from Staff of the Planning Department so that the Board would have the Planning Commission's comments.

Mr. Wooden stated that it was past practice. When an item is voted on, a letter was drafted and signed off by the Chairperson. Ms. Cheek stated it had not been done and should be. The minutes have all the information but haven't been approved and the letter should have a quick turnaround.

Mr. Wooden suggested that the Staff would draft a letter for the Chairperson's signature in ample time, to be put in the packet for the Board of Supervisor meeting.

Mr. Brock stated that should be the proper way to go other than to put a comment on the Board's agenda, that the Planning Commission approved or denied. There should be a statement to say why, and he could do an electronic signature if needed.

Mr. Wade stated that it could be done in a memo to the Board coming from the Chair and the Commission receive a copy. Comments in the minutes from the public could be included, but they haven't been approved.

Ms. Cheek suggested that the Commission could okay the minutes' s comments made by the public. Mr. Wade said he could help to include the denial and the reason why.

Mr. Wade asked the Commissioners if they would prefer staff to give strengths and weaknesses or if would they prefer staff give recommendations as well. Mr. Brock stated that the staff's recommendations waive towards approval from the Commissioners.

Mr. Berryman asked if there were any updates on Cavalier. Mr. Wade stated yes. They are currently working on their site plans. They are in phases two and three portions of the plans. Both projects are in Surry and the other project is in Isle of Wight. We are now working with their developers and engineer, and he believes that they would like to break ground before the end of the summer. Mr. Wade believes that the residents in that area just want to see it done. Mr. Drewry sent Mr. Wade a message saying someone said the developers were putting up panels. After researching we found they were doing geotechnical work by posting holes. It would be about a year of construction. AES, who bought out SPower, to be transparent and to give monthly updates on the project. Mr. Wade will have information transmitted on the Surry County Facebook page.

Mr. Brock asked about the scenario previously a lady asked about the Conditional Use Permit for two years, in which she wanted for four, would that come back to the Planning Commission. Mr. Wade stated that the condition is in the Ordinance and says that the Conditional Use Permit is for two years unless the Board approves for something longer. They were asking for four because of the length of the project. Mr. Brock stated that their reason would be that Dominion would not let them connect until 2025.

Mr. Coggins asked about Spring Grove III. Mr. Wade stated that he had just signed off on the site plan. Ms. Cheek asked did they have to follow the solar ordinance in the next phase and Mr. Wade answered, absolutely.

Mr. Berryman asked if there had been another applicant. Mr. Wade said no. They were monitoring the Pine Gate project and do not know if that would happen. They were also offering biogas using plants.

Mr. Brock asked if Pine Gate was going away, or if they are they coming back in. Mr. Wade stated that he did not know what would happen to that project, but he did reach out to their attorney. At this time based on the Board, he didn't think the Board would entertain them coming back. And according to the Comprehensive Plan, with Pine Gate being in front of a Historic Bacon's Castle

<u>ADJOURNMENT</u>:

Chairperson Brock asked for the amotion to adjourn at 8:36 PM until the next July 25, 2022. All in favor signal by saying, Aye.

Commissioners: Aye