

Minutes
Planning Commission
County of Surry, VA
September 27, 2021

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7:00 p.m. on Monday, September 27, 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
Mr. Giron Wooden, Jr., Vice Chair
Mrs. Judy S. Lyttle
Mr. Theodore Lunsford
Mr. Earl Newby, Sr.
Mr. Thomas Hardy
Mr. Stephen Berryman
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne Cheek

Absent:
Ms. Carmen D. Jenkins

Also present were Mr. Horace Wade, III, Director of Planning and Community Development, Ms. Regina Hilton, Administrative Assistant, Mr. Lorenzo Turner, Planner, Mr. Bill Hefty, County Attorney, Mr. Andrew Price, Mr. Adam Ventre.

APPROVAL OF THE MEETING MINUTES: Chairperson Mr. Brock asked the Commissioners for the disposition of the minutes for July 26, 2021. Moved to approve was made by Mr. Newby and seconded by Mr. Berryman.

NEW BUSINESS- PUBLIC HEARING:

A. Conditional Use Permit No. 2021-02

Mr. Wade presented the staff report to the Commissioners. 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

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.

Applicant Presentation: Presentation given by TRC Environmental Corporation representatives requesting a Conditional Use Permit for utility Service/Major 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 AR District. Enclosed in the packet, was a detailed presentation.

Public Hearing: Public hearing was opened by Chairperson Brock for any comments.

Mr. Thomas Lindsay opposed the project and was concerned with the blind curves in the highway.

Ms. April opposed the project and asked about the disposal of sulfur in a highly populated area that is surrounded by animal life.

Mr. Ron Edwards highly opposed the project.

Mr. Mike Drewry stated that the public was not aware of the project and a letter of communication was never given to the public.

Planning Commission Comments and Questions: Mr. Brock asked for comments from the Commissioners. Mr. Brock stated that more information was needed by the applicants and asked how many trucks will be traveling back and forth. How will they dispose of the sulfur and ejection of the gas back into the pipeline? Mr. Brock questioned the size of the driveway, which does not meet standards and the revenue from taxes.

Mr. Newby compared this project to the project in Utah. He questioned the data and who will policy the disposal of waste. He also had a concern with the number of trucks on the highway and the damage to the highway.

Mr. Seward was concerned about the pipeline and why another facility was needed.

Ms. Cheek questioned the harmfulness of sulfur and the footage of piping.

Mr. Hardy questioned the operation of the facility and an environmental team.

Mr. Berryman questioned the easement.

Chairperson Brock asked for a motion to table the CUP for another public hearing in 60 days for TRC Environmental Corporation to come back with more detailed information asked by the public and the Commissioners. The motion was made by Mr. Hardy and seconded by Mr. Newby.

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

Opposed: (0)

Abstain: (0)

B. Text Amendment

Mr. Wade presented the staff report to the commissioners.

Text Amendment The Applicant, Loblolly Solar, LLC, seeks to amend the Section 10-163 Allowable Zoning Districts of the Surry County Solar Energy Ordinance to specifically require a conditional use permit in the M-1 (General Industrial District) and M-2 (General Industrial District) Zoning districts for solar farms containing solar collectors, inverters, racking and collecting lines while allowing portions of the solar farms containing access roads, buffer areas, setbacks, electrical infrastructure including, but not limited to the generation tie line and substations to be permitted with a conditional use permit in an A-R (Agricultural-Rural), A-L (Agricultural Limited), M-1, and M-2 Zoning Districts.

C(i) Comprehensive Plan Map Amendment No. 2021-02

Comprehensive Plan Map Amendment No. 2021-02 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 39 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.

C(ii) Rezoning Application No. 2021-02

Rezoning Application No. 2021-02 The Applicant, Loblolly Solar, LLC, seeks to rezone ±2,359 acres from Agricultural Rural District (A-R) to General Industrial District (M-1) to permit a solar utility use. The project consists of 39 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(iii) Conditional Use Permit No. 2021-03

Conditional Use Permit No. 2021-03 The Applicant, Loblolly Solar, LLC seeks a conditional use permit for a solar generation facility in Surry County. The project consists of 39 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.

C(iv) Substantially in Accord Determination

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. 2021-03, 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 39 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.

Presentation: Presentation was given by Mr. Adam Ventre. Enclosed in the packet was a detailed presentation.

Public Hearing: Public hearing was then opened by Chairperson Brook for any comments.

Mr. David Bates commented that he contacted Loblolly because he wanted to sell his property. His wife is now deceased, and his sons live out of state. He has no use for the property now and his sons would only subdivide the land and sell it off.

Ms. Tirzah Jaynes also contacted Loblolly as well. She also stated that this would be clean energy and it's an amazing project.

Mr. Albert Shaw of Spring Grove spoke and is opposed to the project. "The reason I oppose the solar farm, it will be directly in the middle of a growing community of 100 plus residents' homes, including five churches and businesses". Mr. Shaw stated that we already have a solar farm in the County and the County needs something different besides solar farms. "Can we have other business in Surry County besides solar panels and solar farms".

Ms. Catherine Wells of 1070 Forest Lane in Spring Grove spoke opposing the project. Her question to Loblolly is the total tax figure for this project. She said that she pays more taxes than the project. The revenue is not enough for the County. She also questions the location of the substation. Why this location and not the other side of Highway 10. The Hickory Subdivision will need to use the roads. What percentage of the products are made in China, which she has been told, 99% and there are no environmental regulations on manufacturing? She questioned the long-term effects of placing the large solar farms in the County and what will it do to the soils

after they're gone. There is not enough revenue from this project and the project will affect the community, tourism, and land. The County has enough solar farms.

Ms. Susan Corvello of Spring Grove agrees with the last few speakers. There are enough solar plants and just two and half miles from each other. She questions the disposal of the panels. It was stated that you could just throw them in the landfill. The County needs to look at other projects.

Public Hearing was then closed by Chairperson Brock.

Mr. Ventre, Loblolly spokesman, begun to answer some of the questions and comments that were previously asked. Mr. Ventre answered the question of why the location of the substation; they must tie that power into the existing transmission line, which requires a switch yard.

Mr. Ventre answered to the residential road; the owner of that property granted the right-away and granted a right of way to whoever lives in the subdivision. Nonexclusive right away and no homes are near the panels.

Mr. Ventre answered to the materials made in China; most of the products are made in Taiwan, Singapore, and China. The Technology in manufacturing is 70 years old and there are no secret chemicals or harmful batches included.

Mr. Ventre provided additional comments that the solar project is six miles from where the project is on Hwy. 10 and it's two miles on the diagonal and three miles if you take 10 up to Beaverdam Road.

Planning Commissioner comments and question:

Mr. Brock questioned the 500' setback. He stated it wasn't a good buffer and that's just from your front doorsteps.

Mr. Ventre replied that there are only five properties that are that close to the property line. And there is a letter from the property owner okaying the project. Enclosed was a letter with sixteen signatures on it.

Ms. Cheeks asked how wide the vegetation is surround the project.

Mr. Wade answered by saying if its existing vegetation, it will be 200' buffer and in non-existing, it would be a 50' buffer.

Mr. Berryman questioned the parcel being currently managed as commercial timber farm and are not prime agricultural land. The land is considered prime farming, prime timberland. The project says it isn't, but it is considered prime timberland. "A tree is a crop". "We don't need to destroy all our trees".

Mr. Wade replied by saying we need to defer the answer to that question.

Mr. Brock commented that the Comprehensive Plan talks about how far we should allow panels to be from the existing power line or transmission lines. Sooner or later, we will be running out of land trying to support the projects. Also, that the County should be getting more tax money from these projects and the County will only be getting \$1400 per megawatt and can make it work to a \$5000 megawatt. He states, yes, we will be getting 16 million dollars over 40 years and 13 million from the power plant. We can make more from the gas project than this one. Replacing the timber in 20 years, we need to change the Comprehensive Plan Map.

Mr. Hardy first gave thanks for the presentation. He has concerns of the decommissioning of the panels. The brochure shows beautiful picture of how it will look 25 to 30 years from now, but is it feasible. He also had concerns that the project would not generate jobs or revenue for the County and was concerned with how it will impact property values.

Mr. Lunsford states that the project will not be hiring local workers and questioned the clearing of the land.

Mr. Ventre commented that the project falls under the regulation of a solar farm and will no longer be silviculture. The project is under state jurisdiction and pursuing state level permitting. There is a phase one and phase one cultural historical resources and the property will be delineated on-site for threatened and endangered species, habitat assessment before going in and un-timber.

Mr. Wade provided a staff recommendation to the Commissioners is to evaluate the strengths and the weakness of the cases. If the commission finds the site consideration are evaluated on the strengths and weaknesses are beneficial and reasonable to the County, staff recommends approval. However, if the commission finds the weakness of the project outweighs the strengths, staff can deny the project and if you don't have a recommendation for the applicant, you can recommend deferral.

Mr. Brock asked for a motion or recommendation. Mr. Brock made the motion to deny Comprehensive Map Amendment 2021-2 in the regards to that it does not meet the comprehensive plan the way it is written, also that it's a large tract of land and it's adjacent to the powerlines. So that's the reason for the comprehensive plan map amend be denied. It was then seconded by Mr. Berryman.

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

Opposed: (0)

Abstain: (0)

Mr. Brock asked for a motion for Rezoning Application No. 2021-02, LLC rezone the 2359 acres from Agricultural District AR to General Industrial District M1 a sole use.

Mr. Berryman made the motion to deny to the Board of Supervisors the Rezoning Application No. 2021-02 and seconded by Mr. Newby.

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

Opposed: (0)

Abstain: (0)

Mr. Brock asked for a motion for Conditional Use Permit No. 2021-03, Applicant Loblolly Solar, LLC for a generation facility in Surry County.

Mr. Hardy made the motion to deny Conditional Use Permit No. 2021-03. It was seconded by Mr. Wooden.

Mr. Brock asked for a motion for Substantially in accordance with and accordance determination pursuant to Virginia Code Section 15.2-223-2A. Applicant Loblolly, LLC determination that the project has defined a Condition of Use Permit Applicant No. 2021-03 is substantiated in accordance with the Surry County Comprehensive Plan.

Mr. Berryman made the motion to defer the Substantial in Accord Determination 2021-03. It was seconded by Mr. Newby.

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

Opposed: (0)

Abstain: (0)

PUBLIC COMMENTS: Mr. Brock asked for public comments. None were stated.

COMMENTS BY COMMISSIONERS:

Mr. Wooden stated the meeting of the by-laws committee was to have a summary of the minutes and the transcription will be kept with the Planning Department in case the needs of reviewing and approval. Also, to incorporate some of the language of the surrounding county by-laws.

ADJOURNMENT:

Chairperson Brock asked for a motion to adjourn. Mr. Newby made a motion to adjourn the meeting at 10:05 and the motion was second by the Commissioners.