



**County of Surry Virginia
Planning Commission Meeting Minutes
March 25, 2024**

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7 PM on Monday, March 25, 2024, in the Surry County General District Court Room, 45 School Street, Surry, VA by Mr. Eddie Brock, Chair.

ATTENDANCE: The following members responded present to Roll Call:

Mr. Eddie Brock, Chair
Mr. Giron Wooden, Jr., Vice Chair
Ms. Carman Judkins
Mr. Earl Newby, Sr.
Mr. Breyon Pierce
Mr. Thomas Hardy
Mr. Stephen Berryman
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne Cheek

Absent:

Mr. Theodore Lunsford

Staff Present:

Mr. Horace Wade, III, Director of Planning and Community Development
Ms. Regina Hilton, Administrative Assistant
Mr. Lorenzo Turner, Planner
Ms. Lola Perkins, County Attorney
Ms. Frances Bailey, Planning Technician/Plans Reviewer

Others Present:

Mr. Greg Creswell, AES Development Manager
Mr. Ben Saunders, AES Senior Director
Ms. Jenn D'Augustine, Manager, Permitting
Tamara Slade, Senior Manager, Stakeholder Relations

PLEDGE OF ALLEGIANCE: All

ADOPTION OF MEETING DATES: Chair Brock asked for a motion to adopt the Meeting Dates and noted that there had been changes made. The May meeting date is now May 20th and the July 22nd date has been changed to 15th. Mr. Wooden made a motion to accept the meeting agenda with the corrections and it was seconded by Mr. Newby.

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

ADOPTION OF THE MEETING AGENDA: Chair Brock asked for a motion to adopt the meeting's Agenda. Mr. Wooden made a motion to accept the meeting agenda and it was seconded by Mr. Newby.

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

APPROVAL OF CONSENT ITEMS: Chair Brock said that the County Attorney found discrepancies in the minutes and entertained a motion to defer the disposition of the minutes until the next meeting. Mr. Hardy made a motion to defer the disposition of the minutes until the next scheduled meeting and it was seconded by Mr. Berryman.

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

OLD BUSINESS: None

NEW BUSINESS:

1. **Sycamore Cross Solar Project – AES Project Overview**

AES will provide the Planning Commission with a brief overview of the Conditional Use Permit they recently filed with the County.

- a. Staff
- b. AES
- c. Planning Commission/Developer discussion

Mr. Wade stated before the Commission tonight is the applicant for AES. They have also constructed the project for Cavalier. Tonight, they are here to give information and an update on the project that they are providing for Sycamore Cross. This project will be a dual locality between Surry and Isle of Wight County. Ninety percent would be in Isle of Wight County and ten percent would be approximately in Surry County. Mr. Wade asked if the Commission would

listen to the presentation and ask questions. The intended is an interactive session to work with staff and the applicant before any public hearing.

Before the presentation, Mr. Ben Saunders addressed the Commission about the incident where a vehicle collided with the school bus on March 15th, near the Cavalier Solar Project. Mr. Saunders made the following comments:

- The Virginia State Police are handling the investigation, and AES is continuing to gather additional information.
- Safety is AES's highest priority. The driver was a subcontractor hired by their construction contractor to work on the Cavalier Solar Project. AES is working with the construction partner to evaluate the incident and to work prudently to ensure that all corrective actions needed, are taken.
- AES and its construction contractors have taken the following immediate actions regarding the remaining construction on the Cavalier project. A whole site and personnel safety stand-down, to discuss the incident, will be done on Tuesday, regarding safety measures on the roadway, and future enforcement measures. A review of their construction traffic surveillance process, which would include new corrective actions if traffic laws are violated by construction personnel.
- AES is reviewing the documentation processes with their contractor parties to ensure that all drivers have a driver's license and meet insurance requirements.
- AES is assessing all options to see how to reduce construction traffic adjacent to the project site.
- AES is coordinating with the Surry County public school system to consider ways AES can provide aid and support, following the incident. Mr. Saunders spoke with Dr. Sims on Friday to see how AES can help with the school bus that was impacted. They discussed installing school safety zone signs on New Design Road, at the school complex. Dr. Sims said there was an electrical problem, and they couldn't install the signs. She is looking to install solar-powered signs to make the area safer with the school zone signs. They are looking to support and recognize the children and the driver of the impacted school bus at the April 9th School Board Meeting.
- AES is committed to continue working together with Surry County and their community partners, following the incident, to ensure that there is a safe community, where we operate and do business.

Mr. Greg Creswell:

- Mr. Creswell has worked on this project for just under two years and suggested a meeting with Mr. Wade, to assist in the understanding of the Sycamore Cross Project and to establish a collaborative dialogue for the project.
- The AES project team, Paul Belobraydic, Senior Project Manager, is not in attendance tonight, Jenn D'Augustine, Permitting Manager, and Tamara Slade, Senior Manager for Stakeholder Relations.
- AES is headquartered in Arlington, Virginia, and has built renewable energy projects since 2002 and currently has over 400 operational facilities within the U.S.

- On a local level, AES is constructing the Cavalier Projects, of which approximately 193 megawatts are in Surry County. AES is the owner of the Windsor Project, which is currently CUP-approved in Isle of Wight and working through site plan approvals.
- If Sycamore Cross were approved, the three projects would represent a combined investment of approximately \$850 million within the region. With the three sizeable projects and the investment currently in Sycamore Cross, we are highly invested within Virginia, the region, and Surry County, and are seeking to build on the community and business relationships.
- The Sycamore Cross Project is requesting an application up to 240 megawatts. It is located on 2,488 acres. Based on the parcel boundaries, under site control, 1,156 acres would be within a fence. Within Surry County, the project would use 125 acres within the fence, sitting on three parcels, and would include three additional parcels that contain only easements for a medium voltage feeder corridor.
- No new high-voltage transmission lines or substation upgrades would be required for this project. The expected project timeline currently suggests working through permitting and site plan approvals through the remainder of 2024. The plan is to begin construction in early 2025 and target mid-2026 for operations.
- There are three main reasons that AES has chosen this location. The first is capacity. There will be an interconnection agreement in place with PJM and the availability within the transmission lines for the capacity of the project. No new interconnection upgrades equal low-cost energy.
- Second is the land location. There are landowners interested in using their property for solar development. Topo and soil conditions are favorable for solar development, and the use of zoned and approved land projects located within Surry County is on land that is currently zoned M1 and land that is currently shown within the comprehensive land use map, as approved and existing solar.
- The third reason is sighting. This location is a well-sighted location that is isolated. It's paralleling an existing utility corridor to minimize any further visual impacts and all three of the parcels that would contain arrays within Surry County are on timberland, meaning we could use existing vegetation as veg buffers and have no additional visual impacts.
- With regards to community outreach, the Sycamore Cross team has been executing a robust program since the spring of 2023. A May 3rd open house and a June 28th open house, one held in Smithfield, and another held in Surry. There are two additional open houses planned. One is currently planned for Wednesday, March 27th at the Smithfield Center in Smithfield. A plan for a fourth event, specific to Surry County, will take place toward the end of April, and AES will be in touch with the date.
- A door-to-door outreach of over 300 homes in the region of the project area and expanded outreach to other localities within or other towns within the localities. A flyer was left at the homes of homeowners. The flyer contains a project website, a phone number for Ms. Slade, Mr. Creswell, and the outreach team, along with an email address. Someone would get in touch with them, and they would be willing to come out for a one-on-one conversation or meet them at a coffee shop.
- During the permitting period, there will be project office hours set up to set periods of times, on a set day, on a weekly basis, if anybody wishes to contact staff to answer questions about the project and how it may impact them, or just solar general questions.
- In the future, AES will work with the Planning Staff to set up a community liaison so that during the construction period there will be someone available for any concerns during construction.
- This is multi-county and is within Isle of Wight and Surry County. There are state permits involved. Currently, with Surry, there has been a pre-application meeting, a preliminary

application submittal, which was reviewed by a consultant and staff, and a formal application submitted on February 22, 2024.

- The Certificate of Public Convenience and necessity permit through the State Corporation Commission was approved on January 19th. The application within Isle of Wight is under review and hopefully will go before their Planning Commission this Spring.
- As far as efforts and due diligence in the project area, there has been a study of wetlands and surface waters, threatened and endangered species, cultural and historical resources, visual impact studies and simulations, and an economic impact analysis. The wetlands and field delineations are complete, but AES will be working with the Army Corps of Engineers and Virginia DEQ on confirmations of the findings. Threatened and endangered studies have been focused on bat mist netting as well as bald eagle surveys. AES will continue to coordinate on state and local levels for all studies necessary.
- Project enhancements are the commitment to finding better management practices as we advance from project to project. In addition to no burning on Sycamore Cross, we are committed to early seeding after grading and prior to the installation of mechanicals. This is a method not all developers and builders will use, and it helps to stabilize a facility prior to its construction.
- We also plan to maintain agricultural use on this facility through sheep grazing. We have been successful with this on over 600 megawatts of projects within the state of Virginia. A key project enhancement is that the arrays within Surry will be fully buffered through existing vegetation.
- The most difficult and the most important part of construction for these facilities is the construction traffic management. It is important for residents to get from place to place in a safe and efficient manner.
- We are proposing, on this project, to use centralized staging located at the intersection of Mill Swamp Road and Sycamore Cross Drive. We are also proposing a central location for employee parking, where employees would be shuttled to various arrays and working areas of the project, which would be along Ramsey Road.
- We are looking to find ways of internalizing traffic by taking cars entering the array off the public roads when not needed. We have looked at various factors regarding the roads. They are road conditions, road characterizations, and vehicle counts. We've looked at the impacts on the residents, the number of homes on three different routing options, studied the residential corridors, and super elevations in curbs to find out where it's too steep to take the equipment and bridge capacities leading us to use Route 616, from Proctors Bridge Road in Ivor, for all deliveries. We suggest that no delivery or heavy haul would occur on White Marsh Road.
- We have decided to try to bifurcate three different routes on the project. While deliveries would use Proctors Bridge Road to a central location. From there, a heavy haul-escorted route would be used to take those deliveries out to different portions of the project, and the third type of route would be an employee route.
- We are allowing four different routes for employees to travel to the site each day. One from the north, south, east, and west to accommodate different living areas for employees, and to alleviate congestion on any one specific road.
- From an operations perspective, it's important to note that this project will have 24/7 remote monitoring but it's more important to note that this site will have an AES presence. We do not hire third parties to manage the facilities. The site will be managed by an AES employee. The security of installed and closed electrical equipment. There will be coordinated training and access for all first responders, and this will be done in the construction phase. An emergency

response plan will be generated at the time of operations and, training will occur at that time with all first responders.

- Upon the end of the project life, decommissioning will be required. Decommissioning requirements and a decommissioning plan will be finalized during the site plan processes. Security, to be determined will, be posted and updated in accordance with the plan, and the land returned to prior uses if so desired.
- Additionally, AES is committed to sustainable solar life cycles. We are working with a company called Solar Cycle to launch a pilot program, which assesses and recycles panel waste. Solar Cycle is a US-based company that is opening a facility in Atlanta, Georgia, with an existing facility in Texas, and believes the headquarters is in Arizona. The point of this is to keep waste out of local landfills and to find ways to reuse these materials in the next project.
- As far as economic benefits, the project is expected to generate a fiscal impact of \$1.8 million over the life of the project, which is 34-fold prior to agricultural uses. Additional benefits can be realized through a siting agreement, for which a notice of intent was submitted in 2023.
- AES and Sycamore Cross is a well-sited project that uses existing zoning and has more mature vegetation in place to eliminate viewshed impacts. It is innovation.
- Grazing will allow AES to maintain the agricultural aspects of the project. We're successful in over 600 megawatts of projects in the state, and AES is looking for ways to ensure the sustainability of the industry through innovation partners such as Solar Cycle.
- AES is deeply invested in the region and in Surry County, building community relationships and business partnerships. As an owner-operator, AES must take accountability for the development, construction, and operation of our facilities. We learn from our efforts, and we build on our successes, just as we build on our relationships and our partnerships. AES is looking forward to working with the Planning Commission, the County Staff, and the County Community, to design and construct Sycamore Cross Solar in a manner that meets and exceeds the expectations of Surry County.

Question: Ms. Cheek asked about the distance of the centroid of the project site from the transmission Lines in Surry County. Mr. Creswell believed it was less than two miles. Ms. Cheek asked if the distance of the centroids was for the entire project site. Mr. Creswell said if you are asking if the centroid of the entire project includes Isle of Wight, then the answer is yes. Ms. Cheek asked, "In Surry County, how close is the nearest historic site?" Ms. D'Augustine said that the project is not within a half mile of any historic site.

Mr. Brock asked Ms. Cheek, when referring to "central" and a transmission line" Are you asking where the site will tie into the transmission line? Ms. Check said that our comprehensive plan says that the centroid position of the project shall be over a certain amount or within a certain distance from the transmission line. Mr. Creswell said that the portions of the project in Surry County are less than two miles. As far as the overall project, he did not know the distance, but it would be more than two miles, and will get back with the Commission.

Question: Ms. Cheek asked what the distance of the project to the closest place of worship and cemeteries in Surry County is. Ms. D'Augustine said for the project site, with historic sites based on the listed historic site map provided in the comprehensive plan, the project is not located within a half mile. The distance of any place of worship or documented cemetery associated with a place of worship is over 750 feet from the project. There is a family cemetery that is within the project boundary, and they are working with the landowner on preserving and buffering accordingly.

Question: Ms. Cheek asked, "What is considered to be a noise-generating area within the site?" Mr. Creswell said that it is called skids. It is a transformer that typically has inverters on the outside. Ms. Cheek asked would that be noise-generating and fall within the boundaries of the complex. Mr. Creswell said yes.

Mr. Creswell stated that for further conversation, they recognized the conditions that were submitted with the project, and it is in the packets tonight. It is less than what was suggested in the current recommendations of the comprehensive plan. They will work to improve upon that position and look at what can be setbacks. They may identify areas where they could get to 750 but that's where the collaborative efforts would come into play. If they could potentially come up with a solution of maybe 400 feet instead of 750 feet but may not have a decibel level over X at any parcel boundaries or something along those lines. He asked if the suggested language within the comprehensive plan of a linear solution is and if 750 feet is the suggested setback of any noise-generating equipment, irrelevant of what the origination noise level is, that they could come up with a solution that can accommodate the same effect. Ms. Cheek asked if that would be presented before the public hearing and Mr. Creswell answered yes.

Question: Mr. Hardy asked if Route 616, Proctors Bridge Road, is the favorable route. Mr. Creswell said it was the preference of the project. Mr. Hardy said that it was more of a secondary road than a main highway. Mr. Creswell said looking at the three alternatives, that is noted in the packet, that one solution was to use White Marsh, which would push up to the north side of the project and then come into the project area from Berryman's Corner and White Hill Trail.

The second option would come in from the east, coming in on Jonestown Drive, which is in Isle of Wight. It has a single-lane bridge and probably wouldn't have the capacity necessary to support the project, so they stayed away from that route as well. The third option is Proctors Bridge Road coming from 616 from Ivor. It is the shortest route. It is about seven miles, versus using White Marsh, which is approximately 14 miles. It has the least number of impacts on residential, and if they were able to develop some internal corridors, there would be ways to internalize traffic and avoid going through areas like Berryman's Corner. There's a small residential corridor that sits just above the project. It has narrow roads, just like White Hill Trail. I believe White Hill Trail turns into Mill Swamp as you come into Surry County.

Question: Mr. Berryman asked, in the packet that was received, on page one, to explain what is meant by saying, "The project does not need to be reviewed for substantial conformity under Virginia code 15.2-2232." Mr. Creswell said that the project is on land which is already zoned M1 and the requirement for solar is that it must be zoned M1 within Surry County. The land is already shown within Surry's Comprehensive Land Use Map as approved and existing solar. That is why it is suggested to be conforming with the land use requirements for the solar facility site. Mr. Berryman asked if a request made by the Planning Commission makes the appropriate finding that a project is in substantial accord with the comprehensive plan. Mr. Creswell said that he believes there is a resubmitted application that changes the language.

Mr. Wade stated that there is a resubmittal of that document and that AES has rescinded that portion. The project will be reviewed or reviewed for 2232. It was amended and they will review it after meeting with the Planning Commission to have a resubmittal of updates and material before the public hearing.

Question: Mr. Wooden asked Mr. Creswell, on the last page, it states a \$1.8 million fiscal impact and is it for Surry County for the life of the project, which is 30 years. Mr. Creswell said that was correct. The impacts have been completed through Mangum Economics. He believes that the economic impact analysis in this case assumes \$1,400 per megawatt. Within Surry County, it shows 19 megawatts, and that's based on the three array areas. Another avenue would be looking for impact analysis based on, if looking at the capex. The investment is within the locality, and the dollars, and what the M&T tax would be. The two provide either 1.5 or 1.8. The project can commit and work toward a higher number, and that is why he mentioned submitting it in the future siting agreement, which will be reviewed, to his understanding, by the Planning Commission.

Mr. Wade commented that between our County Attorney and himself when looking at the siting agreement, the Planning Commission would be able to make comments on the siting agreement and provide comments to both staff and the County Attorney. It is not a public hearing for the siting agreement until it goes to the Board of Supervisors, but it is a session where you can look at the siting agreement and make your comments.

Question: Mr. Hardy asked how the turnout for the open house at the Smithfield Center was. Mr. Creswell said on the first opening, there were probably 15 to 20 attendees and the event in Surry was 10 to 12 attendees. Mr. Creswell said that there will be another event on Wednesday evening at the Smithfield Center from 4:30 to 6:30. The intent is to have focus tables. A table that focuses on land that would have site maps, a table for economic development and impacts of the project, and a table that focuses on solar panel safety. The operations team will be on site and another aspect of AES is to offer what other developers can't. Other developers come in, they develop a project, they sell to a third party, and they leave. AES has its own operations team and employees that are operating sites here in Virginia and they can answer questions. Mr. Creswell said it would be a valuable resource if the Commissioners could attend.

Question: Mr. Seward asked, in miles, what is the distance from the current Cavalier project. Mr. Creswell said that this project would be at the northern end. It is a contiguous parcel with the same parcel ID and is only separated by a road.

Question: Mr. Berryman asked if the 34.5 KV lines that are being built through the existing right-of-way for Cavalier, how many additional lines are needed to carry 240 megawatts to the substation. Mr. Creswell said if Mr. Berryman is referring to a circuit as three, then each circuit would be three phases. Each circuit would have three lines and the number of circuits at this point is undetermined, but roughly four circuits from the northern end of the project.

Question: Mr. Berryman stated that currently where the right-of-way crosses Beechland Road for Cavalier, there are six lines on one set of the poles. On Burwell Bay Road, there are two sets of poles with 18 lines. Mr. Berryman asked if the project needs to add another 240 megawatts coming through and then add another 18 lines. Mr. Creswell answered yes. There will be a completely separate easement. Currently, there is an easement for the Dominion Transmission, the Cavalier Project, and the third easement area for the Sycamore Cross Project. Mr. Berryman asked if it would be parallel to the Cavalier Project.

Mr. Creswell said it would be parallel to the existing facilities. He stated that the conversation with Mr. Brock during a zoning subcommittee, meeting was about the areas being consolidated and placed on a single pole. Mr. Brock then said the reasoning behind the statement was that it seems this is a continuation of the AES projects.

Mr. Creswell said from a physical or construction perspective, you can't just add lines to a pole. He is not a high-level electrical expert, but things like arcing or capacity on a pole are determined by how many lines are on that pole and the distance needed between the poles to prevent arcing. These are all separate entities. Sycamore Cross Solar LLC is its own project, its own entity, and it is Sycamore Cross Solar LLC that is seeking a conditional use permit from Surry County. The same is true with Cavalier, which is its own entity and existence. Cavalier has its own land rights, its own improvements in the field, and financing. The two projects cannot be combined and placed on the same pole but can find ways to make improvements and take the existing Sycamore Cross design and say okay.

Mr. Brock stated, that if approved, and in another year, and seeking a new project, would there be a new power line corridor. It seems that the area is prime for multiple projects. Mr. Brock said his concern is about additional power lines.

Question: Ms. Cheek had a question for Mr. Wade or Ms. Perkins. The CUP that we have with AES for the Cavalier project, covers the identified parcels for Cavalier, is that correct? Mr. Wade answered yes that there is an identified CUP project that has the panel locations and megawatts that have already been approved. Ms. Cheek asked if it calls out certain parcels. Mr. Wade said yes. Ms. Cheek asked if all the parcels are under that CUP for the project and now the Sycamore Cross is a different entity. Ms. Cheek asked, how would the County have another CUP on something that already has a CUP with a different legal entity and how is the County legally able to do that.

Mr. Wade said for example, "You have a family, the husband wants to do a commercial kennel on the same lot and the wife wants to operate a hair salon. Both uses would have a separate type of conditional use permit, but they will also be on the same lot. It would be like having separate conditional use permits that permit the same uses, but in different areas. You have a conceptual plan that you use for the conditional use permit. In this case for solar, the panel locations and buffering and screening are significantly different, and they typically would not necessarily overlap each other in their approvals. They are separate entities. So, each of them could be on the same parcel with another analogy of two different types of businesses located with the same plot. Just because the hair salon business goes away, doesn't necessarily mean the commercial kennel has to go. As for the projects, one could stay and be decommissioned by other states, so they will be seen as separate. The underlying zoning that's in place, is there. This process is different than what we've done in the past. This project already has the existing zoning and the existing comparison amendment in place for future land use, that already exists. The only thing that's different, the only thing that is the same process is that you will be putting panels in places where there are no existing panels and hold the same type of standard required. Another conditional use permit process would be holding them to the conceptual layout, which would be different because it's a new project."

Ms. Check said if we didn't want to have that situation, would the CUP say to the effect of no other CUPs are allowed to overlap an existing or how would the County say, that there will be multiple CUPs on a parcel for the same use. Ms. Perkins said she would like to do more research. An applicant could proffer away certain uses if that were something that the applicant would want to do but in terms of how the County could set that up. She would have to do research and bring it back to the Commission. And to be

sure that she focuses her research on the question of the CUPs, for the same type of use or CUPs in general.

Mr. Hardy said isn't the CUP doing what it's supposed to do. The applicant must come before the Commission. Ms. Perkins said yes and in any CUP situation, it would come before the Planning Commission for approval and then approval from the Board of Supervisors. Ms. Perkins asked for clarification that the question is if the Board of Supervisors, the Planning Commission, and the County wanted to prevent multiple CUPs on the same parcel, for the same use, or multiple CUPs on the same parcel. Mr. Brock said both.

Mr. Coggin said in the County's solar ordinances and amendment, a tighter stormwater regulation was added. Ms. D'Augustine said that they were aware of this, and the project is based on the DEQ stormwater guidance and is exempt from treating them as impervious surfaces. But since it is the case through DEQ's guidance, they are taking into consideration treating the panels as impervious surfaces and using calculations either from what she believes as DEQ's guidance says that they could use a similar type of calculation to determine the stormwater runoff quantity and quality calculations for the Virginia Reduction Runoff Act. The project has a stormwater engineer who is more qualified than herself. What that does mean, is that you must consider much larger, essentially, you're treating panels. Though they are moving and shifting, you're treating them almost like a parking lot. So that means that there are going to be increased stormwater retention ponds, diversion ditches, conserved open space, and different types of best management practices to treat the water quantity and quality.

Mr. Wade said that one of the things that he would look for in the conditions because it's not a requirement by DEQ that calls this condition out. The project is exempt from the requirements of DEQ. However, based on our comprehensive plan amendment, we're suggesting that they offer as it a condition to do what is asked by DEQ.

Question: Ms. Cheek asked if there was a date for the public hearing. Mr. Wade said that we do not, and it depends on when the applicant submits. The applicant will revise their application. Mr. Creswell said their goal is to take back comments and try to see what items they can work on and improve upon and make amendments or adjustments to the conditions within the application. Then resubmit the application. Ms. Perkins said that next month would not be feasible because of advertising requirements for a public hearing. Public hearings must be advertised for two successive weeks. May would be a much more realistic goal and again it would have to be ready to be at the public hearing stage.

Mr. Creswell said to his understanding that it would be a bifurcated process, 2232 and a separate CUP. Mr. Wade said the process, "would be reviewed first as a 2232, your substantial accord determination first. And that would be it for the Planning Commission for the time being. Based on that vote, approval is recommended, then the next step at the next or thereafter you go to the next public hearing, next stage, and Conditional use permit stage. If the Planning Commission made recommendations or denied the substantial accord determination, the applicant would have 10 days to appeal it to the Board of Supervisors."

Mr. Brock said next on the agenda would be the Solar Ordinance Amendment.

1. **Solar Ordinance Amendment**

The Planning Commission will review the County's Solar Ordinance and other select Virginia localities' solar ordinances.

Mr. Wade:

- Tonight's packets have several counties' solar ordinances. Many of them have made amendments to their ordinances within the last two years and asking the Commissioners to look at some of those ordinances and see which material may be appropriate for Surry County.
- South Hampton and their ordinance for utilities council was amended. Chesterfield and their ordinance are very brief which was done in 2019. All the other ordinances were done between 2022 and 2024.
- Isle of Wight, Essex County, Louisa County, which has a nuclear plant, and Pulaski County. Each of them has their strengths.
- We are strictly looking in our ordinance for decommissioning. The way that our ordinance currently is with decommissioning and people offering decommissioning for a conditional use permit. They can do a proffer of basically a net amount for Surry. Currently, we are relying on the salvage value of the panels removing the panels ourselves and selling them. Whereas other localities put in their ordinance that they will not do salvage value. We want to make sure that there's a surety in place so that if anything happens, we have money to decommission.
- A policy be in place to enforce the ordinance. Ordinance done through condition use permits. Some ordinances were created from previous conditions they have been worked on throughout the years and just codified it and put it in place and say, "We've been having these conditions come up. So here we're going to put this in an ordinance."
- Some of the localities they have put, for example, Surry County, we have a 10% recommended threshold for parcels. Some of the localities put in their ordinance a specific percentage.
- I can present a spreadsheet to you all to look at specific items throughout each of the ordinances and highlight some changes that you may want to see in our next ordinance.

Mr. Coggin asked about fires on solar farms. Maybe having buffers around the property where firefighters and emergency response teams can enter the site. Mr. Wade said that maybe we can look at that and say, from your buffer area to your fence area, or maybe having a setback, or maybe make it so that you are not so specific in the ordinance to make it so that it is a requirement and provide that documentation of how they are addressing that in their application and show within their condition, force it to be an issue. But looking at how we want to address it maybe provide a setback of 25 feet from the road around the site.

Mr. Berryman said that the Commissioners could go through our ordinance and look at points or things that we already see that the current solar farms are not in compliance with and make changes. Maybe the exterior of the solar farm should have an opaque or semi-opaque fence around it with earth-tone colors. The chain fence they currently have is not opaque. Also, looking at the first section of 10- 151 C, it says it should minimize development on open fields and pastures and was dismissed.

Mr. Wade said that we first looked as it says no development on prime farmland. Most of the land in Surry County is prime farmland and not wetlands. Ms. Cheek said on 10-151 C, under one, the layout shall be designed to minimize development on open fields and pastures where the building site shall be located. If most of the land that is being developed for the site is open fields and pastures, is that complying with the ordinance?

Mr. Wade believes that the word minimized isn't a personal measure. Ms. Cheek asked if was that correct, that it was unmeasurable. Mr. Wade used the example that if you minimize the height of a

building instead of 250 feet, it will be 200 feet. It's still a tall building. Mr. Wade said that the Commission is looking to enforce the ordinance or using language like must and minimize.

Ms. Cheek asked are we able to say, "not enforceable". Ms. Perkins stated with the question of enforceability, "There are certain objectives to have the ability of the Planning Commission and the Board of Supervisors to exercise some of their discretion. To have the flexibility to be able to work with applicants within the parameters of what our ordinance allows, if we're being consistent in how we will do it, then words like minimize would go to that is unenforceable. That provides some flexibility. If it were shall versus may, of course shall, it's very clear. It's a bright-line rule. But in working with projects of this nature, sometimes the objective of the governing body is to not have that bright-line rule. So, it kind of goes back to yes, the language is important, but also what is the objective? What is the end game? So that is something else that we need to think about as we're looking at this language. Not just strictly whether it's a bright line rule and whether that bright line rule is enforceable or not."

Question: Mr. Brock asked, "What is done with the panels that are damaged during shipping? Are they stockpiled or sent back?" Mr. Creswell said that it varies depending on the location or panel manufacturer, as to how they're handled. He could get a definitive answer from the operations team on how our skipjack panels are handled in Charles City County as well as Spotsylvania County. He has seen where companies will require panels that are broken, taken off, and placed in a Connex box. All panels are different, they are designed differently with different materials. So, they may have different requirements and different listings. If panels are damaged when shipped, they will be stockpiled on pallets, shrink-wrapped, and then removed from the site.

PUBLIC COMMENTS:

Dr. Daniel Shaye resident of the Surry District:

- Has been working to get to know our history, the Surry County Comprehensive Plan, and the leadership.
- He represents a growing movement, currently known as Surry Sprouts, and the shared vision, we envision a Surry County where people and natural resources thrive together, serving as faithful stewards of Surry County's natural treasures. The Surry Sprouts will protect and preserve thousands of acres of Surry County in their most natural state to benefit of us, our children, and our planet.
- The mission statement: "Together we promote land preservation restoration tools such as conservation easements. We also encourage and support small and local businesses as the backbone of our industry and community character." The Surry Sprouts actively encourages and educates both local leaders and landowners to value and implement these pathways towards a thriving Surry County.
- They have four primary values: community character, human connections, conservation easements are valuable land preservation tools, and local business.
- Page 75 of Surry County's Comprehensive Plan September 3, 2020, states, "Surry's natural resources are diverse and exceptional. Few other localities, especially in the Hampton Roads, possess such a combination of coastal, agriculture, and other natural resources. Adequate measures appear to be in place to preserve these resources from current pressures and risks." As pressures and risks change, preservation measures should continue to be evaluated."

- Since that plan was approved, changing pressures and risks now include the infrastructure required to support a projected \$6.45 billion investment by Green Energy partners at Hog Island, a state senator pushing hard into 2025 for a bridge to serve Hog Island, and inevitable pressures for increased solar penetration. A need to research, plan, act, and ultimately update our Comprehensive Plan to respond to these quickly evolving pressures and risks.
- Those include how conservation easements and how more specifically a county-funded and fully supported purchase of development rights programs, PDR, can prove a powerful tool to ensure Surry County's stated goals are to protect rural lands and maintain our rural character. In time, Richmond is going to take away our ability to limit solar farms, and farmers and landowners who need options to remain solvent are going to need solutions.
- Note tonight that landowners are interested in solar projects. More accurately, landowners desire a way to optimize property value and solar farms are only one option. PDR can provide our landowners with the value and options they deserve. I and Surry Sprouts intend to advocate for our citizens, our farmers, landowners, and small business owners, for green space, and for our exceptional rural character for many years to come. I can be reached on my cell at (757) 876-0899.

Mr. Steve Pittman of the Bacon Castle District:

- Mr. Pittman asked if anyone investigated the CUP about road maintenance. With all the new projects coming into the county, the roads are bad. The incident with the bus was on one of the better sections of the highway.
- Mr. Sanders and Mr. Harvey have been told about the driving conditions. The deputy the other day caught one driver doing 79 in a 55 zone.
- Mr. Creswell alleviated that traffic will be coming in from the north. All the traffic for the Sycamore project will be coming in and the heavy traffic was going to come in from Ivor. Some routes will be used, coming in through Surry.
- If the traffic coming into White Marsh, when they get to Berryman's corner, where it makes a Y and goes towards Mr. Newby's house, that will be terrible, because the road is as wide as two benches here in the courtroom. If you meet somebody on the road past Mr. Newby's house, one will have to take the ditch and the other vehicle would be able to pass by. In front of Mr. Newby's house, two vehicles could not pass, and somebody would have to pull into the driveway. Additional traffic of citizens going to work, sometimes he would have to sit for 15 to 20 minutes waiting for a break just to get out of the driveway of the farm.
- It is hard to move from one field to the next field with the current traffic. They are running wide open, and it bothers him.
- The statement that Mr. Coggins made about the fire departments, is that there is no way up there. Some of the projects' fences, are up to the woods coming to the road, right in there with Mr. Newby. If a fire is on the backside, which won't affect my whole farm because it's a half mile back in the woods, he doesn't know how they will get to it. There's no way to get a vehicle around the back to do any fire express.

Mr. Wayne Gustison of Isle of Wight County:

- Stated that the traffic was horrible. He went to the Board of Supervisors meeting and gave them pictures where he got out in the road with a yardstick and all that to show them how wide it was. The road is 55 feet and 3 inches. Two semi-trucks are 16 feet. Last summer, two of them

passed each other and they took out his and his neighbor's mailboxes. He thought that the failure was on the Supervisors for letting people drive who weren't supposed to be driving.

Public comment was closed having no further individuals wishing to speak.

COMMITTEE UPDATES AND PC SECRETARY COMMUNICATIONS:

Mr. Wade:

- Met with the zoning subcommittee to discuss the project with AES.
- There will probably be another subcommittee working on a project with our bicycle.
- HRPDC visited the Planning Office today and discussed transportation elements. One of the elements was their bicycle plan and aligning it with the regional plan. We should be working soon to make sure our plan aligns with the regional plan. If it does not, currently HRPDC is asking that we do align it with their plan, and to somehow start addressing the plan and begin to implement it.
- To highlight with my office is our experience in education. Mr. Wade is AICP certified, which stands for American Institute of Certified Planners with the American Planning Association. Also, he is a Certified Zoning Administrator with the Virginia Association of Zoning Officials. Has a bachelor's degree in public and urban Affairs from Virginia Tech as well as a master's in urban and Regional Planning from Virginia Commonwealth University.
- Ms. Frances Bailey has a bachelor's degree in public administration from Virginia State University. She's had a significant number of years of experience in public administration.
- Ms. Lorenzo Turner has a Bachelor of Business Administration from St. Paul's College, with 12 years of local government experience.
- Ms. Regina Hilton with an associate in business administration with many years of corporate experience before coming and joining us here in Surry County. To accommodate some of our local businesses and residents she is also a notary, who assists with applications and site plans and other applications.
- Ms. Bailey is also a Certified Program Administrator, as well as an E&S Inspector with a DEQ Certification, and Mr. Turner is also a Certified Program Administrator with DEQ Certification. We take the time very seriously to educate our staff to make sure we stay up to date and work with other localities to make sure we know what's going on at every locality and how to manage best-case scenarios.
- To increase our education, we also recommend that we promote educational growth for our own Planning Commission. Currently during Mr. Wade's tenure in the Planning Office, there have been four Planning Commissioners, who took the advantage of the Planning Commissioner training. Mr. Brock, Ms. Lyttle, Ms. Cheek, and Mr. Coggin took advantage of the Planning Commissioner training that was offered to them.
- Mr. Wade is now serving on the host committee for the Virginia American Planning Association Chapter, which will be held this year in Williamsburg. One of the reasons why we asked you to change your date from the 22nd to the 15th was that the conference in Williamsburg was going to be held at the same time as the Commission meeting. There will be Planning Commission training at that conference as well open to the Commissioners. I would suggest that the County will take care of your portion for that conference. There is an opportunity to meet other

Planning Commissioners in other jurisdictions to share notes. It will be held from the 21st of July through the 24th. So, if you are interested, let me know. I'll see if we can accommodate that when the registration becomes available.

ADJOURNMENT:

Chair Brock entertained a motion to adjourn at 9:10 PM until the April 22nd meeting. It was moved by Mr. Wooden and was seconded by Mr. Newby. It was then moved and properly seconded that the meeting be adjourned. All those in favor signify by saying, Aye.

Commissioners: Aye