

**Buckingham County  
Planning Commission  
October 24, 2022**

At a regular scheduled meeting of the Buckingham County Planning Commission held on Monday, October 24, 2022 at 7:00 p.m. in the Peter Francisco meeting room, located within the Buckingham County Administration Complex, the following members were present: John Bickford; James D. Crews III; Stephen Taylor; Steve Dorrier; Joyce Gooden, Pete Kapuscinski. Also present were Nicci Edmondston, Zoning Administrator, and E.M. Wright, Jr., County Attorney.

**Re: Call to Order, Quorum Present, Invocation, and Pledge of Allegiance**

Chairman Bickford called the meeting to order. Steve Dorrier gave the invocation, Stephen Taylor led the Pledge of Allegiance and it was said by all who were in attendance. Chairman Bickford certified there was a quorum- six of eight members were present. The meeting could continue.

**Bickford:** Adoption of agenda. Nicci, is there any changes to the agenda?

**Edmondston:** No.

**Bickford:** Do I have a motion to approve as presented?

**Allen:** So moved.

**Dorrier:** Second.

**Supervisor Allen moved, Commissioner Dorrier seconded, and was unanimously carried by the Commission to approve agenda as presented.**

**Bickford:** All right. Any further discussion? All in favor, raise your right hand. brings us to our approval of our minutes for October 24 2022. Any changes to the minutes? Seeing none. Do I have a motion to approve as presented?

**Gooden:** So moved.

**Crews:** Second.

**Bickford:** Have motion and second to approve any discussion? All in favor, raise your right hand. Passes. That brings us to the public comment. Nicci do we have anyone signed up?

**Commissioner Gooden moved, Commissioner Crews seconded, and was unanimously carried by the Commission to approve minutes as presented.**

**Edmondston:** We do. Mr. Chairman, we have two Teresa McManus followed by Cindy Marchetti.

**Bickford:** Please come forward and state your full name address. You have three minutes of course.

**Teresa McManus:** Teresa McManus district two Scotts bottom road. I hope you all had a nice Thanksgiving. I had a wonderful Thanksgiving. I had the ex District Attorney, the Deputy District Attorney for the state of Virginia who came to visit wonderful weekend. You made a wonderful prayer that you were going to do something and hope that God guides you. I hope you believe that. I hope you mean it. I hope you understand that what you people do affects our lives. Everybody's watching I know I make a lot of noise up here sometimes but I'm going to tell you now you've ruined my life. You've ruined my farm. You have no backbone. You're yes men. I'm going to buy property next to everybody's house, and I'm going to have it rezoned. And I'm going to rezone it for industrial. And then I'm going to put a cesspool in there. Because that's what you're doing. You don't give a crap about any of us. I'm going to take that back. There are two of you that I think actually stand up for us. Mr. Allen, thank you very much. Mr. Kapuscinski thank you very much. I've been told by somebody on the board of supervisors that Mr. Kapuscinski makes it uncomfortable for you guys. And for him. Mr. Miles has told me that. Why is that? Because he cares because he's been out there looking because he does his job. Here all the snickers how many else have you do your job? How many of you are out there looking? How many actually know what the people of this county want? You're going to put in my backyard a 50 acre solar panel farm. Thanks.

**Bickford:** Who's next

**Edmondston:** Cindy Marchetti.

**Cindy Marchetti:** Good evening, Cindy Marchetti Marshall district. So Mr. Bickford, you represent me. And I just wanted to express concern over the zoning that Olympia Moore who inherited the property in the village industrial area is trying to zone B one. And I think it's unfair to do that without the people even being aware of what's going on. I just talked to a resident who lives on old Self Lane. And she said she had no idea that she has seen that that property has been up for sale multiple times before, but it was overpriced. And so it never sold. But she said, You know, it's already hard enough to get in her child who's handicapped out every morning to with the gas station there that it's already hard to maneuver in that area. So she was upset that she had no idea that this was even being talked about to zone it. So it's not fair. That if it's my understanding, if used rezone it to business, then there isn't been its business. And so then anybody can, can buy it and move forward with the business. So I think we just better put the brakes on and think about what's best for your, for your community, and the health and welfare and safety of everyone.

**Bickford:** Anyone else? Okay. Seeing that I'll close the public comment. We'll move to old business which is the public hearing for the Rosney Creek solar farm.

**Edmondston:** Yes, sir this evening public hearing for case 22 SUP319. Landowners Ivan P. Davis at 106 Whetstone Lane Dillwyn and the applicant is Rosney Creek solar LLC 120 Garrett Street Suite 700 Charlottesville, Virginia, property information tax map 151. Parcel 21 contains approximately 439 acres and it's located at 19691 East James Anderson highway in the Curdsville magisterial district and it's currently zoned agricultural a one. The request from the applicant is to obtain a special use permit to allow for the construction and operation of a five megawatt utility scale solar facility on approximately 439 acres in Buckingham County. I will point out that the applicant did send in an amended condition in a response to how and where the five megawatt solar generating facility will be located. And it does state that modifications to the General Plan permitted at the time of building permit based on state and federal approvals design requirements that comply with these conditions, solar equipment and accompanying storm water features shall be limited to no more than 55 acres of the 439.6-acre property as depicted in the general plan. As we went over in the introduction with this case in September, the zoning ordinance does not permit a public utility generating plant as a permitted use however, within the a one zoning district. substations, meters and other facilities including rail roads and water and sewage facilities may be permitted by the Buckingham County Board of Supervisors by a special use permit following recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia Planning Commission may recommend and the Board may impose conditions is to ensure protection of the district if this special use permit is approved Rosney Creek solar LLC does request a special use permit for the five acre five megawatt utility scale solar facility. The applicant is with us this evening, Mary Margaret Hertz to answer questions and concerns prior to the public hearing, and after,

**Bickford:** Miss Hertz would you come to the podium please?

**Mary Margaret Hertz:** Evening, everybody,

**Bickford:** I did have one question in your community meeting, you had told me I believe, if I recall, 40% of the acres would be in panels. So that would be roughly 20 acres? Correct?

**Hertz:** Correct. Yes.

**Bickford:** Okay. The additional five acres is not going to affect that one way or another Correct?

**Hertz:** I do not believe so.

**Bickford:** If It did it would be the same thing roughly just another acre.

**Hertz:** So we refer to it as a ground coverage ratio. So about 40% of any fenced area will be covered in panels to answer your question. Yes.

**Bickford:** All right. Thank you. That's all a question I had any commissioners have anything before we do the public hearing.

**Kapuscinski:** Actually I sent it I sent a memo out to I gave it to the zoning people and I suggested that we put some conditions together. And I think most of them have been answered, but for the record, I'd like to make sure. So as an example, we talked about a surety to cover any eventual environmental mishaps. And I understand that, that there is a surety that's been purchased. Is that right Miss Edmondson?

**Edmondston:** So the surety we talked a little bit Mr. Kapuscinski, about the surety that covers involved environmental issues from beginning of construction to decommission. So there are two different things that would be at play, there would be a surety bond placed for the erosion and sediment control bond at the beginning and during construction up till up until completion of the project. And then of course, the decommissioning plan, and the bond associated with that would have to be presented and approved by legal counsel for the county before even a building permit could be obtained. So there would be two.

**Kapuscinski:** So there is surety. My second, my second question had something to do with electrical and battery storage or panels are stored regardless of the reason. And I understand that under condition five, that is not in the SUP. So there will be no storage of batteries or any other electrical equipment. Is that true?

**Hertz:** Right. So we are only asking for a special use permit for solar energy facilities, no battery storage is included, that would require a separate permit if we wanted to come back and do that.

**Kapuscinski:** All right. And then another condition that I looked for was that anything that was damaged or spent with regard to your electrical components would be removed immediately and sent on to an appropriate place for disposal. My understanding is that there is a solid waste ordinance. And I will talk to Mr. Hill, a solid waste ordinance in Buckingham County that would not allow you to use any part of our property for dumping purposes, including the storage of spent or damaged electrical equipment or batteries. Is that understood by you as well?

**Hertz:** That is understood by me. I don't think we have anything specifically addressing that in our condition.

**Edmondston:** There's nothing specifically addressing this. Mr. Kapuscinski Please correct me if I don't have thoughts, you know, properly formulated in this response to Mary Margaret. Mr. Kapuscinski his concerns are about damaged parts that are going to be need to be replaced and where the disposal of this would take place. As he's pointed out, and we discussed in the last few days, the solid waste ordinance addresses commercial usage and the inability to do so within the receptacles the trash receptacles here within the county, which means that solid waste ordinance prevents a company such as apex or any commercial company to dispose of their solar panels in

our dumpsters. At this time. We do not have a an active landfill within the county for any form of disposal. Does that cover it?

**Kapuscinski:** Yeah. I just want to make sure that's understood. And on record, you know, between us and you. Okay. And you would agree to that, right?

**Hertz:** Yes, absolutely.

**Kapuscinski:** All right. And then obviously, the last one had to do with surety to cover full reparations and land. Now this is interesting, because I understand that the contract is essentially between you and Mr. Davis. And we understand that obviously, we'd like to see at the end of 30 years, I won't be here but I might be looking down maybe up who knows. But the point I'm getting at is that it should be it should be returned to its agrarian status. So I'm wondering whether or not there should be some kind of a presentation by you and Mr. Chip Davis to the county to give us assurance that your contract would be supportive of that particular condition. Is that something that would be I'll ask Miss Edmondson Is that something that we can ask for?

**Edmondston:** It probably would need to be fully reviewed by our legal counsel. Mr. Wright. But if in these conditions, you feel that that contract would strengthen the conditions and maintain the integrity of the district, long after the panels are removed and decommissioned, may be an appropriate thing.

**Kapuscinski:** While I'm asking the commissioners.

**Bickford:** Normally, the contracts are not in the purview of the planning commission. But I do understand where you're going with this. If you were to impose a condition that way, how would you frame it?

**Kapuscinski:** Let me start off by telling you what my concern is obviously, there, these small five megawatt plants that are that are being constructed, there's a few of them going around the county. If these if these contracts is if these contracts are kept out of the purview of the commission and in and the county, in general, then we really don't, again, there's a veil between the LLC and Apex, and Apex and Harris, there's a veil between there. So there's not a big balance sheet on the LLC. So given the fact that we don't know we have no assurances what's going to happen to this LLC, the county has no control, other than a lawsuit possibly on taking care of an eventual problem should the LLC go defunct? Right. So my concern is that somehow we ought to be given an assurance that there's some permanence in the contract between you and the owner of the land that satisfies the county in the event that the LLC does go away, or is sold, that that land will be returned to its of its agrarian state, its original use status. And that so the way I would frame it is some guarantee to the county that the contract is satisfactorily executed between the con the electric of the solar company, and the owner of the land, to the satisfaction of the county, that the land can be returned at some point in time to its agrarian, its original status.

**Hertz:** If I'm if I may, so we do have a condition in our proposed conditions that addresses decommissioning specifically and guarantees that we will post some kind of financial surety and provide a decommissioning plan prior to construction. So not only does this plan outline specific steps for how we assessed the amount of the bond that would be posted in the county's name, so that's not within the landowners control, that's something that the county has access to funds should the worst happen and the LLC go, fall under as you as you are saying, so the county will be provided not only with the funds to make those reparations to return the land to its original state or as near as possible, but you'd also have access to this plan that outlines and engineers assessment of the steps to achieve that. That begins, you know, it starts with materials recycling, and goes all the way through removal, depth of removal, how to regrade restore grade recede and that sort of

**Kapuscinski:** Environmental remediation included now, does it?

**Hertz:** Not confident but I do believe that is a component. I can follow up on that.

**Kapuscinski:** Well, it should be.

**Hertz:** Yeah, it absolutely should be I agree. And we will be consulting with the Department of Environmental Quality, you know, prior to construction, if we make it that far. And you know, Department of Transportation and or erosion and soil control as well.

**Kapuscinski:** Last I went through your I went through the conditions to the extent I couldn't and I noticed that there's an accident clause, which is fine. But I want to make sure that essentially, because the LLC does not have a bloated balance sheet, it means that whatever happens to the LLC that something can be brought back to the parent, whoever owns this LLC, who has financial responsibility and deep enough pockets to take care of the county. So is that is that in there as a condition? I only saw one line.

**Hertz:** It's not in there as a condition. It's common industry practice. I know I've gone through this before it. Nicci do you have?

**Edmondston:** Condition number six, the binding obligation that this SUP shall be binding on the applicant or any successors assignees current or future lessee, sub lessee or owner of the solar energy facility as condition number six, is that sufficient?

**Kapuscinski:** I don't you see, I don't know, I think that has to be asked of the lawyer. But my, my concern is, again, the assigns on this thing. And I again, I guess I'm not just worried about the LLC at Rosney. Creek, this becomes a model for other things that we're doing to these small solar businesses, because quite frankly, if we end up with a lot of them, and they end up, we already had one that was sold to an Israeli company. Right. I don't know. I don't know what the contract says. I don't know if there's any litigation could be done here in the United States, or would it require a lawyer going overseas? I mean, in my experience, that can't happen. So quite frankly, I'd like to make sure that the county is covered in the in the eventuality that, that this

LLC that gets sold or becomes defunct. And then we have we have financial coverage, or we're going to require litigation to get that. So that's, that's where my that's where my head's at, if you understand. So somehow in the assigns, and I'm not I'm not a lawyer, but I'm suggesting that it's some there's shouldn't be a condition that and make sure that that there's some parental responsibility, financial responsibility in the event that the LLC either changes hands or ends up going defunct.

**Hertz:** To my knowledge, the most that any solar industry company will do is post that financial assurity upfront. And that's what we're offering in the form of a bond. And we do, we have said, we do this for financing reasons. And because it doesn't make sense for us to tie up liability for all of our projects in one. If it's any consolation, we have financed over eight, you know, this is a 50 Meg, or five megawatt project. We financed over 8000 megawatts of projects in this manner. And it's something that we do. And so it's our defer to you, of course, and we're willing to work with you. But if it's a matter of posting more upfront, then that's absolutely something that we can discuss.

**Kapuscinski:** That's something that I think between you and the zoning commissioner and also our lawyer, but I think there needs to be some, some financial surety, this is a real small company that you're creating. And it just seems to me that the county's got to have some financial protection here. That's over and above the balance sheet that you're offering with this small LLC. That's all I could say.

**Bickford:** Okay thank you Pete. Any other comments?

**Allen:** Yeah, what Miss Edmondston, I want to ask you first, we pretty much put all the same conditions that we had like for apex.

**Edmondston:** Yes, these are the same working conditions that were placed on the special use permit that was approved for Apex Riverstone.

**Allen:** Well, that should take care of all these deals then.

**Edmondston:** To address these in conversations today, Mr. Captions, he does want me to seek more legal counsel on those binding obligations. So I will do this. And I can send a response out prior to the next meeting in the form of an email.

**Allen:** Yeah, and I'd like to keep getting an update on a how many acres we're going to put out. So we can get all the way up to the 4500 acres. But if you give me an update when we're getting ready to do it, but the other part of that is right now still on paperwork is saying 439 acres. And I know I got the letter too that says 55 Acres is what y'all are actually going to use. But unless you survey it, put it in a different block. To me at paperwork stays it for 439 acres, even though you say you want to do 55 Because you're in a 439-acre lot. That's my thought. I don't know what everybody is thinking about it. But it's some way or another that y'all can make it a 55-acre lot. surveyed acreage, then they would say all we're doing is 55 acres. We're not doing the whole

439. But that's my thought. Hey, one more question. I heard somebody else say that this was different. That the megawatts are not going out online and gets separated everywhere it can be for people in the county, some get discounts. So if we had a big storm if we had a big and it cut the power. Those solar panels, we're still it's daylight. Would they feed places down the road?

**Hertz:** No, and well, if I may, I did prepare some slides. I don't have to go through all of them but to address your question specifically, I can discuss community solar, which is the goal for this project a little bit more. Would you mind going to the second slide? One more. Yes. So this the way this project will work is it will feed power directly into local electrical lines. So, on paper, nothing changes unless you a Dominion energy customer elects to participate in the program and subscribe to it. So, while solar energy is being fed into the local electrical lines, which goes to local homes and businesses, it's not going to show up on anybody's bill unless they contact us to subscribe, which is something that we can talk more that's the nature the community solar program, if to address your question about power outages, if the power goes down, will you still have power locally? No. There are certain safety protocols that the solar farm has to follow. So if there's an electrical line down, the solar farm shuts down, so it's not electrifying the grid and putting linemen lives in jeopardy. battery storage does create an opportunity for that, again, not part of what we're asking for here. But that is the only way at this time with current technology to make that possible to have a local energy source. So with the community solar program, what happens is a project owner, like Rosney Creek, for example, would sell all of the solar power to dominion, and dominion will continue feeding electricity to all of its customers per usual. Some of the customers that are Dominion Energy customers, it is statewide, any Dominion energy customer in Virginia, can go to a subscriber organization and say I'd like to get community solar on my electric bill. So on paper, they get a credit for their portion of a project like Rosney Creek, we do have the ability there approximately 3800 Dominion Energy customers in the county, we do have the ability to work with the subscriber organization to give a preference to local Buckingham County Dominion Energy customers so that they can benefit from it. And we're talking savings of about 10% on their annual electricity costs. So a little confusing, it's all on paper. But that's how it works. Thank you for indulging me.

**Bickford:** Any other commissioners have any questions before I open up the public hearing at this time?

**Kapuscinski:** Just to go back with Mr. Allen and said I'm interested. I thought I thought that's what was happening when you were reducing this to 55 acres. We're not talking about 439 acres.

**Hertz:** Oh, yes. So that's what we're Yeah, that was the amendment, that amendment that Nicci mentioned for condition number seven, the general plan, it stipulates were on this 439-acre property we're allowed to develop, as well as on our maximum land disturbance area is 55 acres,

**Kapuscinski:** Your project is 55 acres dot 439. So he said she leaves the rest of that acreage open for other solar businesses that I think that's kind of where you're coming?



**Allen:** Well, when you when you finish your paperwork, you will be done with 439 acres, not 55. Because 55 is not isolated.

**Kapuscinski:** Let's see that. I have a misunderstanding. And that's I thought when this was done, you were going to have 55 acres that you used up of the 4500 acres that were allowing for solar projects in this county.

**Hertz:** That's that's our intent. And that's what we're trying to communicate with the amendment to that condition.

**Kapuscinski:** So the project is a 55 acre project, not a 439 acre project, right,

**Hertz:** The whole parcel is 439 acres, our project on that part, it's a large parcel, our project on that parcel is 55.

**Kapuscinski:** So who essentially owns the rights for the other acreage? Other than the 55 acres, are you going to continue to control the rest of that acreage?

**Hertz:** Um, as far as our lease says, Yes, we do have sole solar rights to that property.

**Kapuscinski:** I didn't understand that.

**Allen:** See like dominion was going to put that down on 20, 2200 acres, a little bit more 2200 acres, but they weren't going to use but eight or 900 acres for the solar power. So I mean, it doesn't matter. The 2200 Acres is what we put down on paper, even though they didn't use but 900 or whatever want to use, but on paperwork that 2200 is what to me what's written down. Like here 439 is what we are saying it's okay to use, even though they're saying we don't need but 55 acres. To me, you need to be isolated before you say, this is what we're using just this lot right here. That's my thought,

**Kapuscinski:** I totally misunderstood, I thought maybe this project was being revised to only use and account for 55 acres.

**Hertz:** That is what we're doing.

**Kapuscinski:** Then you don't have a need for 439 acres.

**Hertz:** We didn't make the project parcel size, that's just how it came in. So that's what we have the lease on. But I will say it is typical practice for us to build the project and then release the rest of the acreage of the parcel from the lease. So it's not something that we've written into the conditions no, but we have said that we are going to just build that 55. So I mean, we're not we're not, we don't have any intention to build more than that on this property.

**Kapuscinski:** Why can we put a condition together then to ensure that the rest of that acreage would be released.

**Edmondston:** With this general plan that has been submitted, just like the rest of the special use permit requests that come before you anything that is submitted all documents with the special use permit, any approval that may be granted, only what is allowed in the special use permit with that general site plan is what is permitted nothing else with this permit request. So this permit request would be only for the 55 acres, yes, this property tax information, the tax map is presented to you the way that it is this happens to be a 439-acre parcel. So it's presented to you in the introduction in the public hearing, because that is that is how that parcel exist with the applicant or any applicant on special use permits are going to do is they're going to submit documents that support the site plan, all documents in support of this application are for a 55-acre site plan. So if the special use permit is ultimately, if it's granted, then that document will come in when, let's say that this were to be granted, when they are able to obtain their building permit they're going to come in, it's going to be located here on another site plan that they're going to give us for the building and construction of these panels. So if it's on the bottom right hand corner of this particular parcel, as indicated on the site plan, and they come in, so on the top left, I can't permit that from a zoning standpoint, I'm going to go back to this file, as I do with all of them and say, I'm not able to present this, your permit was based upon a 55-acre site that you indicated on your site plan that was turned in with part of your documentation that was ultimately approved. So I will not approve that zoning, they will not get a building permit request because they're turning in an application that maybe matches a 30-acre site plan. This, property description is 439 acres, but the application for and the site plan that supports this application is a 55-acre site. Does that help?

**Kapuscinski:** Yeah, let me ask the question this way. We have 4500 acres willing to set aside for solar work. Okay. If we had nothing else, and all we had was this 55 acres, would it be 4500 available less than 55 or less the 439.

**Edmondston:** So the that 4500-acre decision that was made within a board meeting. I believe that that is still part of the solar policy that is under review. That is a working policy. Currently, I don't believe that there's been and someone correct me if I'm wrong, At this time, there has been no designation that it is going to be a differentiation between site plan and parcel size at this time, the way that I understand it from our County Administrator and he is not here with us this evening. I wish he were to correct me if I'm wrong is that it is the entire parcel size. So the entire acreage size, just like you were referencing the Dominion pine side project, their project was 2276 acres in total, that would be what would count against the 4500-acre requirement if that became policy wouldn't be the 805 to 800 acres that were actually in panel for the site plan. It as it stands currently, it is the total acreage size that is encompassed in the application, not just the sign

**Kapuscinski:** The only way that would change is if they released the rest of the acreage right?

**Edmondston:** that would probably need to go under legal review. And I'll tell you that this because this application is based on 55 acre site plan but with the entire 440 acres encompass to me that would be probably a modification to come back. And that would require a new SUP application. I mean, its that's also part of something that's within the private sector and a business contract that can be negotiated after us between the applicant and the landowner, we may not even be privy to know that that happened.

**Bickford:** Any expansion on calls for another SUP to be generated, in other words this is for 55 acres if for whatever reason, two years from now they came back and they want to do another 50 acres, it's another project and it has to come back.

**Kapuscinski:** See what they do is that they end up controlling 439 acres, even though they're using only 55. What I'm saying to you is they control, they control solar development in this county, they control 439 acres of solar development is County, even though they're only even though they're only contributing 55 acres. I think that's I think that's Danny's concerns. My concern to.

**Bickford:** I understand that sounds like to me the one solution would be then to make a policy for the number of acres in panels not total acers.

**Kapuscinski:** Or plus your buffer. I mean, if you want 55 acres, your project, which should be for 55 acres, not for 439. I think that's your point, right?

**Bickford:** Yeah, to me, he's trying to streamline it down. And she said she would do it. But it's just like Nicci said it's 55 acres, that's probably, if I were to try to do somewhere else on the 439 it will generate another SUP.

**Kapuscinski:** But it's the control of that 439.

**Bickford:** That's the way the policy is right now. We got to change the policy, we being the Board of Supervisors.

**Kapuscinski:** Either that or what we do is we ask her to only ask for 55 acres.

**Bickford:** That's what they've asked for.

**Kapuscinski:** They're asking for 439.

**Bickford:** That's because the property is designated on our tax map as 439. That's the way the protocol is set up.

**Allen:** Same thing for 2200 acres. So you can say the same thing when Dominion was doing a 2200 acres. 2200 Acres is what you go put down on paper, but they aint going to use but 800 acres. So same thing here. Therefore 439 is when

**Bickford:** They made the amendment for 55 acres, that's what is the project size is.

**Allen:** But you ain't got no way to cut it off. So it's no good to me, you need to survey the 55 acres that you're going to use, plot it and show it back at the next meeting, that'd be fine. For me, my thought that way, it's already taken care of 55 acers.

**Hertz:** It isn't uncommon for us to release that acreage. As I mentioned from the lease after construction, we do involve a surveyor to plot the exact bounds of our built project. So if that was something that needed to be part of the conditions to help with clarification, that's absolutely something that we can talk about with the county. But yes, 55 Acres is our maximum.

**Allen:** Yeah, I know it's in paperwork. But I mean, just on paper its still 439 that's the negative part.

**Kapuscinski:** What would you recommend Danny? Well, would you want to do?

**Allen:** To me, if they surveyed it and plotted it out as 55 acers and brought it back to us that will show this is it, it's all I can do.

**Kapuscinski:** So you'd like to table it, and then have them go survey it and bring it back to us.

**Allen:** They can do it and whenever they can do it. If they think he's going to do it.

**Kapuscinski:** How would you handle it for this meeting, though,

**Allen:** This meeting I don't know they get two more meetings with the board. They got time it don't take that long.

**Hertz:** If it helps we do survey as part of our final engineering plan. So this is a preliminary design, it shows you the location, our approximate metes and bounds of the project before we can apply for a building permit, we will submit a final site plan that has been specifically drawn out and delineated as you're suggesting.

**Allen:** Most of the time that's after you get your permit.

**Hertz:** After the special use permit, but prior to the building.

**Allen:** So then we'd have come back and change it.

**Kapuscinski:** Well, we if we had a condition that said that you had to get a survey correct?

**Hertz:** As part of pre construction?

**Kapuscinski:** So if we had a condition that said, subsequent to your survey, you release all the excess, you will release all the excess acreage. I mean, does that, does that help? I mean, would that work?

**Allen:** Or just say we only used and then we got to plot it. 55 acers so the 439 is removed.

**Edmondston:** So supervisor Allen, let me just try to make sure, I'm trying to take notes over here as well. You're stating that that survey needs to be a final survey with a separate tax map number. So there's the acreage is no longer a portion of the 439 acre original parcel, is that right?

**Allen:** Exactly right. Yeah.

**Edmondston:** Well then that would need to take place during this application process because if it takes place afterwards, that's a modification, change and amendment to a permit that could possibly be granted during the process.

**Allen:** So your saying you would do it or not? Not normally doing it until after you finish the survey?

**Hertz:** So we'll do pre and post construction surveys.

**Allen:** Yeah, if you can just do a quick survey. To me, that's all you need, then that would actually be on paper saying this is all we're going to use.

**Bickford:** Are you still asking for a separate tax map parcel?

**Allen:** If they want 55. If you leave it on the 439 then we count the 439. Either way. Whatever you want to do. But if you don't plot it, to me, it stays 439. I mean, I know you're saying you don't want to you but 55 But that's still a block in the 439 acers.

**Bickford:** Let's table that for right now. And any other questions after we'll do the public hearing. And then we'll come back. Let's give everybody time to think about it little bit. Any other questions?

**Shumaker:** Sorry. I'm going to circle back to Mr. Kapuscinski part about the surety and the bond I see in Section 10.7. And your documentation that prior to issuance of a building permit is when you will provide that bond to the county and that it's updated every five years by a licensed engineer. Is that a non bias engineer? Is that a state employed? Is that someone of the county's choosing?

**Hertz:** I don't know that we specify it's a Virginia licensed engineer who has experience pricing out decommissioning for solar farms, that sort of thing. So

**Shumaker:** And that bond I, based on the prior paragraph, I know the audience doesn't necessarily have that in front of them. But it talks about returning the land to its previous condition. And that engineer is able to assess the environmental aspects of that as well. Not just the value of the solar farm?

**Hertz:** Yes, It's talked extensively about soil remediation and that sort of thing after the equipment has been properly disposed of.

**Bickford:** Thank you. Any other questions? Miss Hertz thank you for your time, you can sit down.

**Hertz:** Thank you for your time.

**Bickford:** At this time, I'll open up to public hearing. Do we have any signed up?

**Edmondston:** We do. Yes sir. Mr. Chairman, Teresa McManus.

**McManus:** Teresa McManus district two Scotts bottom road right in the path of Rosney Creek. Did you hear yourselves? Did you just hear what went on? Thank you, Mr. Allen. Thank you, Mr. Kapuscinski. Thank you for what you did. How about writing a contract right the first time? Oh, that's, that's an anomaly here. We don't do that in this county. Because we want it to come back and get us in trouble every time. You can laugh, it is funny. It's true. You know, it's true. We do it all the time. We talked about education last time. We have a problem here. Let's talk about the environmental impact. I plan on being still around in 30 years. My farm is going to be impacted by this. What are you going to do for me? What do I get? What do I get when I come down with cancer? You probably haven't researched those reports. I have. What are you going to do for my animals? What are you going to do for my water? What are you going to do for me? How much money am I worth? I know I'm not worth much to you guys. I'm a pain in your ass. But what are you going to do for me? My kids think I'm worth something. My grandchildren think I'm worth something. Everyone in that area is going to have the same thing. What are you going to do for us? What research Have you really done on solar paneling? You've done the government's research, you've listened to her paperwork. You almost choked when she said when the lights go out. The solar panels don't come on and they're not helping us. We're going to be just like Texas, you forgot that. When Texas froze its back end off a few years ago because their solar panels didn't work. You guys think solar paneling is the greatest thing since sliced bread. Have you not seen how polluting it is and what it does to the people in the environment how it kills them. Now you don't want to do that. I've said before it's perceived that this county doesn't care about its people. That money is flowing somewhere. Can't be proved. But it's looks like our boards are spineless and can't stand up for themselves and are taking orders from somebody else in big business. And you're not listening to the people, and you don't care about the people, then whose pockets are being lined in this county? Because it's certainly not being mined.

**Bickford:** Have anyone else?

**Edmondston:** No, sir.

**Bickford:** Okay, well, I'll close the public hearing. And we'll turn this back over to the board. We've got a couple of things to talk about. Everybody's thought about Danny's issue with the difference in the acreage of the panels and the amount of acreage on the property? And how to rectify that.

**Kapuscinski:** I think it's 55 acre farm. We make it a 55 acre piece of paper. That's my view. I mean, I don't know why we would make it a block of 439. I think it's not gonna take that long to survey and I think we got to do the paperwork right.

**Bickford:** You're asking is as Danny that you want a survey and a new tax map parcel created.

**Kapuscinski:** Yes sir.

**Dorrier:** Mr. Chairman, I have a question. What will happen to what we've already approved then for the other solar panels? For the two that's been approved.

**Bickford:** They're grandfathered in and will be no change to them. They've already approved and gone through.

**Kapuscinski:** You know, I think we have to take a look at what's going on here as a model. Because if we don't start, I know we don't have we don't have that stringent a policy. But I got it. I know we're trying to develop one, which is good. But honestly, I think we need to take a look at these smaller programs and use them as models. If we intend to go forward with any kind of a solar program in the county, we need to start putting our foot down as to what we really want, and how we want these things contracted. This may not be completely what we need. But I think it's a good start.

**Bickford:** Nicci what would be involved in getting the survey to create a new tax map?

**Edmondston:** That would be solely the responsibility of the landowner. So it would be survey, survey approved, recorded, tax map created.

**Bickford:** Would that require any input from either the planning commission or board?

**Edmondston:** This property would be allowed, you know, 5 parcels or less as a minor subdivision.

**Bickford:** What affect would that have on the land owner? That you're taking one of his I mean, this is going in the center of the property to a certain degree

**Edmondston:** It is closer to route 60. On that bottom right hand side to this parcel...

**Bickford:** So they still gotta have access to the property to get to it. You're gonna have to create a 50 foot right of way.

**Edmondston:** Yes a 50 foot right away. The subdivision ordinance does require that that 50 foot right of way be to VDOT spec. So there would be additional expense whether it's landowner or applicant however. That's their business.

**Bickford:** What would you project would be the timeframe for this to occur?

**Edmondston:** In working with other surveyors at this time with simple divisions of one lot. It's usually eight to 12 weeks based upon workload.

**Bickford:** I guess my next question is we usually do things on a timely manner. If it's 12 weeks that's three months

**Edmondston:** Now it would be up to the applicant they may have a surveyor or something that moves quicker. This is only what I've seen with a few of the others.

**Bickford:** I guess what I'm asking is, you know, criteria set up protocol and you gotta follow and we're delaying it. Possibly three months. Might be a question I need to ask Mr. Wright.

**Edmondston:** Probably is a question for Mr. Wright. But you know, if it we've seen other cases I'm not sure that it's been through Three months where the Planning Commission has required more information before the commission feels that they're able to make a recommendation to the board. So you may state that more information is needed.

**Bickford:** There is a way to cut a little of that out, is make sure it's just done before a public hearing of the board of supervisors that will help some. Alright, I'm looking for some input from the commission.

**Crews:** There was no way to make it only take 55 acres of the usable 4500. as of now, at least without resurveying.

**Edmondston:** What this application is for is for this tax map, which happens to be 439 acres. What the site plan is indicative of within this application is that the solar facility a five megawatt solar facility will only encompass 55 acres of the 439 acre parcel. These drawings site plans and all have these are all documentation forms of documentation that support this application process, which means that Rosney Creek solar is not allowed to take up any more land space than the 55 acres and the exact spot that has been indicated on their site plan. Now, the fact that the 439-acre parcel exist, I cannot change that. So if you're trying to review that and analyze how it could impact a solar policy... The gist of this entire application is that the tax map happens to be 439 acres but Apex Rosney Creek solar project will only encompass and is only allowed to encompass 55 acres. This five megawatt, if this permit was approved, the way that it is written,



this five megawatt facility would be a 55 acre facility, the compound would be 55 acres, but it is part of 439 acres. And I go back to the solar policy that is in review. And as a working document for the board of supervisors right now indicates to the best of my knowledge that it is total acreage that is applied for that being total acreage of the parcels that are included in the application not the total acreage of the site of the solar facility.

**Kapuscinski:** What it means is that Mr. Davis has a 439 acre parcel that's that's been approved for solar panels, even though apex is only going to take 55 acres that that's what you're saying.

**Edmondston:** His parcel has not has only been approved to hold 55 acres of solar panels as indicated in a site plan, it does not mean that his special use permit is allowed to hold 439 acres worth of solar panels. His application in this permit this case 22 SUP319. The only approval for this 439 acre if it were to gain approval would be for the 55 acre site that is submitted here. If Mr. Davis and Rosny Creek solar wanted to come back and put another 55 acre solar generating facility on a 439 acre parcel that is a new application with a new site plan. And it would be depicted in the site plan where that solar generating facility would be but this application this case is specifically for the 55 acres Yes, it is part of 439 acres because it could have been a 1400 acre parcel is a 439 acre parcel that will only be allowed to place solar panels as indicated on the site plan of the 55 acre

**Kapuscinski:** The 439 acres itself, because of this sup can be allowed to have solar panels at that point in time. Once we approve this is for the 439 Right?

**Bickford:** No.

**Edmondston:** The approval is the parcel that is that it is applied for is the 439 acres but the only place that these panels are allowed to be for this case. Yes, sir. So is it that the feeling that you have this evening is that the 55 acre compound needs to be completely separate and you don't want it this approval to be granted on that entire tax map as part of it. I'm just trying to understand.

**Kapuscinski:** I don't know if that's significant. I guess I'm thinking I'm sitting here thinking well, if they've got if they've only got the ability to put in 55 acres, it still leaves if suppose you in the county agreed Did 4500 acres, it still leaves some 380 acres allowable for some other company to come in and in contract with Mr. Davis if they wanted to, is my point. Right?

**Edmondston:** If I were to receive an application for that, I would present it to you.

**Bickford:** It would be another application another SUP.

**Kapuscinski:** So I guess what I'm saying is I just don't, having understood it this way. I don't know that there's any significant I mean, why would the if we if we do have this thing separate another tax map we're going to have to pay for a road county is going to pay for a road right?

**Edmondston:** No we wouldn't we have design standards for that 50 foot right of way.

**Bickford:** The applicant would have to pay for the road. Mr. Wright did you have a comment?

\*Inaudible\*

**Kapuscinski:** What did you say about the border? How would you how would you if they?

\*Inaudible\*

**Kapuscinski:** Right. I understand that.

**Shumaker:** This has been at least two examples we have of the other 2200 acres. And this one, if it is a working policy, is it preview of the planning commission to ask the board of supervisors to or carefully clarify that language for us? Or request that we update it to include just the approved?

**Bickford:** Certainly could make a suggestion towards them. I would frame it as a suggestion.

**Edmondston:** Am I asking them to clarify, or...?

**Shumaker:** I haven't seen the policy to know if it needs clarification. Or if we would request to update it. I haven't seen the language. So whatever you see fit Chairman.

**Kapuscinski:** If you look at their site plan they have they have a border, they have identified a border around this 55 acres. Correct. All right. And that becomes a recorded border.

**Edmondston:** Not recorded. It is documentation in this application, which means all pieces and parts that are submitted with this application, if it's approved, become a part of this, which means when they come to... when the applicant comes to obtain their building permit, and they give me another site plan accompany that zoning building permit application. And their building site does not match what's in this SUP file. They don't get approved, because they're only approved for the site plan as indicated in their application, if it's approved, if it were to be. They don't have the ability to come in and make any changes if they if they say that it's going to be 40% in panels, but yet the calculations are that it's 60% of panels, that changes because these conversations and discussions are also part of the file

**Bickford:** Any other commissioners got any more questions, comments?

**Dorrier:** I don't really think were helping our self. I think it's pretty much cut and dried to what we want to have anyway. I mean, I think Pete's seeing it now that it's a policy that it's going to be 55 acres and it's all plotted out now we can go into a lot more and do a lot more and take up a lot more time but I think it's okay like it is

**Allen:** Yeah, okay, either way you want to do it, all I'm trying to say is that 439 acres will be subtracted from the 4500.

**Bickford:** I Understand what your concern.

**Allen:** Even though it says 55 unless it's plotted separate, in my opinion. And I don't care he can have the 439 or the 55 whatever you want to call it.

**Kapuscinski:** I think the difference is that Dominion or who owns pine side?

**Allen:** Dominion did pine side.

**Kapuscinski:** Yeah, the 2200 Acres is under their lease where this the 439 is not under the lease of APEX, am I correct? You only you only leasing 55 acres?

**Edmondston:** They leased the 439 Ms. Hertz indicated.

**Kapuscinski:** So they'll control the 439. So it's the same thing.

**Bickford:** We got to make a decision one way or the other here, either table, move forward or reject. If we don't have any more discussion, someone might want to make a motion.

**Allen:** Go ahead and forward it. But what I'm saying is whatever they want to do, they can change it to 55. And you're taking it off my 4500. Or leave it at 439

**Bickford:** Well, if you want to change the policy from total acres, to acres in panels. Will it not help resolve this?

**Allen:** I want it off the 4500 whatever yall want to do.

**Bickford:** And I don't know, I can't speak for the applicant here. But if he will, if the Board of Supervisors took it upon themselves and change the policy to count the number of acres in panels versus the total acreage of the project, they may be willing to submit something saying that all they want is a 55 acres. Really, it's less than that. If she said 40%. It's only like 20 acers that's actually in panels. So I don't know, that was just a suggestion on my part.

**Kapuscinski:** Didn't she say that they'd be willing to release the rest of the acreage?

**Bickford:** It's usually done later.

**Kapuscinski:** All right. So why don't we put that condition in there, that once this final survey is done, that you release the rest of the acreage? Would you be willing to do that?

**Bickford:** Are you now asking? We sort of walked away from the survey? because we got the site plan. And they've got to outside...

**Kapuscinski:** What I'm trying to do is kind of streamline this so that we ended up with only 55 acres that they control. That becomes the question Who owns the 50? Who owns the 439? Who owns the rights to the 439 acres? That's the question. Right. And if unless they release, even

**Edmondston:** Even if they maintain control, or have the solar rights to that 439-acre parcel, they still have to come back to apply for another facility, they're only allowed with that, with this application, this permit that they've applied for that for that 55 acres as the site plans indicated in this.

**Kapuscinski:** Well, what they're doing is they're taking 380 acres away from whatever the maximum is, the county wants. That's the point. If they only if they only ever put 55 acres down, that's 380 acres, they're taken away from other potential solar companies or some other application, because they own the rights to that 380 acres that they're not using. That's the issue.

**Bickford:** Understandable but...

**Kapuscinski:** If they release it, if they if we could put a condition here that said, okay, at the end of the survey, whatever this period of time is that, that your company would release that back to the county or whomever to Mr. Davis. In order for them to contract whomever they want to, it seems to me that that would resolve the issue. That gets you where you needed to be with your 4500 acres.

**Allen:** Yeah, they can do it either way.

**Wright:** We are starting to interfere in contracts between two private entities.

**Kapuscinski:** Yeah. Okay. All right. Yeah. Then I just take all that back.

**Allen:** I say we go and make a motion and go ahead and approve it and send it down to the board supervisors. And I'll talk to the supervisors some more about doing the 55 or the 439.

**Dorrier:** Second.

**Bickford:** All right, have a motion in a second to move forward to the Board of Supervisors, any further discussion. Seeing none all in favor, raise your right hand, that moves on to the Board of Supervisors. Okay, brings us to our next case, Chris Hucks.

**Supervisor Allen made a motion, Commissioner Dorrier seconded and it was unanimously by the commission to move case 22-SUP319 on to Board of Supervisors.**

**Edmondston:** Yes, sir. The next public hearing is for case 22 SUP 320 landowner Terry Husky at 799 Troublesome Creek Road. Buckingham Virginia Chris Hucks is the applicant 799 Troublesome Creek Road Buckingham tax map 123 parcel 48. It does contain approximately 13 acres and it is in the Maysville magisterial district. It's a one zoning and the applicant of course wishes to obtain a special use permit to operate a non retail Professional Services Office medical office at the home located at the 799 Troublesome Creek Road. Address and of course zoning ordinance does not permit this as a permitted use, however, with the application for special use permit and may be permitted by the Board of Supervisors by special use permit following recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia the Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if this special use permit is approved. Below are conditions, 10 conditions that have been presented the full application that we heard last month, Mr. Hucks is available this evening to address any questions concerns resulting from the public hearing or from those of you serving on the planning commission this evening.

**Bickford:** Thank you Nicci. Anyone have any question for the applicant prior to public hearing?

**Allen:** Well, I had some I've talked to Nicci and him about but I know I looked on Code of Virginia and code of Virginia, it always said that a nurse practitioner would have to have a doctor there but then once I looked at all his permits, it had him in good shape where he didn't need a doctor and then he had the rights to write prescription. So as far as im concerned right now he's got everything's in pretty good shape for him to dive on in.

**Bickford:** Any other comments before we do the public hearing? I will then open up the public hearing. Do we have anyone signed up?

**Edmondston:** Yes, Mr. Chairman, we have three first will be John Sterrett, followed by Brent Davis.

**Jack Sterrett:** Hi my name is Jack Sterrett. I personally support Mr. Hucks 100% I'm a patient of his when he was with us. And when he went down to Centra. personally my family he has helped me it doesn't matter what the medical condition but he's helped me. I've referred to him as like Doctor Epperson. If you were with Dr. Epperson some of y'all remember he would come to the office at one o'clock in the morning. I really think this would be the same type of thing. That's just my thought... I got two minutes I never talked this quick in a long time. Im usually a shy person. No but serious business. I think it's a good thing for the county. Personally, I think that Chris has really showed a dedication to the county. I've been a patient of his like say, I don't think it's a joke nothing serious about it. be different if I wouldn't be here if I didn't think that for real. I personally would be one of his first once he opens up. I personally be one of his first people to sign up with him. Personally. Two hours I wasted 30 minutes.

**Bickford:** Thank you sir.

**Brent Davis:** Good afternoon. I'm Brent Davis. Wanting to speak on Chris's behalf. A couple months ago I had a little incident going where I had appendicitis. It kind of went south and ended up spending like six weeks in the hospital but at the very first it was supposed to be just you know, going for appendicitis next day home out ended up kind of feeling bad. So I called Chris and I thought I was a 23-year-old healthy person. I didn't believe in a primary care physician but I was quickly alerted that I need one. So I reached out to Chris and the next day he put me in his office went in there and they did a couple bloodwork test and he came back and he said hey, you know you got white blood cells that are really high right now. I said well put that in layman's terms for me and he said, Well, you got an infection going on. So we went and he set up some imaging for me, went to the hospital and got imaging done and I had a big infection going on. So that's the whole spill is six weeks that went down but in the heat of all the hospital visits that went about Chris, stayed in contact with me. There's not too many people, too many business people, they're going to get to act like family and Chris honestly had to like family. Even after I was all well, he's still checked on me. And even to this day, I mean, if I have any type of cold or whatnot, and I can go to his office, and he definitely helps me out. So I think he'd be a valuable asset to this community. Thank you.

**Edmondston:** Shelly kitchen

**Shelly Kitchen:** Good evening. My name is Shelly Kitchen, and I'm here to speak on behalf of Chris Hucks. Chris has worked hard for the county ever since he got out of high school. He's been on the rescue squad and did everything he could for the medical community. I work for Centra Health in home health office and here since COVID-19 hit since Dr. Mueller is no longer here. We don't have a physician in the county, we've had to decline a lot of patients because you can't treat them without a doctor signing orders. Chris has thank God has signed orders for us so that we could treat her elderly community. If he hadn't done that they wouldn't have got the care they needed at home. So he is a great asset to our community. And I hope that this will pass for him and he treated me when he was with Dr. Muller. Now I have to go to Farmville to get my care, just because that's the closest doctor. So I just want to speak on his behalf.

**Edmondston:** No one else.

**Bickford:** I will say that for the record. Tim Farrar of 833 Scotts Bottom road Dillwyn Virginia, Whitehall, District Two, sent an email. And he was in support of Chris Hucks. I just want to put that on there. Now I'll close the public hearing. And I'll present it back to the board for review questions, discussion?

**Allen:** I make a motion that we approve.

**Kapuscinski:** Second.

**Bickford:** All right. Have a motion in a second to approve, any further discussion? All in favor, raise your right hand. Approved on to the Board of Supervisors Mr. Hucks. Thank you, sir. Brings us to Olympia Moore.

**Edmondston:** Yes, sir. Mr. Chairman, this case 22 ZMA 321. This is Olympia more. I was contacted by Miss Moore this evening. She has a sickness in our family. She is not able to attend and she is asking if she could move this case to December.

**Bickford:** Okay. All right. Do I have a motion?

**Allen:** So moved.

**Kapuscinski:** Second.

**Bickford:** Motion and a second. Any discussion about moving this to December meeting? All in favor, raise your right hand. Okay. She's approved and comes back in December.

**Edmondston:** Okay, thank you, Mr. Chairman.

**Supervisor Allen made a motion, Commissioner Kapuscinski seconded and it was unanimously by the commission to move case 22-SUP320 on to Board of Supervisors.**

**Bickford:** All right. That brings us to new business. Before this case is introduced, I have to abstain I assist the Hollister's in their timber management. So I am going to relinquish control of the commission to Mr. Dorrier and he will take will take over on this application.

**Edmondston:** The introduction for case 22 SUP322. The landowner and applicants are Lawrence and Barbara Hollister at 4800 Moseley road Mosley, Virginia. The property information for this application this evening is tax map 161 parcel 20 and is approximately 472 acres. It's located at 2870 Rock Mill Road Dillwyn and the Curdsville magisterial district. It's currently zoned a one. The applicant this evening wishes to obtain a special use permit for the purpose of operating an Airbnb bed and breakfast. They are asking the Planning Commission to hold a public hearing for this request. The property is zoned a one the zoning ordinance does not permit an Airbnb Bed and Breakfast as a permitted by right use and an A one zoning district zoning ordinance does require that an Airbnb Bed and Breakfast and obtain a special use permit. The submitted application and narrative are attached. Would it be suitable to the planning commission to hold a public hearing possibly December 27 22 at 7pm? I'd also like to add that Mr. Miss Hollister are with us this evening to address any questions or concerns that you may have. I believe that Miss Hollister has a handout for you and has also sent pictures, photographs of the property. In case you haven't had a chance to visit

**Dorrier:** Okay, Miss Hollister, could you come up and speak to us please?

**Barbara Hollister:** Good evening, ladies and gentlemen, I'm Barbara Hollister. My husband, Larry Hollister. And thank you for hearing us this evening. We are excited about this project and hope you will be too.

**Dorrier:** Would you tell us what you have in your plan? Give us a short narrative please.

**Hollister:** I'll be glad to. We purchased this property approximately three years ago for my nephew that passed away Roger Dale Dunavant. His estate. And this property over the years has been in our family. For like hundreds of years, it was granted to the Dunavant family was a 2000 acres. And we're proud owners to have put a fourth of it almost. We've done cosmetic work on the house like we replaced where there was carpet throughout the house. It's a four bedroom house three bathrooms, three stories. It's a basement, first floor second floor. It's a mid century modern, built in 1980 by Roger Dale and his wife. There mostly the property is in timber. And Mr. Bickford knows all about that. It has been receded and replanted. But if you want a place of peace, comfort and serenity, we have a lot to offer. And we'd love to share it with those that are coming through or passing through were blessed with five children and 14 grandchildren and they plan to spend some time there but um we understand with air b&b, you can block out your times, which we certainly intend to do, but we would like to be able to share it and then what we would earn from the Airbnb, we would reinvest it back into the property. Any questions?

**Dorrier:** Commissioners have any questions that they'd like to ask

**Hollister:** and we invite you to come?

**Allen:** You just want to use the home. For your Airbnb. You're not gonna do any?

**Edmondston:** No campsites.

**Hollister:** No, no.

**Allen:** I'm just wondering, I'm just trying to make sure, you're fine.

**Hollister:** We have a nice creek that they can walk up and down. And that's where the name Seven Springs. There are seven springs that literally come in to make this nice big Creek.

**Kapuscinski:** You got a beautiful piece of property. I went took a look at it. And I was asking the same question. You don't tend to have any campsites Correct?

**Hollister:** No, sir.

**Kapuscinski:** All right. And how many people would you assume would be there occupying this b&b?

**Hollister:** Well, we have four bedrooms and four beds. And there was a sofa in the basement. But you would have to be a short person to sleep there.

**Kapuscinski:** I guess I qualify



**Hollister:** It wouldn't be for my husband six foot five.

**Kapuscinski:** All right, that's very good. Thank you.

**Dorrier:** Anyone else have any questions? Do I have a motion that we move this on to the public hearing?

**Kapuscinski:** So moved.

**Allen:** Second.

**Dorrier:** Moved we'll move on to the public hearing at this property all in favor of please raise your right hand. Approved.

**Hollister:** Thank you so much and we issue you invitation. Thank you.

**Commissioner Kapuscinski made a motion, Supervisor Allen seconded and it was unanimously by the commission to move case 22-SUP322 on to public hearing.**

**Bickford:** Thank you Steve for taking over on to introduction of the Buckingham County Firefighters Association.

**Edmondston:** Yes sir. This is an introduction of case 22 SUP 323. Landowners and applicants are the Buckingham County Firefighters Association. The property is located at tax map 125 parcel 11. It is 28 acres and it's located at a near the vicinity of 300 South constitution route Dillwyn And it is in the Maysville magisterial district. The zoning district is an agricultural district with a watershed overlay in the written narrative, which has actually just been amended to show the correction by Mr. Bates. The application did show that it was a b1 business, it is actually an A one with the watershed overlay. And that is correct in this narrative which I've given everyone a copy and we'll put that with the formal application. The applicant wishes to obtain a special use permit for the purpose of operating an events center for activities including but not limited to fundraising and training with up to 6000 attendees. The applicant is asking the Planning Commission to hold a public hearing for this request. Of course, the zoning ordinance does not permit an events that are as a permitted by right use in a one zoning district. However, within this district and events that are may be permitted by the Buckingham County Board of Supervisors for special use permit following recommendation by the Planning Commission in accordance with the code of Virginia, you do have the application and the narrative and we do have the applicants present to discuss their application with you this evening.

**Bickford:** Okay thank you Nicci. Mr. Bates would you come forward and just give us a quick overlay

**Brian Bates:** Good evening, hope you're all well this evening. So the I'm the president of Buckingham County Firefighters Association, and we recently purchased the 28 acre parcel that we are now seeking this special use permit for, as you may be aware, beginning in 2019, the Firefighters Association or it's the predecessor to it, ran a tractor pull as a fundraising event to benefit the four fire departments in the county. Based on the success of that second one was running in 2021, and a third one this past summer. And really getting good response to that. Over those three events, we've had an average attendance of approximately 3000 people. But we were in some state of limbo about the future of it because we were using land that the county was gracious enough to let us operate on which led us to purchase this property. So we get some permanence in the in the project and then see if we can build the attendance. We do think that the long term attendance could grow to no more than 6000 people. And that there are some upsides to the county in addition to the fire departments in event of between three and 6000 people. Presently, we plan to offer the tractor pull once a year, there have been conversations among the members of the association of perhaps doing twice a year in the application, we're asking or proposing that we would do no more than four events a year with two of them being a tractor pull. But having said that, there's no bandwidth in any of our memberships time right now to do more than the one that we have planned. But we do think that there'll be opportunities down the road for more fans. Happy to answer any questions that you all may have. As Nicci pointed out, I incorrectly indicated as b1 in the original application, and the amended page 11. Was submitted this evening. I do think that this proposed special use is in alignment with the other sorts of special uses that could be permitted in a one.

**Bickford:** Thank you Mr. Bates Any questions?

**Kapuscinski:** Yes, Mr. Chairman, there's the house, the white house next to the entrance to that property? Is that part of the property?

**Bates:** No sir we do not own any house, there's no improvements on the property.

**Kapuscinski:** That driveway that goes into your property off Route 20. Would you move that driveway down from that house?

**Bates:** The entrance that goes in to that property right now is a logging road that doesn't have a house next to it. I'm not sure where...

**Kapuscinski:** Might be looking at the wrong one.

**Bates:** Perhaps.

**Kapuscinski:** There was a gated road...anyway there, it might not be the same.

**Bates:** I'm looking at the tax map which is the next to the last page and in the application that we submitted. It does not show a structure to the north of the property and the entrance road is more to the north end of the property than the South and I don't see a house on that side of the road.

**Kapuscinski:** I have to go take another look at that. I might be looking at the wrong driveway. I thought I was looking at the right piece of property.

**Bates:** I'll be happy to meet you down there. If you want to take a look at it.

**Kapuscinski:** We can do that. That's fine. You intend to put traffic lanes in the handle 6000 people?

**Bates:** What we've run through Vdot based on the site distances they think that a commercial entrance will not require turn lanes on route 20. But we are planning on building four lane road in the property to absorb the traffic one of the challenges that we've had with the site off Wingo Road, was getting people off of the road and into the property, we think that we can get, I think about 165 or 170 cars in four lanes off of the road, to take the money in property, not have traffic backing up onto the road.

**Kapuscinski:** I mean, if you had one of these events that did have 6000 people, we were talking people going all the way into Dillwyn.

**Bates:** We believe in and we actually should have an engineer contracted with us by the end of the week. But both of the engineering firms that we talked to, that was something that we were concerned, we make sure we have that under control.

**Kapuscinski:** I'd like to hear a little more about that next time we talk. That'd be an interesting part of this.

**Bickford:** Brian yall always use the local police, To sort of set up and redirect traffic also right?

**Bates:** We've done almost any event that happens in the county the fire departments are involved with we have a significant interface with local law enforcement and state police. And so any of the traffic flow issues that are actually on the public highway. We coordinate with law enforcement on that, and law enforcement always handled that whether it's the tractor pull, or the Christmas lights that we've helped with traffic control for the Christian school or any of the other events. And then the fire department handles all the onsite parking and traffic issues. And we've had really good relationships with both the sheriff's office and the state police in that regard. And actually Vdot. Vdot has been very helpful with any event that I've worked on in the last 15 20 years. Vdot has been a pretty significant partner in those as well.

**Kapuscinski:** When you improve the light you couldn't put any buildings on it? You going to put any buildings on this property going to put a stadium or what have you?

**Bates:** No sir no buildings are anticipated. We're going to develop the tractor pull track itself, which is basically a clay track. You'll have guardrails. We have a Conex container that we store

things in the conex container will be relocated to that site right now it's behind the Dillwyn firehouse.

**Bickford:** Usually bring in on your previous events you always bring in mobile storage and food items. Going to do the same thing?

**Bates:** Yeah, the sanitation would be handled through portable toilets. It's a very cost effective way to deal with it. We've done food a couple of different ways we found actually the way that has the best return on the investment is to outsource the food, last year we did do a single vendor we freed up 30 firefighters who could then be used for traffic control and policing trash and not flipping burgers and we actually made more money by outsourcing it to a single vendor

**Kapuscinski:** Going to use this plot of land for training as well?

**Bates:** Yeah, we were talking about a variety of different kinds of training activities but no live fire the live fire training facilities on route 56.

**Dorrier:** Will you have water and sewage hooked up to it from the county?

**Bates:** The water and sewer goes by the property there's a fire hydrant is I'm not mistaken not too far from the property boundary we do in the application anticipate bringing a water line in for potable water but we do not anticipate sewer

**Allen:** The one I looked at online right here shows a driveway about middle way it looks like another driveway on the line on the other end.

**Bates:** North end of it? It might be covered by the property line that I have on this on this map here.

**Allen:** I mean look like me you already got two driveways in make a circle coming in one go out the other.

**Bates:** Yeah we're anticipating just doing new road development on the property.

**Kapuscinski:** Brian you've seen the property right?

**Bates:** Walked every square foot of it before we bought it.

**Kapuscinski:** according to what you seen you saw there were no houses? Your certain?

\*Inaudible\*

**Kapuscinski:** I must have gotten the wrong piece property

**Bates:** Its a gated entrance you get off the road \*inaudible\*

**Kapuscinski:** I have to take another look at it. Thank you.

**Bickford:** Any other questions for the applicant? Thank you Brian you can sit on down. What the pleasure the board?

**Allen:** Make a motion that we go ahead and have a public hearing.

**Crews:** Second.

**Bickford:** All right. Have a motion and a second to move on a public hearing. Any further discussion? All in favor Raise your right hand that moves to public hearing in December. Okay, that brings up to your report.

**Supervisor Allen made a motion, Commissioner Crews seconded and it was unanimously by the commission to move case 22-SUP323 on to public hearing.**

**Edmondston:** Yes, sir. So the building permit report has been included for informational purposes and I do have one update I was able to make contact with one of the developers within the land use education program and the schedule for 2023 will be out I have confirmed eight seats in the land use education program with the VCU and she will be calling me back in the next week and a half to confirm that, she took everyone's names and information today so that will take place the first couple of weeks of January through April I believe but that will be your certification as a planning commission member

**Bickford:** How long of an event is it?

**Edmondston:** I didn't write not I did not write down the dates because she had not posted those I believe it's through about the middle of January through the beginning of April that will be in you'll need to actually have an in person training session and then there are other scheduled homework documents and that'll be due before you go back and test okay. I will send all that information to you once I get the confirmation. Something to look forward to in 2023.

**Bickford:** That finalized everything? All right. Commission matters and concerns any commissioners have anything you want for us at this time or bring up? All right. Do I have a motion to adjourn?

**Allen:** So move.

**Taylor:** Second.

**Bickford:** We got a motion and second. I'm not going to ask for discussion. All in favor. Unanimous. We are adjourned.

**Commissioner Dorrier moved, Commissioner Crews seconded, and was unanimously carried by the Commission to adjourn the meeting.**

There being no further business, Chairman Bickford declared the meeting adjourned.

ATTEST:

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Nicci Edmondston  
Zoning Administrator

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John Bickford  
Chairman