



County of Surry, Virginia
Planning Commission Meeting Minutes
June 24, 2024

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7 PM on Monday, June 24, 2024, in the Surry County General District Court, 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
Mr. Theodore Lunsford
Mr. Earl Newby, Sr.
Mr. Breyon Pierce
Mr. Stephen Berryman
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne Cheek

Absent:

Ms. Carmen D. Judkins
Mr. Thomas Hardy

Staff Presents

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

Others Present:

Ms. Robin Hanson, HRSD Legal Counsel
Mr. Sam McAdoo, HRSD Chief of Small Communities
Mr. Chris Schwartz, HRSD Planning Manager
Ms. Ann Copeland, HRSD Project Manager
Mr. Ben Saunders, Senior Director, AES
Mr. Greg Creswell, Project Manager, AES

PLEDGE OF ALLEGIANCE: All

Ms. Cheek said that she was contacted by several citizens who said they would like to speak on item two of the new business. She asked Chair Brock to move the public comments section of the agenda before New Business. Chair Brock asked what the pleasure of the Commission was. Ms. Cheek motioned to move the agenda's public comments section before New Business. Mr. Berryman seconded it.

In favor: (9) Brock, Wooden, Newby, Berryman, Lunsford, Cheek, Coggin, Seward, Pierce

Opposed: 0

Abstain: 0

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

In favor: (9) Brock, Wooden, Newby, Berryman, Lunsford, Cheek, Coggin, Seward, Pierce

Opposed: 0

Abstain: 0

APPROVAL OF CONSENT ITEMS: Chair Brock asked the Commissioners for the disposition of the minutes for January 29, 2024. Mr. Wade said the January 29th minutes were not ready and should be deferred to the next meeting. Chair Brock asked the Commissioners for the disposition on April 22nd. Mr. Newby made a motion to approve, which Mr. Berryman seconded.

In favor: (9) Brock, Wooden, Newby, Berryman, Lunsford, Cheek, Coggin, Seward, Pierce

Opposed: 0

Abstain: 0

Mrs. Perkins said that Ms. Cheek's motion was to move the public comments before new business and that now would be the appropriate time for public comment. Mrs. Perkins noted that the AES Sycamore Cross Project is here tonight, not for approval of the project or approval of a conditional use permit but for clarification to the Commission and members of the public.

They are here for a precursor step pursuant to Virginia code section 15.2-2232, which requires projects of this nature that the Planning Commission decide whether the project is, quoting directly from the statute, "substantially in accordance with the County's Comprehensive Plan, and that is the only thing that is before the Commission tonight."

Mrs. Perkins said that members of the public can speak proactively about the project, but that is not what is before the Planning Commission tonight. As discussed at the last meeting, a public hearing is not required for a 2232 Substantially Accord Determination. At the last meeting, the Planning Commission voted that they would not have a public hearing for all substantial accord determinations, and there are two substantial accord determinations for tonight's meeting.

PUBLIC COMMENTS:

Mr. Terry Foster (CLAREMONT):

- A citizen of Claremont for 20 years and raised in Sussex County is in shock at the consideration of the solar farms because they do not grow anything. Farming is a farm. The solar facilities do nothing but destroy the land and agriculture and destroy the County's history, which is one of the first counties other than Jamestown.
- The solar panels don't last long and now they're starting to use cheaper solar panels, not made of a quality type of glass, and are subject to leak. They are subject to cracks, due to any type of stress. Then in the heat or the expansion, they will leak.
- The first solar panels were in 1986. We don't know how long our land is going to be damaged or will ever recover. The runoff, the accidents, the erosion, it is all unnecessary. Don't think about the greenbacks in the pocket, because solar farm people don't last, they go under. He hopes that the Commission takes this into consideration and listens to their constituents.
- A half-mile is nothing. Surry County is one of the most historical counties, and they just fought a heck of a battle in Sussex and won. The county has other avenues for money, including grants.

Mr. John Barham

- He and his family have partnered with AES on the Cavalier project, and AES has done everything that they said they would do. They are a great company, and we've been blessed to be able to work with them. We know that they will own and operate this solar farm. AES, in their best interest, will place the best product.
- Mr. Barham raised cotton, peanuts, and soybeans and sold solar energy for a living. They have leased land to AES, which is part of the farm. They are big fans of solar energy, and it has been very beneficial to other landowners. AES is here for the long haul, and it's a very good thing for the County.
- There may be a few construction issues, but they are getting through it. Once AES is up and producing, it won't drain any of the County's resources. They are a true net gain for tax revenue for the County.

Mr. William J. Holman (SMITHFIELD)

- Resides in Smithfield and owns a farm on Mill Swamp Road. His family has been there and farmed the land for 384 years. For the last 19 years, it's been under his leadership since his mother passed away at 96.
- He doesn't like to share figures with the public, but he took offense to the first speaker. He believes that a person should have the right to do what they want with their land. Especially when you've had the land for 384 years. For example, since 2004, only part of his land has gone into the solar system. The rent on the land for the last 19 years has given him a loss of \$32,000. It's only a hundred acres and has made a profit three years out of those 19 years total, \$1,371.
- If you own a business and you lose money, how can you keep that business afloat? They have a home that was built in 1830, and like him, at 82 years old, it needs renovation.
- He certainly can't pay for it from the farm's income. It's not because the farm doesn't produce good crops; it's because the people working the land can't pay x number of dollars because they,

too, must make a living. He is here to respectfully ask that the Commission consider approval to go forth so that the residents of the land can decide what they can do with their land.

SUSAN CORVELLO (CLAREMONT DISTRICT)

- In the comprehensive plan states the quality of life of citizens. If you have lived on White Marsh Road or Beechland Road during this construction, you would say you do not have a good quality of life right now. This new project is called Sycamore Cross, but it's still run by AES
- A Simmons/Brown cemetery is located within this vicinity, right across the street from where the current panels are.
- Ms. Corvello would like to know the distance of the project from Mill Swamp Baptist Church. There are drivers from the project that are not licensed. One hit a school bus, and weeks later, another ran into a farmer's field. Where are the checks and balances, and do we just say, "Ah, nobody got hurt." That's not quality of life.
- If your child was on that bus, she thought you might have a little different perception of this project. Where's the energy from this project going? It doesn't come to Surry, and she doesn't believe Dominion is related to it.
- The noise, if you're close to the panels, and it's always said there's no noise, you can hear them. After speaking to a realtor, the housing sales in Surry have declined. Most of her people have said they do not want to come to Surry because they do not know where Surry lies in adding more solar panels.
- She understands that the projects come in and throw big numbers out, and it's hard to say no, especially if you are a farmer.

JESSICA CUNNINGHAM (DENDRON DISTRICT)

- She lives on White Marsh Road and travels Beechland and White Marsh Roads every day. She lived on the family farm for 39 years, and in 2020, she and her brother lost their father. She farms and has a full-time job because farming is their legacy.
- They could easily say, "Alright, you know what, well down the road, they have solar panels, so let's cave and get millions of dollars and be able to just live. But that's not legacy. That is not Surry County. That is not what people here want to be."
- There were multiple accidents in front of her home. It's the most dangerous part of the road, and she wonders if something else has happened today when coming home. When driving every day to work, around seven o'clock in the morning, she meets trucks going to the project.
- When the project was first approved, it was said Surry would have lots of business. "Where is it?" Smithfield is benefiting from the workers' lodging and food spending. All the spending by workers goes to Smithfield and Isle of Wight. No one is staying in Surry.
- Speaking about quality of life, she hopes to pass her farm to her son, niece, and nephew and try to save what her grandparents and grandparents started.

DR. SHAYE (SURRY DISTRICT)

- "People who own land and want to be able to get the value out of their land by having an option like solar. Otherwise, it's a perfect situation for what's called the purchase of development rights. He hopes the county will investigate this because an individual can get the value out of the land, the development rights that value out of their land, and keep their land a farm or virgin land."

- First, he bears no ill will against the applicant. The proposal seems well-conceived for an industrial-scale solar project, but those aren't the questions at hand tonight. Tonight's agenda states that Sycamore Cross Solar, LLC seeks to determine that the proposed utility-scale solar project is substantially in accord with Surry County's comprehensive plan.
- The Virginia code states that the public is to be the beneficiary of any action taken at any level of government. The Commission's overriding consideration superseding even our comprehensive plan. Does the project truly benefit the citizens of Surry County? Is this project and the cost-benefit ratio in alignment with what the citizens desire? The spirit of the law isn't merely that the citizens will benefit.
- Dr. Shaye said, "If a group of us grabs one of you in the parking lot tonight, takes a kidney, sells it, and gives you a hundred percent of the value, he guarantees you will not agree that the cost-benefit ratio is there. So, ask yourselves, is this project and projects like it truly in the best interest of the citizens of Surry County?"
- The Surry County 2040 comp plan also benefits the citizens. It opens; this plan is for the people of Surry County. It continues; the main goal of the 2020 and 2040 Surry comp plans is to establish a decision-making framework to guide county leaders and officials in their actions to improve the quality of life for Surry residents.
- All other goals related to housing, economic development, the environment,
- + and others are meant to further this primary purpose. Our entire comp plan is a legal document. "The only question answered tonight is, will this project improve the quality of life for Surry County residents? If it does not, then the answer to the agenda item is clear. It's no."
- Dr. Shaye said, as quoted from the comp plan, "Will this project preserve agricultural, forested, and natural lands that form the basis for much of the county's identity? Will it preserve a healthy agriculture industry? Will it further diverse and exceptional natural resources and other elements of our comp plan as listed as quote, important characteristics to preserve."

PUBLIC COMMENTS CLOSED:

OLD BUSINESS: None

NEW BUSINESS:

1. Substantial Accord Determination 2024-01:

Hampton Roads Sanitation District (HRSD) seeks a determination that the proposed infrastructure improvement project, located mostly along Hog Island Road, is substantially in accordance with the Surry County Comprehensive Plan.

MR. WADE:

- Two items are before the Planning Commission tonight. Substantial Accord Determinations are not attached to solar. Hampton Road Sanitation District is seeking a determination district for the proposed sewer infrastructure improvement project to be in substantial accord with our comprehensive plan.
- The project process began when the applicant sought site plan approval for a project on Hog Island Road. The process is to close the Dominion Surry Power Station site's existing Dominion

Energy sewage treatment plant. It is to convey that flow ultimately to the enhanced wastewater treatment plant in Suffolk, Virginia, for treatment via a six-inch force main.

- There will be a 20-foot-wide permanent easement along private properties on Hog Island Road and through power line easements for over seven miles. The site plan has been filed with the Planning Department.
- The Comprehensive Plan speaks of HRSD as early as 2016. The County was added to the HRSD service territory. This program supports the HRSD Swift Program. The Swift Program is called Swift, which stands for Sustainable Water Initiative for Tomorrow.
- The innovative water treatment project is in Eastern Virginia. It is designed to protect the region's environment further, enhance the sustainability of its long-term groundwater supply, and help address environmental pressures such as Chesapeake Bay restoration, sea level rise, and salt water. The project will take highly treated water that will otherwise be discharged into the Elizabeth, James, or York rivers and then go into additional rounds of advanced water treatment to meet drinking water quality standards.
- The Swift Water will then be added to the Potomac aquifer, the primary groundwater source throughout Eastern Virginia. The water that is being treated now goes directly to the James River. We have HRSD representatives here tonight.

MR. SAM MCADOO:

- Chief of small communities who is responsible for the day-to-day operation of all the wastewater infrastructure here in Surry County, Middle Peninsula, and the eastern shore of Virginia. Also present are Chris Schwartz, Planning Manager, who works with the localities to develop and review plans, and Ann Copeland, Project Manager.
- The project overview: This is a seven-mile transmission force main, a high-pressure, high-wastewater pipeline.
- There is nothing to tie into except large pump stations with the flow and head capacity that ties into a line. This project started in 2019 between HRSD and Dominion. It was found that HRSD was doing a transmission main through the County and reached out about a wastewater treatment plant owned by Dominion that needed a complete rebuild.
- The rebuild cost was roughly the exact cost of the transmission pipeline. It also eliminates Dominion having nuclear chemists run a wastewater treatment plant. The project will be at the Mount Ray Pump Station, off Mount Ray Drive and Route 10. The overall project cost is \$9 million, and Dominion will entirely pay for this project.
- The Dominion Energy Facility is served by a wastewater treatment plant that charges directly into the hot water discharge canal, which goes into the James River. By doing this project, we can eliminate outfall and then take the nitrogen phosphorus from outside the watershed, which is the prime pollution source for harmful algae blooms, and decrease dissolved oxygen in the river and transport that flow to the Nansemond Wastewater Treatment Plant, which is currently being upgraded to a Swift Facility.
- Basically, HRSD treats the water to drinking water quality and injects it thousands of feet below the ground into the James River Treatment Plant, the facility in the two Swift Facilities that are being built by 2027 and have a full-blown discharge.
- A lab will be set up where the pilot discharges into the aquifer. That will eventually flow throughout Surry County unless there is a major storm. It could discharge into the aquifer, and that flow would still go through the wastewater treatment plant and then be discharged to the James River. On days of dry weather, a normal flow, not a drop of that water, will go into the James River.

- This project involves quite a bit of investment in the extension of the sewer line and other infrastructure. HRSD would like to submit an extension for substantial accord determination pursuant to 15.2-2232 of the Code of Virginia. The project will go across private property and state game lands, but 90% of this project will go within that existing high-voltage easement. The plan is to start construction in roughly September of this year.

QUESTION: Chair Brock asked if the project would be on Hog Island Road. Mr. McAdoo said it would not go down Hog Island Road but would go down the transmission line. It will parallel Hog Island Road until you leave the Dominion Energy facility. Then, it will cross Hog Island Road and go to the transmission road because of the multiple marshes along that easement. When there is a marsh, it is difficult for construction. It is very expensive and difficult to open cut. Most of the pipeline will be directional drills. They will consist of 10,000-foot sections, going 20 to 30 feet below grade and then to the connecting points to avoid the wetland areas, which will have less of an impact on the environment overall.

QUESTION: Ms. Cheek asked, "On the parcel list of people, have they had all easements signed?" Ms. Copeland said that all on the list have been contacted and that half have already negotiated and signed easements. They are still negotiating with the rest, roughly about 50%.

Ms. Cheek asked if there were houses or barns on the properties. Ms. Copeland said that there is an assortment of property uses. Most of the properties that Dominion Energy owns have an easement for power parcels. Ms. Cheek asked, "Will the easement extend past their easements, or will it always be within the Dominion Power line easement?" Ms. Copeland said that they are entirely in the Dominion transmission line. They call it a right-of-way easement. If anyone previously owned a parcel when Dominion built the transmission lines, and they bought an easement from you, you now could sell that same easement again.

Ms. Cheek asked if HRSD would also have to buy an easement from them. Ms. Copeland said yes. Ms. Cheek asked if all the easements fall within the power lines. Ms. Copeland said not all, but there are two very close to the well on Dominion's property that they will sign the easement to HRSD. The parcel pump station site is on the same parcel as the wastewater plant and is owned by Dominion. They will give an easement for the pump station site. The force main along the shoulder of Hog Island Road, up to the Dominion property, will also provide the easement.

Ms. Cheek asked, "How far are the private property owners to the easements?" Ms. Copeland said she didn't bring a yardstick and could not tell you how close or far back it was. Ms. Cheek asked, "Are there any new restrictions on the land, and will the project be underneath the power lines?" Ms. Copeland said underneath the power lines.

One of the Commissioners asked, "How deep would it be in the ground?" Ms. Copeland said the minimum depth would be three feet of cover. It will be a horizontal directional drill in the wetland areas, 20 to 30 feet deep.

Mr. McAdoo said that the pipeline that serves Surry County currently goes down the existing Dominion easement to Mount Ray and then back to Route 10. You can still farm over that pipeline. A bollard was put around any assets that came to grade, and we asked the farmers not to do any heavy plowing unless they were putting in a drain tile or something like that; you would never hit it.

QUESTION: Mr. Berryman said he had farmed some land where the previous pipeline went through. He hasn't made a crop on that little strip of land in the last two or three years. Is there any guarantee that the agricultural land would be returned like it was with the topsoil on top? He thought it was left with clay and rocks on top. He did not know if the landowners considered that when signing the easements. Mr. McAdoo believes everything will be put back. Mr. Seward asked what the diameter of the plate was. Mr. McAdoo said a six-inch dial.

QUESTION: Ms. Cheek asked, on page seven, "Which is in the comprehensive plan map, which speaks of areas of five miles existing and areas proposed? Are the proposed areas still proposed, or are they existing?" On page seven, Mr. Wade said a map is an excerpt from the comprehensive plan. To see that it is for this project is not shown on that map. Ms. Cheek asked, "Will it change, and is this proposed area still relevant? Mr. Wade said it was from 2020 and will probably be at some point; when updating the comprehensive plan, we will probably talk with HRSD about their proposed areas of change. He is sure it will change, but we are not currently changing the comprehensive plan.

Mr. Wade said that before you tonight, there are determinations, and the staff found that language within the comprehensive plan supports this. The mapping area was the only thing missing when doing an administrative review of their site plan. Section 2232 requires that there be a master plan for the comprehensive plan. In our comprehensive plan, we do not have the location for that. So, at this time, we are requesting a determination that this compliance with the comprehensive plan is based on the current language and the trajectory of this project.

Mr. Wade said some language there supports what HRSD pointed out about SWIFT. Those items are pollutants and takeaways that promote cleaning the water so that they can be placed back into the aquifer instead of dumping into the James River. Staff recommended approval for this project after determining it is in substantial accord.

Ms. Perkins clarified that substantially in accord determinations must only go to the Planning Commission. However, the applicant can appeal a substantial denial in accord determination to the Board of Supervisors. Mr. Berryman motioned to approve the Substantial Accord Determination 2024-01. Mr. Wooden seconded it.

In favor: (9) Brock, Wooden, Newby, Berryman, Lunsford, Cheek, Coggin, Seward, Pierce
Opposed: 0
Abstain: 0

2. Substantial Accord Determination 2024-02:

Sycamore Cross Solar LLC seeks a determination that the proposed utility-scale solar project is substantially in accord with the Surry County Comprehensive Plan.

MR. WADE:

- With us tonight is Sycamore Cross Solar, who is requesting a determination that their proposed utility-scale solar project is substantially in accord with the Surry County Comprehensive Plan. This project is composed of six parcels, three of which will be used for panels and three of which will be used to connect the parcels.

- Provided is a review of the energy projects amendment strategies, which includes the County supporting distributed energy facilities. The County supports preserving agricultural character and eliminating the sum of all project site areas.
- Strategy three: The county will consider new utility-scale solar and community-scale energy facilities applications that meet the various criteria of not being in residential trailers or residential investment areas.
- The project is not at the center of the project site and is within one mile of the existing high-voltage electric transmission lines. The project uses the existing footprint of a previously approved Cavalier Solar as a portion of the project. The multitude of the project would be located within Isle of Wight County, which would be more than one mile away.
- One of the reviews: No part of the project is within one-half mile of the historic sites. Staff did not see any historic sites within the half-mile, a historical or significant viewshed, or within 750 feet of a place of worship or a cemetery. Staff did find that it utilizes best practices and maintains biodiversity and soil quality. The proposed project would be screened by vegetation.
- Noise-generating equipment installed with sound-dampening equipment located at least 750 feet away from an adjacent residential, commercial, or mixed-use parcel to eliminate noise impacts. Overall, after evaluation from staff, it is a judgment call with the Planning Commission if it feels as though it's appropriate there. There is a section that says, noise. They have set it 500 feet from a residence.
- That, as well as their site plan, is used to improve the quality of their application. The project site could pause with or exceed the original control requirements. The project site is at least a half mile from any existing community-scale or utility-scale sites.
- The parcels are like those rezoned with the CUP for Cavalier's strategy for the accounting requiring conformance with the VSMP and the ESC regulations for utility-scale and community-scale solar photovoltaic energy projects.
- The solar panels will be considered for unconnected impervious surfaces, water quality, and water quality calculations. The solar panels are considered unconnected for impervious areas, water quantity, and quality. The application lacked that, as staff asked them to address it and said they could not meet that.
- One of the things considered in the comprehensive plan was to address stormwater regulations for unconnected impervious areas. The text that the applicant does present states that they do not have to base it upon DEQ's memos that were put in place.
- As Staff and the Planning Commission, through the comprehensive plan, asked that anyone coming before us, whether they are coming after or before the PJM connection date, work with us to provide conditions to address connected impervious areas and are not before us tonight. The final review strengths and weaknesses: Mitigating the most impacted was a strength of economic development and previously contemplated solar development areas. The weaknesses: Solar panels are not considered impervious surfaces for stormwater review and noise mitigation.

QUESTION: Mr. Coggin said that, to his understanding, we were very adamant that we wanted the impervious soil and the stormwater. He thought AES said something about how they would try it, and now it sounds like they will not work with us. They want us to say, hey, "We started with this. So, you all must let us go with what we started with." Mr. Wade said he thought the applicants would be able to speak for themselves but have tried to negotiate.

Mr. Coggin said that his other question is about decommissioning. If he recalls that this is the group that when they decommission, Surry County is the owner of the solar panels, and we must resell them to get

our money back. Mr. Wade said it was part of the process. “We probably would review at the CUP because it's not covered in the comprehensive plan or review.” It is written in the previous Cavalier Solar Farms project. Now, it is at the end of the project, and they will put up a bond, but we're stuck with the solar panels.

Mr. Wade said it would work for Cavalier and everyone if we got the panels' salvage value because the panels' value exceeded the bond. Mr. Wade thought the Commission was considering amending an ordinance to prevent that from happening in the future.

QUESTION: Chair Brock asked, “How will the County recoup the money. Mrs. Perkins said she did not want to draw the distinction that may be the scenario we are in for the Cavalier project. It is not a given for this project. If this project were to proceed, we'd gain both the applicant and the county. A lot of knowledge from the Cavalier project and the bond requirement is specifically being looked at for this project, should this project proceed.

QUESTION: Ms. Cheek said, “ If I am going on what is written on page 12 strategy 8, it says “the applicant has submitted proposed conditions consistent with decommissioning requirements.” She doesn't see that and asks, “How could the Commission decide if and why this is included?” If we can't see it, it doesn't apply. She understands that the county will strengthen its requirements, but the information provided says, “The applicant has submitted proposed conditions consistent with decommissioning requirements.” what does that mean?” Ms. Perkins said she would be happy to investigate that and is in the process of reviewing the siting agreement. The siting agreement is another vehicle by which some of these concerns can be addressed.

Ms. Cheek asked, “Are you saying it doesn't apply to our determination tonight?” Mr. Wade said that it doesn't. As a Planning Commission, you would get to look at it. It is still important to look at the conditions.

BEN SAUNDERS:

- The Senior Director of AES, who works out of Richmond, is seeking a substantial accord determination for the Sycamore Cross Solar project and agrees with the staff report and Mr. Wade's recommendation that the project is in substantial accord with the comprehensive plan. This project is great for the County for three reasons.
- First: It's properly cited on parcels already zoned for solar. Fully screened and in full compliance with the solar zoning ordinance. Second: It has substantial fiscal benefits for the County and its citizens. Third: The project has an enhanced construction management plan to improve traffic management during construction, which should minimize impacts on County residents.
- The project must go through the CUP's approval process, where the Commission can give feedback on conditions.
- AES is a Fortune 500 company with 9,000 employees and its headquarters in Arlington. The company has been around since the early eighties and has projects all over the country. There are almost a thousand megawatts here in Virginia alone, and this project would be 19 megawatts in Surry.
- The project is on 125 fenced acres in the northwest corner of Isle of Wight and southwest corner of Surry. It's directly adjacent to existing solar and on parcels already zoned for solar.
- The basic tenants of the Surry County Comprehensive Plan. First, Land should induce investments in the county. Second: Investment in subsequent tax revenues should be used to

advance economic development initiatives in rural jurisdictions that allow prosperity and rural preservation to coexist. Third, That investment should be strategically concentrated. And finally, That investment should not burden the County.

- This project meets the four main goals through tax-inciting revenue agreement(s) being thoughtfully designed and cited and not burdening the County's resources. AES was required to amend the comprehensive land use map. The project is approved for existing solar use.
- It has been agreed that the project is in substantial accord. First, The OID of the project is to be within one mile of a high-voltage transmission line. This project is within two miles, but more importantly, the proposed array is directly adjacent to existing facilities already zoned for solar. It doesn't need more high-voltage lines and will meet the provision's intent.
- Second, noise-generating equipment must be installed 750 feet from parcel boundaries to eliminate noise impact. The project proposes a condition that covers the intent of this requirement by having the equipment located at least 750 feet from residences and proposed noise thresholds at property boundaries.
- Third, the project must be over 0.5 miles from existing utility-scale facilities. This strategy's intended use is to minimize solar density throughout the County. We're meeting the intent by co-locating on property that already has solar facilities and is zoned and approved in the comprehensive solar plan.
- A large thing that makes this project different from Cavalier is not only a relatively small portion in Surry, but the traffic will also be coming off 460 through Proctor's Bridge Road. Basically, through Southampton and Isle of Wight into the main project site. It's the inverse of what has occurred on Cavalier, and significant traffic should not come through Surry.
- Traffic will use Mill Swamp Road from the south through the site. A temporary bridge will be used to enter the area to avoid traffic on Mill Swamp Road. The traffic management plan will be a CUP condition enforced through the CUP, limiting certain vehicles and roadways.
- We are looking to hire private security or potentially the Sheriff's office off-duty officers to help patrol the areas where construction traffic will occur. We are also looking to get the Surry County Sheriff, possibly on the ground, as soon as next week.
- The project will soon start repairing Bellevue, Beechland, Mill Swamp, and White Marsh Roads. It will also fix the shoulders at the intersection of White Marsh and Beechland Road and fill potholes because of any damage caused by the project.
- A large amount of tax revenue is generated from the small amount of developed land—over 4 million dollars, 73 times the revenue generated by existing land use. Again, no County services are needed for this project.
- There will be sheep grazing and vegetation foraging. Also, some of that will be harvested and used as livestock feed.

QUESTION: Mr. Wooden asked, “Four million dollars for County revenue over how many years? Mr. Saunders said that the project’s life is 35 years. The upfront payments from the siting agreement are in the first year or two of \$1.5 million. Then, through the siting agreement, you have \$1.2 million from the revenue share. That is tacked on top of the M&T tax at \$800,000, then the real estate tax at over \$400,000.

QUESTION: Ms. Cheek asked who would do the sheep grazing. Mr. Saunders said they use a company in Spotsylvania and one in Charles City County. They will use them or someone local. Mr. Wooden asked, “What is the status of the project in the Isle of Wight portion? Mr. Saunders said they have been to the Planning Commission and will go in front of the Board on July 11th. Mr. Coggin asked if it was approved

by the Planning Commission in Isle of Wight. Mr. Saunders answered it was not. Mr. Berryman asked if AES owned Sycamore Cross Solar, and Mr. Saunders answered yes. Mr. Berryman asked if AES owned the new sustainable property, and Mr. Saunders responded yes.

QUESTION: Chair Brock asked when speaking about our comprehensive plan and the improvement of quality of life for the residents; Mr. Saunders commented that they will start next week with the Sheriff's Department in Surry during the final stages. Where has communication been for the last two years, and what is the quality of life for those living there? Mr. Saunders said that he wishes that AES would have started with that from the beginning. This is the first time we've had to do this. So, you know, hindsight is 20/20.

Chair Brock asked when you would involve the Sheriff's Department for two weeks, a month at the end of the facility's project. Mr. Greg Creswell, Project Manager with Cavalier and Sycamore Cross, said the project update on Cavalier is probably 30 days out for main deliveries, mechanical, and panels—a prime part of their involvement. The project can also work with the Sheriff's Department because school starts in August, and on-site activities need a police presence. With the workforce and staff to assist, they can also get the Sheriff's Department on Board. Then, we will continue until the project reaches completion, probably in the third quarter of this year. It would be more than just a few weeks.

Ms. Cheek asked for confirmation that the Cavalier project will be completed in 30 days. Mr. Creswell said deliveries of all the mechanical, the racking systems, mechanical wiring, panels, and the 18-wheelers that go through the Mt. Nebo site are about 30 days. The rest of the work would be civil deliveries. When the weather is right in the fall, we will finish the vegetative maintenance, put in the vegetative buffers, and have another round of deliveries, not 18-wheelers or equipment. Ms. Cheek asked about the date of the projected operations for the cavalier project. Mr. Creswell said the commercial operations of the entire project would be on October 25th or 24th.

Ms. Cheek asked if the Sheriff's Department was needed for regular traffic accidents with employees or contractors, not just for the big rigs. Mr. Creswell responded during the operation. Ms. Cheek asked how long the project would last. Mr. Saunders said it would probably last 18 months when it started. If approved in the fall, construction will be next fall of 2025 and into late 26 or maybe 27.

QUESTION: Mr. Coggin asked, "To which one, the impervious soil or the intent to the stormwater, adheres to the new regulations versus the old?" Mr. Saunders said first to the comment of landowners getting washed out, "The project has been inspected by DEQ, I think, five times and had no violations or corrective actions. County staff is on-site every two weeks, and considering how wet it has been, especially this last winter, they have not seen any issues. It will be addressed as quickly as possible if an issue arises." He doesn't agree that the stormwater has been an issue, but they can work with the County again. Mr. Saunders said that there is vegetation underneath the panels. Virginia has the strictest stormwater regulations in the country.

Mr. Saunders said back to Stormwater that they would work with the county and was amenable to that. They have A, their proposed condition, and B, a surety amount for decommissioning in their proposed condition for Sycamore Cross. Mr. Creswell said adding to the conditions is not necessarily what they have discussed tonight and that they can work on anything with the Commission if it's determined they are in substantial accord. It doesn't mean that the Commission is approving the project or the conditions at this point.

In this condition, it was proposed that they vegetate the site as soon as the earthwork is completed before starting mechanical and electrical work. They would return and put in fresh vegetation to stabilize the site before work began. It was also suggested as another condition to have a third party review the site regularly.

Mr. Saunders said that they are not doing the grading. They must place dirt from the stormwater ponds somewhere and spread it out. They are not trying to make it a perfectly flat surface. The Virginia stormwater regulations require a lot of excavation for the ponds, and that is what the grading is.

Chair Brock said he considers the Cox farm on White Marsh Road open fields. The topsoil was taken off and piled up and is now flat. Mr. Saunders said the topsoil is saved and then put back on top to grow. He didn't know about specifically there, but almost all the grading in an area is not meant to make it perfectly flat. Mr. Creswell said the plans have been reviewed, and DEQ regulations require that. The county and the site plan approval team review it. It's AES's design with County and DEQ oversight. The point about grading is if there's a hill, it's not graded. It is extremely expensive. Grading is the spreading of dirt and then having the stormwater flow to where it can be captured. It must be done per Virginia and County regulations.

Mr. Wade said that he would like to read into the last paragraph of the minutes for the staff report. "Substantial accord requires determining whether the applicant has largely but not wholly met the intent of the comprehensive plan. While every strategy has been responded to in ways that meet the intent, Staff believes that these differences fall under largely, but not wholly meeting substantial accord with the proposed project's comprehensive plan for location, character, and extent. This is also partly due to the location of the project, entirely within the existing footprint of a previous approval and its identification as an existing and approved area for solar development, the comprehensive plan amendment for energy."

Mr. Wade said that was the statement he wanted to make and that he would like the Commission to look at the strengths and weaknesses and make an evaluation. This is being done to see if the more significant issues you feel need to be addressed have or have not been addressed. Mr. Wade said that each commissioner has a different mindset of reviewing and that you are examining it for yourself if it falls under a large amount but not wholly or if you feel as though it is not meeting it largely.

Mr. Berryman said that there is a need to add two more weaknesses. One is it doesn't meet the minimum half mile from the existing solar facility, and the other is the central. It is over a mile away from the existing power line. According to their maps and his rough estimates, the project will run medium voltage power lines over four and a half miles through Surry and then another two or three miles from Isle of Wight to get to the substation. Also, regarding the noise from the inverters, when he spoke to a resident who lives over 1300 feet from the closest panel, he said they would hear something and thought it was a crop dryer and that a farmer was drying crops. It turns out to be an inverter.

Ms. Cheek said, when reviewing this project that our comprehensive plan's highest priority is improving the quality of life of Surry residents. This involves themes of preservation of the County's character, enhancing the quality of life, targeted future land use, improved and safe roadways to connect to other communities, economic growth, and diversification. She cannot see where a solar project will be in accordance with the main vision. The way the comprehensive plan is written, there's a main vision: to improve the quality of life of Surry residents. Under that, there are themes and elements, all described in

the plan, about maintaining our rural character by having improved transportation and a family-oriented and safe community that promotes a healthy agriculture industry.

Ms. Cheek said that she cannot see how a solar project, or this project, can be in accordance with our comprehensive plan. The energy project amendment was added to address energy projects. It's already noted that there are several of the items that are not in accord. Also, she believes that when decommissioning is addressed later, it is mentioned in our plan. She feels there's more information this project should supply to show that they're not just minimally meeting the substantial accordance, but they're going over and above.

Ms. Cheek said that this company has a lot of history in this county, and it's been brutal for the people who live around the project. Their quality of life has been severely degraded, and now I think they will ask our Sheriff's Department to come and help with issues that occurred over a year ago. They should solve these problems and improve our quality of life. We want good partners to come into Surry.

QUESTION: Chair Brock asked, if approved, what the next step would be. Mr. Wade said that if the project is found to be substantially in accord, the next step for this project would be a conditional use and a public advertisement for a conditional use permit to come before the Commission. If it is not found to be substantially in accord, then the applicant would have the right to appeal that decision to the Board of Supervisors to make that decision. If the Board of Supervisors concurs with the Planning Commission, nothing else. If the Board of Supervisors reviews it and finds it follows the substantial accord or approves a siting agreement, it would come back before the Planning Commission for a public hearing as a conditional use permit.

QUESTION: Mr. Newby asked, "With Mr. Berryman bringing up two points that do not agree with our comprehensive plan, how do we address those two issues? Mr. Wade said that the staff report mentions two of them. Mr. Berryman mentioned that the half mile from another solar project and the OID is within Isle of Wight County. It's not within a mile from the center of Surry. As a Commission, you must consider whether they weigh as weaknesses collectively. And when reviewing, do you review that and say "that it is in substantial accord, or it is not. Do you feel you could support it being largely in substantial accord?"

Chair Brock asked what the pleasure of the Commission is. Ms. Cheek motioned to deny Substantial Accord Determination 2024-02 due to "insufficient identification of quality-of-life improvements by the project that supports the Surry Comprehensive Plan's primary vision, also, due to issues identified in strategies three and four of the energy project amendment, which is the 0.5 and one-mile requirement. Due to insufficient information provided for noise reduction, financial benefits, and decommissioning, it was seconded by Mr. Newby.

In favor: (9) Brock, Wooden, Newby, Berryman, Lunsford, Cheek, Coggin, Seward, Pierce

Opposed: 0

Abstain: 0

3. Presentation of Wetlands Ordinance Amendment:

a. Motion to bring forth ordinance.

Mr. Wade presented the Wetlands Ordinance before the Commission, which came from the State. The state has said that these are the new requirements and that Surry's ordinances must be updated. Also, when reviewing, it was identified that you will not find our wetlands ordinance on Municode, which is not codified at this point.

MRS. PERKINS:

- The General Assembly made changes to the requirements for a Wetlands Ordinance. We are a Dillon Rule state, which means that we as a locality can only do the things and put in the limitations and restrictions that the general assembly gives us the power to put into place. The Wetlands Ordinance had revisions made. Our Wetlands Ordinance was last touched when it was enacted and adopted in 2006. The ordinance that is currently in place was never codified, which means it was never put into Municode.
- We have new language noted in red and italics. Some of the changes, for example, in section three, number 12 is a new condition. It talks about the construction of living shoreline projects.
- The biggest change is section 14, an existing section that talks about appeals. The language is not in the Virginia Code. Mrs. Perkins's recommendation is to strike that language and believes appeals are dealt with in other sections of our county code and other sections of Virginia Code and is not language specifically in the wetland's ordinance set out in Virginia Code that is required to follow.
- The most significant changes are a motion to bring forth these ordinance amendments and have language for that motion, should any Planning Commissioner wish. Then, advertise for a public hearing and the actual ordinance amendments in a future Planning Commission meeting. Under Virginia Code Section 15.2 2286, the Planning Commission must initiate a motion to bring forth the amendments.

QUESTION: Ms. Cheek asked on the appeal section, "Ms. Perkins said that she felt it is somewhere else in the county code. How can people appeal?" Mr. Wade said that they work with VMRC on wetlands permits. You must get a wetlands permit if you're not exempt from the Wetlands ordinance. For example, when Dominion asked for a wetlands permit, they were located at a body of water that only people in the project area of the Isle of Wight County neighborhood could see, and they could appeal at the state level, not in Surry County.

Ms. Cheek asked, "Would someone talk with Planning if an appeal is needed? Mr. Wade said that the state is usually here, and they know if a permit was approved, and then we advise the state that the wetlands permit was approved. The appeal period is about 30 days after the wetlands permit has been approved by our wetlands board. That's at the state level, not the local level, not in Surry County. They would appeal to the Wetlands Commission, which is a state body.

QUESTION: Ms. Cheek asked, "Would someone seeking an appeal come to the Planning Department? Mr. Wade said with the State. There is an appeal period of about 30 days.

QUESTION: Mr. Coggin asked, "Does Surry County have a wetlands board?" Ms. Perkins said yes. Mr. Coggin asked if he had built a duck blind and if he was required to have a wetlands permit. Mr. Wade noted a section shows exempt projects, such as personal use. If it is permitted by right, you may still

have to go to VMRC with the joint permits, apply with VMRC and the Army Corps of Engineers, and have it reviewed at the state level. The state gives it to the Army Corps for review. You wouldn't have to go before the Wetlands Board here. Mr. Coggin asked would you still fill out an application, and Mr. Wade said it would be with Virginia Marine Resources.

Mr. Wooden moved that the Wetlands Ordinance Amendment be brought forth per Virginia Code section 15.2-2286 A7. A motion that the public necessity, convenience, general welfare, and good zoning practice requires that amendments to the Surry County Wetlands ordinance be brought forth to the Planning Commission for a public hearing, consideration, and action on such amendments following the public hearing. Mr. Newby seconded it.

In favor: (9) Brock, Wooden, Newby, Berryman, Lunsford, Cheek, Coggin, Seward, Pierce

Opposed: 0

Abstain: 0

COMMITTEE UPDATES:

Mr. Wade said that he and the subcommittee have been working on the ordinance and are setting up dates to meet to review ordinances for the Commission. Another element is the APA Virginia Conference, which will be held in Williamsburg next month on the 22nd. You will not have to pay if anyone else is interested in going. A link to the website will be sent if anyone is interested.

Mr. Wade said that the Board of Supervisors had tasked Ms. Perkins to work with the short-term rentals. Together, they have been working on a task force. Ms. Perkins said a short-term rental committee is looking at short-term rentals in the county, determining the best next steps of regulation and what regulations are needed. The committee is working with Mr. Wade, herself, and our consultants. Summit has put together a survey that has gone live for all the citizens in the county. The survey is on the website and our social media pages. Ms. Cheek and Mr. Coggin are the Planning Commission's liaisons to the short-term rental committee. They have been instrumental in the work, and there is still good work to do. The survey is going to be open until about the middle of July.

ADJOURNMENT:

Chair Brock entertained a motion to adjourn at 9:02 p.m. until the July 15th meeting. All those in favor signify by saying, Aye.

Commissioners: Aye