

**Buckingham County
Planning Commission
September 26, 2022**

At a regular scheduled meeting of the Buckingham County Planning Commission held on Monday, September 26, 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; Ashley Shumaker; Joyce Gooden, Pete Kapuscinski, and Board of Supervisors' representative Danny Allen. 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. Ashley Shumaker gave the invocation, Steve Dorrier 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 we have some changes, correct?

Edmondston: There are some changes regarding the public hearing.

Bickford: The Atlantic Cooperation that has been put on hold by his request. Correct?

Edmondston: I will actually read you an email that was received Friday, September 23. From Ted Lloyd with Atlantic Corporation and it states could you please notify the members of the planning commission...Could you please notify the members of the planning commission that for the time being I am withdrawing Atlantic investments application for an SU P regarding tax map parcel 138 Dash 15. Thank you, Ted Lloyd. With that action, it would cancel the public hearing. But there would need to be a motion to accept his withdrawal request.

Bickford: I guess we'll hold that until we get to that. How about the presentation by Farm Bureau They're not going to go through with that now?

Edmondston: I have not been notified otherwise.

Bickford: They're still doing it?

Edmondston: They're still on the agenda.

Bickford: Okay. All right. So we do have the one change to the agenda. We will not have the public hearing on that. So do I have a motion to approve with that change?

Allen: So moved with change.

Gooden: Second.

Bickford: All in favor, raise your right hand. All right. That brings us to approval of minutes. We have minutes from the regular meeting August 22 2022. Do we have a motion to approve as presented?

Supervisors Allen moved, Commissioner Gooden seconded, and was unanimously carried by the Commission to approve agenda as presented.

Allen: So moved with the change that I wasn't here but my name is and Stephen. We had the Covid.

Bickford: Any other alter alterations or changes? Do I have a motion to approve with that change?

Gooden: So moved.

Dorrier: Second.

Bickford: Motion and second any discussion? All in favor, raise your right hand, passes. Okay, that bring us to Farm Bureau's agency presentation.

Commissioner Gooden moved, Commissioner Dorrier seconded, and was unanimously carried by the Commission to approve minutes with changes

Sarah Large: Good evening. My name is Sarah large and my husband and I are land owners in districts, 1 4 5 and seven. Tonight I'm here to speak on behalf of Buckingham Farm Bureau. Buckingham Farm Bureau has 684 Total member families and 294 producer member families, a producer member being someone who actively engages in farming or owns farmland. Not only is Buckingham Farm Bureau the largest Agriculture Organization in the county, it's also the largest membership organization of any kind. According to the 2017 Ag Census, there are 408 Farms in Buckingham County and 79,245 acres in farmland. Our vision statement reads as this the vision of Virginia Farm Bureau is to create an environment where agriculture can prosper in order to improve the lives of Virginians. Our mission is that we will enhance primarily through advocacy, education and communication. The agricultural interests of Farm Bureau members through economic, political and social programs. Each year, we host our annual membership meeting, where our producer members have the opportunity to bring forth resolutions to be voted on by the producer member body. This year our meeting was held on September the eighth the following resolutions were presented voted on and passed unanimously. The first one is we believe that the remainder of Buckingham County's Industrial Park should be preserved for potential commercial or industrial development that will provide much needed jobs for our

citizens. We oppose the sale of our industrial park for residential development. The second being agriculture and forestry are vital parts of our local economy. We support efforts to attract industry and commercial development that will help increase income within the agricultural and forestry sectors. Resolutions are a way for our members to voice their opinions as one collective body, a way for our members to bring forth concerns about local state and federal issues. Our members spend time all throughout the year visiting with elected officials to bring forth issues that can have a positive or negative effect on agriculture. As I'm doing here tonight. I appreciate your time and letting Buckingham Farm Bureau and their members force their opinion. Thank you.

Bickford: Thank you Mrs. Large. That brings us to a public comment period. Do we have anyone signed up?

Edmondston: The first individual signed up is Eddie Slagle followed by Diane McClain.

Eddie Slagle: Mr. Chairman, commissioners, supervisor Allen, Miss Edmondson, my name is Eddie Slagle district two couple of concerns tonight, everything pretty much has to do with signs. There has been some talk about posting property where these SUP are coming out. And I thought that the county was actually going to put signs are letting them the public, that's not the adjoining property owners know that there is something going on that property. I know they're supposed to let the adjoining property owners know. But if you're outside of that, you have no knowledge of it unless you read it somewhere or hear about it. And so it would be nice if they would make zoning amendment signs, like similar to ones you see in Powhatan and other places to let people know what's going on with their neighbors in the county. The other thing is some sort of sign and I don't know if it starts here with it starts with the Board of Supervisors. I don't know if it's a planning thing where y'all have to get permission or not. But if we had a sign similar to what they've got at the library, that right in front of the Admin Building, people don't seem to be getting the Farmville Herald like they used to. And the last thing I saw on the Farmville Herald was this issue up was still going on tonight. It's only through the grapevine and then going on the county website this afternoon, that I saw that this issue had been canceled for this evening. So if there was some sort of sign out front like they've got at the library that you know, Jamie could put notices on this has been canceled, this has been going on, meeting tonight at six o'clock, at least the people that come by here could be a little bit more informed as to what's going on in a county. Communication seems to be a big problem out here. And if we had something like that I had no idea what something like that would cost but I think then people couldn't say, Well, I didn't know. Well. It's a big sign in front of the admin building. It says, board of supervisors meeting tonight at six. Or were talking about this. Or this SUP has been canceled, you know, something, give them a little bit more information. So, I'd like to recommend that, you know, somebody look into it to see about maybe going forward with some sort of sign informational sign in front of the Admin Building. Thank you, sir.

Edmondston: Diane McClain, followed by David Ball.

Diane McClain: Good evening. You guys know me by Diane Gilliland, not McClain. Anyway, long story. I'm married Any who. Wasn't planning on speaking didn't really know what to say. Again, the housing development you're going to ruin Buckingham, if you have any respect at all for the citizens of Buckingham and Buckingham itself. Just don't do it. The solar crap that's going up. It's going to hurt a lot of farmland. It's going to hurt a lot of people. It's going to hurt our water. The Goldmine Oh my god. I'd like to keep my animals. I would like to keep our water clean. I would like to keep the air pure that we breathe each and every day. Y'all can stop this. You can stop all three. All you have to do is say the word and you can stop it.

Bickford: Would you state your name and address please.

McClain: Diane Gilliland McClain, three nine two Quarter lane, Buckingham, Virginia.

Bickford: Thank you, ma'am.

Edmondston: David Ball.

David Ball: Good evening, David ball district three. How are you folks this evening? Good. Well, I want to say kudos to Pete, for his appearance at the Board of Supervisors meeting and apologizing for an action that he did at the board here the previous month. I think that takes a great deal of courage and fortitude to stand up and say you made the wrong decision. So thank you, Pete. Also, the key issue, let's see a key issue. Well, you know, we hear about the solar farms, still, we haven't got a policy in place that actually limits stuff. So that really is something that needs to be done. But what the gentleman before me said, I want to, I want to stand by and say kudos to him. Because really, there needs to be more notice to the county members about what's going on. You can't count on everything being in the paper, I don't get the local paper. So if I'm going to find out, I have to go online and look to see what's online, at the county web page. And knowing that it's something that was on for tonight, it changed that quickly. Well, that's, that's a significant thing. And, you know, from that point, you also want to look at, you know, having a sign, electronic sign, they're not that expensive to put an electronic sign out there in front of this building to the curb, or close enough to the curb, that it can be seen by the public. I know because I looked at this years ago for communities, those signs are very inexpensive relative to what they can do for you. So if other organizations, if the public library can do it, then I'd say it's something that really shouldn't be done. Thank you.

Bickford: Give your full name address. I know we have it.

Ball: Yeah. David Ball District Three. 398 Perkins Mill Road. Thank you.

Edmondston: Teresa McManus.

Teresa McManus: Teresa McManus Scotts bottom road district two. Thank you, Mr. Allen. Thank you, Mr. Kapuscinski for earlier today telling me you don't carry a telephone. Thank you also for being the only planning commissioner that showed up at the goldmine meeting. And I

appreciate the fact that you're there. I'd like to know the qualifications of everybody else on this board. How do you I know how you pick you get appointed. But what are your qualifications to sit on this board and to rule over me? And over my property and the property of Buckingham, do you know contracts? Have you ever run a business? Do you know anything about how things are done? Do you know anything about geology? Do you know anything about farming? What do you actually know that gives you the right to sit up there? There should be applications. There should be resumes, and we should see it. That's how it should be done. Secondly, politics makes really wonderful bedfellows. As we can see, yes, the housing development has been put on hold. It's on hold. You know what that means he's going to rape the land, he's taking the wood, which belonged to us. All that money could have been in the community's money, but you're allowing him to take the wood. All right, what he's going to do, it's common sense. He's a businessman, I'm a businesswoman. I do the same thing. If I was in his boat, I'd wait till the next election, I'd make sure I went out and lobbied to get the people I want off the board of supervisors that are voting against me. And I'd make sure I get people on there that are going to vote the way I want, so I can get my housing development in. Been to the gold mine today? Boy, you know what, you and the board of supervisors have the power to stop the gold mine with a signature. That's it. And you have no problems and no worries about being sued. Because if you sign that ordinance, it's over, no matter what the state says it's finished. We had people in who spoke to that, who put it right out there and then said, when asked what would happen if we get sued, he'd said, it's an ordinance. Let him sue you, you have nothing to worry about. So gentlemen, and ladies, learn the law. Learn that you guys have screwed up enough. Let's fix the problems you're putting on us because it's been your mistakes and your inadequacy to look at the law and to read contracts properly, except for maybe one or two of you to understand what you have done to the people of Buckingham County.

Bickford: Okay, anyone else signed up? Okay, I'm gonna close the public comment period. And we'll move on to our old business which first is the Atlantic Investment Corporation we know about that it has been withdrawn. So we'll need to move to new business introduction of Rosney Creek solar.

Allen: You wanted to have a motion?

Bickford: We do I'm sorry.

Allen: I'll make a motion to agree with the cancellation on that.

Edmondston: Actually his request is to withdraw.

Bickford: We need to accept it correct? you want to accept it is what you're asking.

Allen: Not a hold its a withdrawal.

Edmondston: I'll read it again. At this time being I am withdrawing Atlantic investments application for an SUP.

Allen: So he would have to start all over again with a withdrawal if he put it on hold he just have to wait till he come back.

Edmondston: It was not a request for suspension of consideration of the case like Dominion recently did with their SUP application this states says for the time being but it said I am withdrawing Atlantic investments application for an SUP.

Bickford: So we have a motion to accept the withdrawal. Do i have a second?

Kapuscinski: Second.

Bickford: Any further discussion? All in favor, raise your right hand. It is passed and approved. Alright, I'll bring us to new business. Rosney Creek Solar.

Supervisor Allen made a motion, Commissioner Kapuscinski seconded and it was carried unanimously to accept the withdraw of case 22-SUP318

Edmondston: Yes, sir. We have an introduction for case 22 SUP 319. The landowner is Ivan Davis at 106 Whetstone lane, Dillwyn, Virginia 23936 and the applicant is Rosney Creek solar LLC, located at 120 Garrett Street Suite 700 Charlottesville Virginia tax map 151 parcel 21. It does contain approximately 439 acres and it's located at 19691 East James Anderson highway. It's currently zoned a one. The request before you this evening 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 you'll see the actual preliminary site plan and the applications as submitted by Rosney Creek. There is one error the applicant is asking the Planning Commission to hold a public hearing not to hold a joint public hearing with Board of Supervisors the request is not a joint public hearing at our next regularly scheduled meeting, which I believe is October 24 2022. At 7pm. I do have the landowner available along with the applicant. But if it would be the wishes of the planning commission to hold that public hearing on October 24, at 7pm.

Kapuscinski: Chairman to clarify that's not a joint.

Bickford: Correct. That will only be with us if we move this forward to public hearing. I ask the applicant to come forward and give a quick summary what they want to do here.

Mary Margaret Hertz: Mary Margaret Hertz, I'm here representing Apex clean energy in Charlottesville. Can you hear me? Okay, good. So, I know you're very familiar with Apex clean energy based in Charlottesville founded in 2009. Our primary focus and goal is to accelerate the shift to clean energy. And the Rosney Creek solar project that I'm introducing to you today. The it differs a little bit from maybe what you have seen, I know there has been some like it recently, but our goal for this project is actually going to be a community solar approach to it. So if you would Next slide, please. We can skip over that one, you know who apex is so. So I'm on the distributed energy team at Apex, which is a little different from the utility scale solar team, our

primary focus are projects that connect to the distribution level electric lines. So that's the lower voltage lines that directly feed residences and businesses and that sort of thing. And so our projects will connect directly to the distribution lines and power homes locally, in a sense, instead of sending that power elsewhere. Next slide, please. So the reason we're here is the Virginia clean Economy Act, it established a requirement to create a Virginia shared solar program. And this program would include several requirements that, especially for stipulating that the maximum project size would be five megawatts to participate in the program, there is a capacity limit. So only approximately 55 megawatt project so to speak, could participate in this program. The emphasis is on providing electricity to Dominion Energy customers. And there is a carve out in that shared solar program that a certain percentage of your subscribership must come from low and moderate income subscribers. Next slide, please. Oh, just a little bit about community solar, I'm sure you're familiar. But essentially, how it operates is that is a solar owner, you own the community solar project, and you sell that power to Dominion energy. And independently of Dominion, you acquire subscribers to that project. What's nice about the program is that the subscribers to the project will only see one utility bill from Dominion energy, it's almost as if nothing has changed, except that they'll see a credit on that bill for the solar energy that they've subscribed to. You're not able to subscribe to more energy than you consume on average, per month. But you do get that credit. And research has shown that people can save up to 10% on their annual electric bill from the subscribership. And, again, to participate in this program, there are a few key characteristics for the projects that you have to meet can't exceed that five megawatt project size, which amounts to usually about 50 acres in size. You have to have that low and moderate income subscribership you have to be located on a single parcel of land, and you have to only subscribe Dominion Energy customers. So yeah. And so why are we here tonight? There are a combination of factors that make this particular project really viable, honestly. So the first is the Virginia shared solar program. That one there is a limited capacity and since it opened in October of 2020. There are it's subscribed to about 25% of capacity so far. Our estimations, it's really hard to gauge when it might fill up but it is slowly gaining capacity. And so we'd like to it's a first come first share kind of program. So we'd like to get into that ASAP. And there are certain requirements to getting into it. You have to have an executed interconnection agreement with Dominion energy Do you have to have a local permit, and just a few other minor things that go into it? Right now with Rosney Creek, we've been sitting in the Dominion energy interconnection queue for almost two years now. And we have just been notified that we are now in the B study position. So we are next in line to be studied. Which means that we could have results on this interconnection studies, and as soon as six months or so, so we're at a really, really good point in time for this project. And then another thing that we look for as a developer also is just, you know, what is the land look like and how unobtrusive is this project going to be in this project is well sited on a piece of land that is over 400 acres, but the project itself will not exceed 50 of those acres, it's set far back from the road. And I'll go into more detail about it. I've got that site plan in the slides for you. But it's just it's a great piece of property. So next slide, please. From the beginning, we've tried to factor in these particular considerations, you know, we want to have as little impact on the community as possible. As far as like adverse impacts, we want to comply with the comprehensive plan, we want to protect the forest and conservation areas. And then we know that solar is a well worn path in this county. And we recognize and appreciate all the time that's gone into, in particular river stones, approved

permit conditions, and we're just out of the gate offering to follow those to a tee pretty much, even though this is a much smaller project. Next slide, please. So on the left, you have a map of just where it is in the county. And on the right is the parcel boundary. And the yellow area is the proposed solar project. So again, 50 acres on a parcel, that's over 400 acres. And I believe it's over 600 feet setback from the road, and over 600 feet from the nearest residence. So next slide, please. Here's our site plan. This was informed again by the Riverstone conditions. So you'll see that we followed minimum setbacks of 500 feet from the nearest residences, 75 feet from the right away, which we far exceed 75 feet from non-participating property lines, and 50 feet from perennial streams and wetlands. There are two project areas sort of it's there, there's two fenced areas, I should say, divided by an access road. And this was at the request of the landowner. It provides the benefit of allowing Mr. Davis to continue grazing that back pasture that's to the east of the parcel, or east of the project, as you can see, and then also it can provide a wildlife corridor to it's a smaller project anyway, but it does have that added benefit. The yellow rectangles on that site plan are our storm water basins, these were these are preliminary, but we are anticipating to have at least three and those were placed thoughtfully by one of our civil engineers taking into consideration the topographic conditions of the site. So and also worth noting, our point of interconnection is going to be along the existing distribution level lines on route 60. Those are on the north side of Route 60 on the same side as our project. And we don't need to build a new substation or new lines or anything, the most that you'll see if you're driving down the road are a few electric poles that house our equipment, no different from the smaller residential area electric poles that you see. So thank you, we want to absolutely adhere to the guidance of the comprehensive plan. And like I said, create as little impact as possible on the community that that from a negative standpoint. So solar itself has a very low impact land use. And I will mention that this area was forested before and has been forested as recently as 2010, I want to say, but we so it's a very low impact land use, there will be very little visibility for the community. It's not loud. The loudest component of a solar energy system is the inverter. And if you go back to that site plan, you'll see that it's this tiny little pink box in the middle of the solar solar field and it's very, very quiet about sounds kind of like a refrigerator so no one will hear it, no one will see it. There's existing vegetation and we'll maintain that 50 foot buffer, again, shielding it from the community. You. We've done some cultural resource desktop surveys and consulted with the Buckingham County Historical Society. And we know that we're not interrupting any, any cultural resources, no impact to the housing, no impact to libraries, open spaces, sewage or telecommunication, we won't need anything from the county as far as support for this other than really passing the permit. And then the added benefit of community solar is that any local business and this can even include a school can subscribe to a project and utilize some of the energy that's being produced. Some other benefits initial capital investment of over \$7 million. Were in about 25 full time equivalent construction jobs will be created during the 46-month construction process, brief construction period. A five megawatt solar project like this can electrify approximately 1000 homes per year. So and because people can participate locally, that's, you know, 1000 local homes potentially. And then we are in discussions with the county about how we will kind of share in the revenue, but our initial estimation from the revenue share and from the increased property taxes where the solar will be located is about \$575,000, over the life of the project. And then, like I said, were paying close attention to river stones, conditions, you know, those were carefully deliberated by the county. And to be completely, completely

honest, they're very thorough, and they're very strict as they stand as far as what I've seen in my career so far. And I would say that they're very well set up to protect the county. So we'll be aligning closely with those. And among some of the ways that we're planning to aligning with those are construction hours, so no pile driving after 6pm Or on the week, or on Sundays, we'll have a decommissioning plan and decommissioning bond, the solar panels will be nontoxic and will not exceed 17 feet in height. And we will another requirement will consult with a professional arborist in developing and managing our landscape plan. So there are a few plans that we will develop prior to our next permitting application. That includes a construction manager traffic management plan with the Virginia Department of Transportation, which includes pre and post construction, road surveys, we will do an erosion and sediment control plan that will be approved by the county and the Soil and Water Conservation District, a storm water pollution prevention plan, I obviously there's a big pond right there, we are very aware of that. And we want to make sure that we are protected by oak at all, by all means. So there will be a storm water pollution prevention plan that's approved by the Virginia Department of quality, environmental quality. And then a wetland delineation is kind of the first step before all of that can even begin and we've already kicked off the process with that and are in the process of acquiring a contractor to begin those studies in the next month or so. And then a decommissioning plan prepared by a Virginia Certified Professional Engineer with financial survey posted so then here's our proposed schedule. As Miss Edmondston said, we are hoping to have a public hearing just with the planning commission at the next scheduled meeting at the end of October. And then move on as the county's normal process allows with the Board of Supervisors. We are planning to have a community meeting for the project prior to that public hearing in October date to be announced. But we'll make sure that we announce it via all their appropriate channels including the paper and the county website. So and then if everything goes according to plan, we would begin construction in q1 of 2024 and be operational four to six months later. So about the end of 2024. And that's all I have for you tonight.

Bickford: Thank you for the presentation any of the commissioner have any questions for the applicant?

Kapuscinski: Chairman I'm interested you said 50 acres I was on that property Sunday Mr. Davis was kind enough to drive me around and explain the project. I mean, I couldn't pick a more suitable piece of land that was wasted any other way. I mean, it was all bush and brush and I mean I thought it was well land, but I thought it was more than 50 acres.

Hertz: So I think our plan before we submit it for permitting, it was looking at about 54 acres.

Kapuscinski: So it's not the whole 459?

Hertz: No we can only, for one megawatt a nice formula for you. It's about 10 acres per megawatt, as a typical development and construction kind of size. So now we're looking at 50 acres. That's the site plan that we submitted...

Kapuscinski: Your not leasing the full 489 Acres?

Hertz: No just the project area.

Kapuscinski: Okay. I mean, did you do that because you intend to expand? Are there any possibility expansions?

Hertz: No, so this project will be participating, ideally in the Virginia shared solar program, and there is that size cap on that a five megawatt so we cannot exceed that we won't build more than that.

Kapuscinski: Okay. And then I also notice that I remember Mr. Davis telling me that whole pond area that that's actually a running stream, and apparently has been already silted in used to be about six foot deep, if I'm not mistaken, is about three foot deep anymore. So I would imagine that one of the conditions is that you're going to make sure that you're not going to spill any more silt into that creek. And you're bringing the engineers into ensure that I mean, look at those three ponds that you're intending to put in, it didn't seem to me like that it was protecting that creek very well.

Hertz: Yeah. So that's a very preliminary plan. Those are sediment basins. We've got other conditions in our proposed permit conditions that include construction phasing. So you go through and you get out all of the timber that you can sell, and then you start implementing perimeter control measures. And then the, the civil engineers and the Soil and Water Conservation District approve the phasing conditions that you've offered. So right now in our conditions, we have 25% phasing, so we can't clear more than 25% of the project area at a time. So that will all be considered and negotiated and not negotiated, approved and designed very thoughtfully and intentionally as before we even get a construction permit to build.

Kapuscinski: I understand Mr. Davis has contacted his neighbors already.

Hertz: He has he told me that he's contacted everyone that lives locally, I think there are only a couple two that are out of state, they will when we hold our community meeting, they'll get a mailer about it at least but yeah, everyone local knows about it.

Kapuscinski: Those are my questions.

Bickford: I do have a couple questions, the connection to route 60 is going to be above ground? Or are you planning on having it underground?

Hertz: It'll be above ground, for the most part where possible, it'll be underground. But it's going to look mostly just like utility poles with a little bit of equipment on top of it. And it doesn't cross route 60. It's on that same side.

Bickford: If this goes forward to construction access. Where would it be? I did, I may have missed it. It may have been in there.

Hertz: Yeah, I didn't call it out. But were on that site plan where the point of interconnection is there is an existing road. So that's what we would use as access that would honestly very likely be fortified and maintained for the life of the project in good working condition.

Bickford: That was the main two questions I had. Any other questions?

Allen: I was going on what Pete said to the 439 acres, you're not going to use but like 50, maybe 60 acres. I was wondering if there's any way you could survey, like 100 acres or whatever, just to make it look better on paperwork, because we have a agreement now that 4500 Acres is all we're going to have for solar panels in the county. So if you could bring less right now, even though you're not going to use but 50 acres or 60 acres 439 is what's on paper for solar.

Hertz: Oh, so you count the entire parcel acreage not just the project area?

Allen: It's nothing written down that it's only 50 acres unless you survey it and say that.

Hertz: So I don't know if how it would fall completely into line with what you're saying. But we do a professional like an alto survey post construction that delineates the exact project boundaries and acreage if that's recorded, maybe does that comply with what you're saying?

Allen: Like Dominion was going to do 2200 acres, but they won't going to use but like 900 but on paper is 2200 acres that was going to be written down is used use for a solar power even though they don't use but 900. To me it would help us if you if you could cut the acreage down, that you're not using. And I know maybe you want to do that, leave it up here because of the percentage that you can clear at a time. That a cut that back to.

Hertz: Yeah. Sounds like a conversation worth continuing with the county staff to make sure.

Bickford: Mr. Davis do you want to?

comments from crowd

Allen: Think it says 439 on paper.

Hertz: That's correct.

comments from crowd

Allen: I understand that but im saying that all that paperwork is for 439.

Kapuscinski: I think and I take your point, that was what I was considering, I know that we're going to have a limitation on the number of acres that we're going to allow in this county for

solar operation. If you take up 400. And if your paperwork says that you've got 480 or 500 acres, and you're only using 50, there's 450 acres that we can't share with some other company that wants to do the same thing. I think that's the point. Am I right?

Allen: Sure. It's going to cut it out quicker.

Kapuscinski: So the question is, are you leasing 50 acres? Are you leasing? 459 acres or 489 acres?

Hertz: I see I understand. Yeah. So um, the 439 Acres is on the lease, but we are paying for the lease for the project area. Sorry, I understand the point, I think that is worth revisiting. On our end.

Kapuscinski: It's on the lease. So that takes up 439.

Hertz: We definitely don't want to tie up, you know, any, any room for anyone else to come in, I understand the limitation on the county. So that's something that we will revisit, I'll get an answer for you by the next meeting to figure out our game plan. Thank you.

Allen: Thank you appreciate it. The only thing I had was; I know that in paperwork. And I won't show Nicci can I bother you for a second. The actual paperwork on the megawatts for \$1400 a megawatt is that? Does it cover the five? I know they said that they would do that. But I didn't I didn't catch up with the paperwork.

Edmondston: In the conditions it tells that the payments can be made in three different ways. 1400 per megawatt or machinery and tools with a substantial payment to the county and then there's a third option as well. Is that what you're asking me?

Allen: I was thinking that anything above five megawatts was \$1400

Edmondston: though there's not a policy that has been adopted as of yet. And you know, the board has been actively working on reviewing all aspects of working policy for Buckingham at this time, anything above three megawatts is considered industrial solar now 20 megawatt and above you can execute or negotiate a signing agreement. Anything below that you have the ability the Board of Supervisors does to add conditions along with the planning commission for financial conditions to add substantial cash payments back to the county.

Allen: Thank you. I just want to try to figure out what I missed.

Bickford: Did you know how many acres are the 50 are actually in panels?

Hertz: I do not the fenced areas is the 50 acres I can find out for you, for sure.

Bickford: I didn't see it. That's why I asked. It be nice to know what the actual acreage of the 50 that has panels on it.

Hertz: That's just the fenced area included the two separate fenced areas together is 50, but I will find out.

Gooden: I had a question about the public notifications. Are you intending on county wide notifications or just the adjacent land owners? How are you planning on doing that? Because as you might have heard, even in this area, it was on the website and the local paper, we have people who... there are people who get information from Charlottesville and I don't need to drive by the courthouse to get to Dillwyn. And actually, I went all the way down to another end of the county and never came through this area. So a sign out here would not necessarily make a difference to me, because I can get anywhere without coming through the courthouse. So if and what I'm looking at is your timeframe, because our next meeting is in October, you've got a small paper, what means are you going to notify the people if you don't have a location already? That puts you back. I didn't know if you're just going to do just the people in a neighborhood. What kind of community meeting? Are you speaking what kind of community notification are you speaking of?

Hertz: Yeah. So typically, we do. We enroll our GIS team, but we do about a, like anywhere from a quarter of a mile to a half acre buffer around the project zone. Anyone within that will get a direct mailer. And then we do just publish in the paper. And it's announced on the county website, as you say, and there will usually be a sign on the property itself two weeks ahead of time. So as far as the community meeting it's just an invitation for people to come and learn about the project, if they have any interest.

Gooden: Oh, I agree. But what I'm saying is that we've had public meetings. And because I don't live in this district where we are, the things may concern me, and I'm just saying, How are you notifying people? And do you really think you have given yourself enough time since we are a rural community?

Hertz: And that's a great question for considering I was planning on a two week notice. So hosting a meeting two weeks before the week prior to the public hearing, for our project. And just following typical notification procedures, anyone who's immediately in the area that could potentially be impacted would receive that mailer.

Gooden: It's not going to work. That's not going to work rurally.

Edmondston: Miss Gooden and I apologize. Are you speaking in regards to the community meetings and sending out the notifications for those separate community meetings and how that will happen?

Gooden: My idea is what I heard her say she's going to have the community meeting before she anticipates coming back to the board. Im just looking at the time and how things move. And if she doesn't have a location for community meeting...

Edmondston: Mary Margaret, did you have a timeline? A date at anywhere for the location of a community meeting to be?

Hertz: Not a date, but just a week. Yes. And as far as announcing it, it would be a week or two weeks prior? So it would be very soon. To your point. Yes. But I have, yes,

Edmondston: Which avenues would you be using to advertise that community meeting?

Hertz: Yes. So the direct mailer, and there's a paper that we'd be using as well.

Gooden: The direct mailer may work locally, but I guarantee you people are going to show up, and from all areas of the county. And so we have people who address issues in other districts that not even in their district. So they have comments. And we do have a public comment. So you're going to end up with this kind of, I didn't get my voice. And so it's not only the voice of those locally, that you have to hear you have to hear the voices of those within the whole county. I just didn't think October our next meeting, to move it to our next hearing public hearing at our next meeting. And you getting a public venue. I don't think it's enough lead time.

Hertz: Thank you for that yes.

Gooden: Just think about that.

Hertz: I appreciate your guidance. Yes. Thank you.

Bickford: If I understood you correctly, you said you're going to try to have it two weeks before the if this were to move forward to public hearing, you would have your community meeting two weeks prior to that.

Hertz: One or two weeks prior? Yes. As long as the venue could be reserved.

Bickford: You have four weeks. Which you can do. Its just....

Hertz: I believe we can.

Gooden: I have internet so I read the notices.

Hertz: I think with this project being of the size that it is, we don't typically. And the impact being fairly minimal, we just typically do a smaller, direct notification. But I understand that it is a very tricky issue in the county. So we will consider a larger, a larger buffer area larger notification area.

Gooden: I would say considered a sensitive issue within the county. That people are going to show up. And I would say even outside of that, not that you need to notify somebody outside of the county. But just be aware, when you plan something.

Bickford: I'll make a quick suggestion. You could have it at the library and they do have a sign advertising.

Hertz: Yes, I am. I've been in touch. Yeah, I've been in touch. We haven't officially reserved this space yet. But they're the library area that's been recently renovated. I have the forms. We're working on a date.

Bickford: Any other questions.

Dorrier: I like the idea of the profit sharing. Could you elaborate a little bit on that? And will only Dominion people be able to have that or is Central Virginia Electric Company, Will they be involved in that also or not?

Hertz: Right. So for the Virginia shared solar program, only Dominion Energy customers are eligible to participate and subscribe to a project. That's just how the legislation currently stands. They're working on a cooperative involvement. But right now, it's just Dominion energy.

Dorrier: How many people would be available in this area that are through dominion? Do you know?

Hertz: That's a great question.

Dorrier: Everybody I know is on Central Virginia, I don't know about the other end.

Hertz: I will find out. That's a great question.

Shumaker: Just one question. So all this is community solar. It is over three megawatts and it goes back on the main power grid just as the Riverstone project does, right. I mean, there's no separate transmission lines, it just because I'm a subscriber, I'm getting solar energy just gets transferred right back onto the main grid set? Correct.

Hertz: Right. It's not directed straight to the subscribers. No, but really, since it's on the distribution level lines, it's flowing locally, instead of getting sent elsewhere. And yeah, because you're a subscriber, you'll just is just on paper. It's all it would look like.

Shumaker: It just enhances dominions energy storage offerings.

Hertz: Yeah and their portfolio and it does have the potential to offer a stable energy rate and like I said, it can it can save people 10% on their electricity bills.

Bickford: Any other questions from commissioners? Thank you for your presentation and answering the questions. You can go ahead and have a seat. Thank you. Commission do we want to move this forward to public hearing, or do we want to study for 30 days?

Kapuscinski: I think we ought to move it forward.

Allen: That a motion?

Kapuscinski: Yes, I make a motion we move forward.

Allen: Second. All right.

Bickford: Any further discussion? All in favor, raise your right hand. It was unanimous and we'll move forward to October 24th for the public hearing. All right. Okay, I believe that brings us to your reports.

Commissioner Kapuscinski made a motion, Supervisor Allen seconded and it was carried unanimously by the commission to move case 22-SUP319 on to public hearing.

Edmondston: Yes, sir. Mr. Chairman, so the building permit report is in the packet for your review and then under zoning administrator in the last couple of months. I have been asked by a number of you for training sessions and I wanted you to know that I have reached out to Weldon Cooper Center at UVA also the VCU program and to our very own CRC for assistance. Number one in the last three weeks, I've received no response from Weldon Cooper to email and phone call and no response from VCU training. So I'm sure they're inundated with lots of requests, I will continue to attempt to get in touch with them and Todd fortune with CRC has been quite helpful. There was a group called plan Virginia he believes it's disbanded but there may have been another group appointed or in its place so I am working with them as well to try to bring together A bit more training for you to feel more comfortable in your position. Okay, I can continue to keep you posted.

Bickford: Very good. Okay. That brings us to commission matters, I believe, Joyce you have some things you want to voice?

Gooden: Yes, a couple of things at the Board of Supervisors meeting, one of the I think his name is Whyko the Board of Supervisors meeting on Patty Road, that's in my district. And there was a comment about the campsite him having campsites. And the board of supervisors were concerned that we're having a plethora of campsites and dry campsites and were concerned. And actually he removed the campsite from his application. He said then take the campsite off my view of the campsite, and what we're approving is like when I go to a hotel, do I want to stay at Hilton? Or do I have Super Eight money or Motel Six? I choose. So do I want this campsite? I don't envision all of a sudden, every campsite that's available in Buckingham being suddenly filled as their there's a plethora. That's something that we need to think about in the future,

because there was a concern by the Board of Supervisors. And I don't know, and so I was trying to find research on campers and campsites and what you could have and what was, but I didn't see. So I wasn't sure where that was in our information about where you can put a campsite. And where you can put a camper as opposed to a campsite. Because, see, I know Yogaville has campsites. I don't know how they got approved or when they were approved. So they're paid campsites out there. There are campsites in my area. And I was just trying to figure out where do I go to get information on that? That's one concern.

Edmondston: Are you referring to the zoning ordinance and that it's allowed, it would be appointed as a campground and with campsites and the campsites that have been requested in the most recent applications are dry campsites, which means you'd bring a tent, you know, there's no hookup for anything. So if you bring a camper, you'd have to adhere to the state guideline for an RV or camper and it would be contained because there is nothing more than a dry campsite. Some of I don't think any of them had electrical hookup either for anything,

Gooden: I don't know; I was just trying to find it. So that is in our zoning?

Edmondston: Zoning ordinance under special use permits because campgrounds and campsites are not permitted by right.

Gooden: By right. So if I pull my camper on my yard and put my cousin in it, I need a SUP?

Edmondston: Zoning ordinance states it could be parked for six months, but it is not the intention for an RV to be utilized as a dwelling.

Gooden: Oh, okay. I missed that. Thank you. Okay, that's one and then the other issue that I have questioned and it's for the commission because first I need to give you the background on what happened at the Buckingham County Board of Supervisors meeting on the 12th September, fellow Planning Commission member Mr. Pete Kapuscinski addressed the board regarding SUP case. 22 SUP304. And this was the Yoder sawmill. And he did it in the public hearing portion of the the case. He stated that he was on the planning commission and believed that the planning commission had made a mistake and moving this case forward. mistake was the words that he used. And regarding our decision, and he asked the board of supervisors to reject this Commission's decision on this case, in fact, he said that he believed that we had made a mistake and that he didn't want the board of supervisors to make the same mistake. And instead, Mr. Kapuscinski wanted the board to accept his views and vote against case 22SUP304. Mr. Kapuscinski comments also seem to me to advocate for the applicant's neighbors and ignore the assessment by VDOT which is our state regulating agency. Mr. Kapuscinski statements were shocking to me as it felt it gave the impression that I had not done my due diligence as a planning commission member. I feel there is already a segment of Buckingham County's population that believes I ignore their comments because I may not vote as they desire on a particular issue. Mr. Kapuscinski actions and statements led me to believe that because he was out voted, that he could take a second bite at the apple, by going to the Board of Supervisors meeting in the public comment phase as a commission member. Haven't gotten to my question

yet. My question is, are we as commission members allowed to present to the board of supervisors in this manner? I have spoken to individual supervisors on commission topics. I've been asked about from supervisors about commission topics, I often discuss my decisions with my supervisor, the person who appointed me to this commission. So I feel that I need to let my supervisor know this is going on. This is why I did not vote for something. This is why I voted for something. And my second question, is the second bite at that apple approach. Is that what we can start doing now doing a second bite at the apple? If we as a commission, make a decision I think that's the end of it. But I just let them know why I voted certain ways yes or no. And also, if we, if this particular SUP said that we abide by federal, state and local laws, VDOT is our state agency that we're supposed to abide by, we've had VDOT come in and talk to us. It's not whether I think the driveway, the sight distance, or the road width is appropriate. And all of these issues have been addressed since I've been on the board. It's what v dot says that is appropriate, and we accept their ruling. So my question, are we allowed to go to the board as a, are we allowed to go to the board as a commission member and say, I'm a commission? I can go as a private citizen; I've been to the board of supervisors as a private citizen. That's true. But I have not been representing the board and just say, Oh, we just made a mistake. I do think that's inappropriate. And, like I said, so we get a second bite at that apple? You know, because I have voted no. And I had the opportunity to do to abstain, if that's what I want to do. So I don't know who's going to answer that question.

Kapuscinski: Chairman, do you want me to answer those questions? I mean, seems to me there's accusations here. I mean, first of all, I think I think if you wanted to discuss that, I'd have been happy to do that in private. That's number one. Number two, it was my opinion as an individual, not as a commission member. And if you read the notes carefully, you'll understand that. I did say I was a commission member. And I still hold that my opinion is that the board made a mistake. And I'll say that I'll say it to the end, those people that lived across the street, from their driveway live less than 100 feet from those trucks that are going to be turning in and out. That was my complaint. All right. And by the way, Mr. Chambers, and every and every other Commissioner, or every other supervisor on the Board, who didn't take into consideration the complaints of those older people who would have to live with that problem for the rest of their lives. I think that's the mistake, as an individual, I think it's a mistake. That's all I have to say. You want to carry on id appreciate if we do it in private.

Gooden: Mr. Chairman. Okay. May I respond? Mr. Kapuscinski. Your comments were made in public. And that's why we don't need to discuss it in private because it was made in public and its on video, and will be in the minutes as this will be. I'm asking for my information. Because some of us do not attend the Board of Supervisors meeting. I happen to be one that does, and I just happened to see that I was there for a tuple full purpose, because I normally attend the Board of Supervisors meeting, but also I did a presentation that night. So to hear that come up that we had made mistakes and it seemed that you are representing the commission...

Kapuscinski: I wasn't.

Gooden: And that it seemed that you were....

Kapuscinski: I wasn't.

Gooden: It seemed that you were representing the commission and was speaking on sort of our behalf. If and it's like you were not speaking on my behalf. And that's why I'm bringing it back...

Kapuscinski: Well read it more carefully.

Gooden: I read it. You got up to speak at about 2 hours and 17 minutes, I went through the video, and when the minutes come up, I will see that but I listened to the video. Okay, so to be sure that it wasn't just what I heard in person, but also went back to the video to see what I was doing. Okay, so you said that we had made a mistake, I do not feel that we made a mistake. And I feel as a commission, when we vote on something here, we can let our supervisors know we can let...

Kapuscinski: You and I don't have to agree. And if I feel we made a mistake, I'll say I feel it's my opinion that we made a mistake. I won't change that. We don't have to agree. We can agree not to agree. And I'd suggest we leave it there.

Gooden: Oh, I did not agree. And I do not agree with you. I do not agree with your actions. And no, I do not agree with you. But my question to the board. Is this acceptable? Is that something we can do? Because you said you were a commissioner, you were on the planning commission, and presented yourself as a commissioner, not as a private citizen,

Kapuscinski: Just for your information. I did talk to the chairman before I went to the board. As you recall, John, I did get permission. I also talked to my supervisor, and I said, Look, am I overstepping my bounds? I am a commissioner. But do I have the right to speak? The answer was absolutely. Alright. So it's not like I did this on my own. All right. So I don't think that I'm, I'm being a renegade here. I do try to follow whatever the protocol is, but I would be happy to discuss more about this with you in private, I think this is not the forum. So let's just agree not to agree.

Gooden: I agree but we're not going to do a private conversation, because everything was done in public, and I want it to stay in public. Alright, those are my questions. Thank you.

Bickford: Very valid questions. Not being in there and privy to the conversation.

Comments from crowd

Bickford: Okay, that's fine. The record will show that I don't need y'all to tell me that, the record will show that please. Thank you. Anyway, what will happen is I will take this up with Mr. Wright. And I'll have an answer for the next meeting. But as an individual, you can speak. But if there was... Just let me get some clarification. I'll see what happened and find out and I will give you an answer at the next meeting.

Gooden: Okay. Thank you very much. Appreciate it.

Bickford: Anybody else have any other comment?

Allen: I get one thing. At the Board of Supervisors meeting we did, we did start up a new group to work on the zoning, and ordinances and stuff. But I was hoping that we as a planning commission, could work on our work session nights, and work on this zoning, plan, Comp Plan and county ordinance to help fix it all up. And to me, I just think it's in this group, we could do it. And it's a lot that needs to be worked on. And it'd be nice if we could starting working on it during work sessions.

Bickford: The group that was formed was going to work on it and then bringing it back to the planning commission. That's was my understanding.

Edmondston: It was voted on by the Board of Supervisors, to have this zoning committee. So before we'd be able to do anything, we'd have to take a recommendation back from the planning commission to the Board of Supervisors, again, to make a final decision on whether or not the committee would stay.

Shumaker: That include updates to the comprehensive plan as well?

Edmondston: The updates for the comprehensive plan where that that would be carried out by an outside agency. The other things that the committee would work on would be site plans and requiring formal site plans, possibly privies. I believe that was turned over to the zoning committee and Bed and Breakfast Airbnbs and the structures that are utilized for those that was also something brought up by two commission members to be added to that. So those were the three things that the committee would have been working on now.

Allen: I thought it'd be a good idea for all us to work on.

Bickford: I understand what you're saying there's going to be a work session versus a group. The way I understood it was set up was that group would make referrals or provide information to the Planning Commission, which still would probably have work sessions to make sure the details are worked out. Am I saying that correctly? Or is that my assumption correct?

Edmondston: Correct. I think since the Board of Supervisors, supervisors asked for it, it would come before the Planning Commission for any amendments, changes, additions, deletions, and then from that point...

Bickford: It would go through the regular process planning commission back to the board.

Edmondston: Yes, sir.

Bickford: The board did that choice.

Allen: That's for a few things. I think we need to work on a whole lot of things.

Gooden: Chairman. Having been appointed to that committee, we have a meeting on the fourth at nine o'clock in the morning. So the committee will meet before the board of supervisors meet. And definitely before we meet again, just to let you know that that's already at motion.

Bickford: All right. Any other commissioners have anything they need to voice? Seeing none. Do I have a motion to adjourn?

Allen: So moved.

Dorrier: Second.

Bickford: I got a motion and a second. All in favor, raise your right hand. Okay.

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

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

ATTEST:

Nicci Edmondston
Zoning Administrator

John Bickford
Chairman