

**Buckingham County
Planning Commission
June 26, 2023**

At a meeting of the Buckingham County Planning Commission held on Monday June 26, 2023 at 6:00 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;; Joyce Gooden, , Pete Kapuscinski, Ashley Shumaker, Stephen Taylor and Board of Supervisor Danny Allen. Also present were Nicci Edmondston, Zoning Administrator, and E.M. Wright, Jr., County Attorney. Steve Dorrier was absent.

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

Chairman John Bickford called the meeting to order. Ashley Shumaker gave the invocation, Joyce Gooden led the Pledge of Allegiance and it was said by all who were in attendance. Chairman John Bickford certified there was a quorum- seven of eight members were present. The meeting could continue.

Bickford: Nicci, is there any changes to the agenda?

Edmondston: Mr. Chairman, the only potential change could be regarding a presentation for old business, which is the public hearing regarding case 23 SUP 327. For a little bit of a technical difficulty, I may ask for permission if we could swap the introduction of one of the new cases just for timeframe, just because the chord that we need to be able to show the propagation Maps is what's needed. And we'll also need that for the other two introductions.

Bickford: In other words, we may shuffle the schedule a little bit to accommodate getting our technical issue resolved. So do I have a motion to approve with that possible change?

Shumaker: So moved.

Allen: Second.

Commissioner Shumaker moved, Supervisor Allen seconded and was unanimously carried by the Commission to approve the agenda.

Bickford: Any discussion? All in favor? Raise your right hand. agenda is approved. We have approval of minutes for our work session may 15 2023. Do I have a motion to approve as presented or does someone have changes?

Allen: Move to approve.

Shumaker: Second.

Bickford: I have a motion and a second to approve as presented any discussion? All in favor? Raise your right hand, that's approved. Have minutes for May 22 regular meeting. Any changes? If not I'll have a motion to approve as presented.

Supervisor Allen moved, Commissioner Shumaker seconded and was unanimously carried by the Commission to approve the minutes as presented.

Shumaker: Approve as presented.

Allen: Second.

Bickford: Motion and a second to approve as presented. Any discussion? All right, raise your right hand. Nicci that brings us to public comment period. We have people signed up for public comment?

Commissioner Shumaker moved, Supervisor Allen seconded and was unanimously carried by the Commission to approve the minutes as presented.

Edmondston: Yes sir. Mr. Chairman and members of the Planning Commission. We have six individuals signed up the first person signed up is Jerry Sackett, and he will be followed by Donna McRay.

Bickford: Just a quick reminder that the public comment can be anything going on in the county other than the one public hearing we have tonight for the cell tower that's got its own time but now open up the floor and ask the gentleman to come forward.

Jerry Sackett: I'm Jerry Sackett district five since 1979. Within the ongoing discussions and discovery about the prospect of metal mining in Buckingham, it has been plainly and repeatedly shown that existing Virginia state regulations for mining are adequate only for gravel and quarry operations. The argument for a right space ordinance restricting or banning metal mining in our county has been put aside by our officials in order to wait for others to act. At a recent PC meeting, Mr. John Snoddy spoke of the benefits of Kyanite and slate quarries and good employment, etc. Fine advising just to leave things as they are and exercise common sense as Mr. Snoddy senior advised and use the special use permit for control. However, uneducated, common sense is folly. real common sense would be founded on history, we should be learning from the mistakes of others, and not blundering along as best we can. At this time, our board members are being educated about the issues of allowing or restricting potentially hazardous activities such as metallic mining in 10 years, it will be a different group, who likely will not have the benefit of present education to bolster their common sense instincts of well being and survival. So we should be acting now to put protections in the hands of the local government logs

in the road on the books to slow down to tour and hopefully prevent tragic consequences from catching future generations unprepared. I have brought up the tragedy of Leadville, Colorado to the Board of Supervisors, which clearly shows by government report that only after three generations of birth defects, did the health department make steps to close down the mines and smelters polluting the soil, water and air. The Leadville metals exposure study commissioned in 1990 states that neurological defects in children were recognized as early as 1904. In 1943, researchers reported that effects on the intellectual achievements and behavior of schoolchildren were long term. Yet, it was another 47 years until the metallic operations were shut down as a registered Superfund cleanup site. 86 since the discovery of gold in that region. no record of the toll and human suffering is offered in that report. Being a scientific report, it is dry and devoid of feeling yet each of us may know someone who was afflicted by developmental disability or deformity and know it to be a life long heartbreaking burden for the individuals and families affected. Put yourself in their shoes. How would you feel if it was your child or grandchild? That suffering was preventable. As the Leadville report makes clear prevention is better than cure. With this knowledge from history, let us learn from the past mistakes of others do not trust in statistics provided by industry experts alone, but insist on input from experts outside the mining trades. Trust in common sense that is educated and smart and not subject to the short sighted non action which kicks this dirty ball down the road. Act now. Thank you

Edmondston: Donna McRray Jones

Donna McRray Jones: My name is Donna McRay Jones. I live at 1806 CA IRA Cumberland, Virginia and I am in district two. It had come to my attention that one of the neighbors on CAIRA road is looking for a permit to for M one to do slaughter processing in the area. I stamp myself with a couple of other people in the area. We have questions and doubting about this and reading the having sort of a copy of the application. One of the things that bothers us is one says eliminated of all noxious orders. I don't understand how that can be guaranteed when you're dealing with waste from animals. Here it says all processing will be done on the premises. And also it does state that there will be no excess traffic of pickup trucks or semis. And I don't see how that can be guaranteed, if he's going to be slaughtering animals, most animals, if they're going to be live, as I understand when they go to slaughter, because that's the process of it. Usually they have trailers and whatnot. The property itself for which just activities to take place is on a curve. And CAIRA already has trucks coming from the lumber yard, which has been there for several years, at least since I've lived here 21 years. But that's in Cumberland County. But that's a lot of trucks that comes through there as it is when I come out, I have to take special care when I do come out because of the traffic that would add excess traffic to our area. So at this point, I suggest that before anything be done that a traffic testing be ordered by vdot to, assess the traffic that comes through there to see if this is practical to do for our little small area. Again, I said so far there has not yet been an accident because a lot of us understand the traffic that's previously there. And we're cautious about pulling out. But people not familiar with the traffic would not have that as much. So one of the things that I request as a resident is that a study be done on the traffic on CAIRA I thank you for your time. Thank you, man.

Edmondston: Cheryl Davis.

Cheryl Davis: Good evening. My name is Cheryl Davis. I live at 1743 CAIRA Road, where I've been a resident for about 30 years. So I live across the road from Donna. And I was approached by Samuel Stoltzfustzfus about his desire to have a slaughterhouse and meat processing plant approximately 300 feet from my property line. And I have a lot of concerns. He said that he would do a minimum of 12 per week. And when I asked him about the waste, the non edibles, he said he was going to do a composting pile. And that composting pile would be manure and saw dust, and I would not be able to smell it. And I also said that he would dispose of the blood that it would be absorbed. So I have a lot of concerns as far as health concerns, environmental concerns. When I told him that it would lower my property value. He said he knew that. And so I have concerns about that is well, not to mention, as Donna said, the increased traffic that's going to be in the area. And the fact that we are zoned ag one a one and not M one. And so doing a special permit to have an M one in that district two will affect all of district two. So thank you. Thank you.

Edmondston: Linda Morales.

Linda Morales: Hi, my name is Linda Morales I'm 1808 CAIRA road. And Mr. McRay Jones brought this to my attention. And my bigger concern would be a any waste disposal that I hadn't heard anything about. And second of all, we the traffic is already unbelievably dangerous because of the trucks that come through for the wood mill we have probably a higher percentage of Amish buggies even on our road that I think could be greatly affected by the additional traffic as well. So I have concerns as well. I have a very small greenhouse pretty much across the street from where this is proposed. And I don't want my property values lowered either. So that's it. Thank you.

Edmondston: Marie Flowers.

Marie Flowers: Hello, Marie flowers third district. My concern is the metal mining I think the last time you had the work session I asked you if you know we could meet with experts I don't know what y'all have done or talked to Have you invited anyone who was... Miss Kenda Hunanman was on that committee with the gold with the state and I don't do not trust the state politicians to care about what happens in Buckingham County and we just need to find a good way to protect our people. I'm not totally against mining, I want to see that people protected in the earth protected and I know there are many elements and metals that we need for everyday life. But anyway, hoping that you all will do the best you can with the concern for the citizens. Thank you.

Edmondston: Hedi Berthoud.

Hedi Berthoud: Hello, my name is Heidi Divya Berthoud and I live in district five. My comments are for the record because it appears that you're not listening. At least not to the Buckingham people. We collected about 1000 signatures across the county for a petition supporting the rights based ordinance that could protect us from the toxic trespass of metallic

mining. Most of those people already knew how toxic metal mining is and how they poison and bankrupt communities. You don't seem to be moved by this information. At your work session last Monday, you decided you will stick with existing special use permits after consulting the experts. I've been to all your meetings you have refused all expert consultation, choosing only to hear from Buckingham miners who have no expertise in metal mining. That is not what they do. They did not know there was a state study on gold mining. I have asked John Snoddy and Guy Dixon to read the four page summary of the report. They live they live here too. I said to John, that once you understand the impacts of metallic mining, I would hope they too would want to stop it from coming here and would support the changes that are needed. Have you read the four page summary of the National Academies of Sciences report that we sent to you? It appears that you as individuals don't seem to understand how bad metallic mining is. If you if you did then I think you would be acting quite differently. Pete seems to be the only one who gets how bad it is. And he needs help with making changes. What happened to banning the cyanide process, which would bypass the problems with banning metallic mining. I've not heard thorough discussion this on this whole topic which really requires it of us. So who are the experts that you consulted? We gave you contacts with people who are experts in the field who are willing to give you their time pro bono, but you thought they were they would be biased. Mr. Wright met with Dr. Steve Ammerman, and they had a good exchange. Did he convey that to you that it was helpful. Our communities have done or other communities have done this and successfully. You have examples in the southern Environmental Law Center toolkit on regulating gold mining activities at the local level. Other Virginia counties have banned other mining activities. You can do it here and it looks like you need to call SCLC to help you figure it out because you have not. You have agreed to create a new application form for miners. This is astonishing. You are not experts. This requires expert guidance. The state study tells us the state does not have adequate regulations. Their applications and regulations are geared towards gravel and sand mining. So you can't look to the state Get a Virginia for help. We gave you examples of other states such as Montana, that band, the band the process that uses cyanide, and countries that have successfully banned metallic mining such as El Salvador. If El Salvador can do it, surely Buckingham can figure it out. You were tasked with banning new metallic mining. It looks like you need another opinion on how Virginia code does allow you to do that. Thank you.

Edmondston: That's it for public comment.

Bickford: Okay. I'll close the public comment period. Are we ready to do the public hearing or do you want to reschedule?

Edmondston: Were ready.

Bickford: Okay. All right. Move to old business. I'll let you introduce a case and I'll do the public hearing.

Edmondston: Yes, sir. This evening. We have a public hearing for case 23 SUP 327. This is US Cellular. The landowners are Richard and Terry Harris located at 211 Holland road Farmville, Virginia 23901. And the applicant is US Cellular. The agent is Emily Lauer. She's actually out of

the office and we have her associate Ken Parrish in the audience with us this evening. The request for this permit for the purpose of constructing a 199 foot monopole communications towers actually on tax map 196 parcel 13. It's approximately 44 point 98 acres in size and it is located at the 211 Holland Road, Farmville Virginia address in the Curdsville magisterial district. This case was introduced to you last month it does come with conditions that should you find this permit to be favorable in this particular area and in a one district these conditions are confirmed with city scape, who is the consultant for the county for the review of this tower along with the agreement to the ordinance for Buckingham County. As I mentioned the applicant is in the audience to discuss this case and answer questions or concerns and I will add that Jamie Shumaker our IT director will be placing the propagation maps that you requested on the computer screens they did not come in a printed delivered format but in an email. I hope they are clear enough to answer some of the questions that you had from last month.

Bickford: Okay, thank you Nicci before we do the public period does any commissioners have any questions at this time?

Allen: On this far as the VDOT goes if they got a signature from Stephanie i'm not sure commissioner from out of Lynchburg says it was done on the loving 11-28-22 And then at the bottom it says this expires in 60 days so to me we don't have nothing legal for the road, driveway or whatever.

Edmondston: There may be another copy in the packet is there anything further because city scape...

Allen: Supposed to be usable once.

Edmondston: They'll have to get another one to move forward.

Allen: Got it on both towers.

Edmondston: Cityscape should have addressed that as well in their comments even if they obtain another one it'll still only be good for sixty days and but certainly we can address this and Ken Parrish with US Cellular may be able to address that better for you supervisor Allen.

Bickford: Would you like to come forward sir? Yes if you would like to answer these questions please. State your full name for the record.

Ken Parrish: I had I had a stroke about a year ago my voice is messed up. Yes sir. They're gonna require us to have a V dot permit and put a culvert in. They require us to have that before we move forward.

Allen: Okay, it's not on here.

Parrish: It's not on there.

Allen: No Sir. I didn't see it on one thing I saw was that person from Lynchburg had signed it below what we normally get.

Parrish: She didn't write a letter to give us a permit?

Allen: It says expired in 60 days, which was back in November of last year.

Parrish: I'll look in our folder and see if we have one for you and I can get to her ASAP. Thank you. If we don't have one. We'll get you one.

Bickford: Okay. Before he sits down, any other commissioners have any questions? Yes.

Kapuscinski: These red dots and I'm looking at here are were other cell towers are?

Parrish: Yes, sir.

Kapuscinski: And if I were to ask you, I guess what I was looking for was to understand a little bit about if you put that cell tower there, would there still be gaps? I mean, are we filling gaps? Or what are we doing here?

Parrish: Yes, sir. We're trying to are trying to fill gaps in for the area. These are capacity sites. So you know, back in the older days, you've seen them 15 20 miles apart. Now you're seeing them five miles apart the old technologies to follow the contour of the land, and new technology, it's more of a straight line technology, technology, excuse me. And what it is, is the sites when you first build them, they cover bigger the more phone calls, area shrinks, that's when you start dropping calls. And that's what we're trying to do fill in the gaps.

Kapuscinski: So if I were to, I guess it's too simple to ask. If we were to draw concentric circles around all these little red dots, does that make sense so that we could see exactly the coverage.

Parrish: Within like a five-mile radius show the new deck on the covers about five miles compared to the old technology, which covered 20-15 to 20 miles, the new technologies more straightened out straight line technology,

Kapuscinski: You're seeing from these little red dots that we're looking at here. There's only a five mile radius or diameter fiber

Parrish: 5 or so I'm not an RF engineer, I just build them for a living but they're covering like less area, because of the technology is not falling.

Kapuscinski: It's a five mile radius, correct?

Parrish: I think so I'm not sure on that I can get your information on it.

Kapuscinski: Miss Edmondston That was really the question I asked the last time. That's the kind of information I was looking to understand. I I just don't know. I mean, we could put up cell towers all day long. The point is that, you know, what we'd like to do is put up as few as we have to, in order to cover the most area? I mean, I would think that's what we'd want.

Parrish: Less intrusive. I understand that. Right.

Kapuscinski: So the question is, with all these little red dots, you know, what's covered and what's not? And is there a better area to put that cell tower? I don't know the answer to that you do. But I'm saying, Well, I would like to see it pictorially described.

Parrish: Sure what it is they give us our SAR from we can get one of those to you for this area, they were looked in, they give us a SAR for the dot in the center to say it was only like two miles or a mile and a half. We had to be within inside that defined our property owner. That's how we find them. So we don't decide where they go. An RF engineer sits behind a computer, and he sees what coverage they need. He says we're lacking coverage over here. I want you to find somebody close to that do as You can get this. Does that makes sense to anybody?

Kapuscinski: Does. I just like to see it.

Parrish: Yeah, you want to see the dots I can get that.

Kapuscinski: I'd like to see the circles.

Parrish: Yeah, I can get you the circles. Yes, sir. Yeah. And I wish I had those ahead of time, I bought a bunch of land and we'd have owned some towers. No, I'm just kidding. But seriously, nobody knows where you got to cover. But that's the reason you start seeing them so close together. We're losing calls, dropping calls, like you know, now when you get in again, in a gap, you know how you go down in a dip, you lose your call, you come back up, your call picks back up, wherever. So you're gonna see a lot of 40 foot telephone poles when you'll start seeing them called small cells Verizon's doing it and trying to like Walgreens and drug stores and stuff. You'll start seeing me antenna on a telephone pole with a radio. They're going to be everywhere.

Kapuscinski: So they're not going to be putting up these 109 foot towers anywhere. They're going to start putting up antennas on telephone poles

Parrish: Yes, sir. 40 foot telephone poles. They're called see range. Verizon has small cells. And what it is they're trying to get broadband coverage for everybody. So you can have 911 and broadband coverage. That's what they're doing. A lot of the bigger cities have already done it. put broadband and telephones on smaller poles. If you look it up, you can look it up by small cells are hearing insights. And they will show you what its about.

Kapuscinski: Okay, thank you.

Parrish: Yes, sir. Hope it helped.

Bickford: Any other questions before do the public hearing?

Gooden: Yes, Mr. Chairman, on the propagation map, I would love to see once again the streets so that we can tell in addition, in addition to the coverage, if you could also put on that map the highways because I'm looking at this map, the one with the green and what I'm seeing I can't even read the roads on here. I have glasses on. I can't see the roads. I don't know where that is. I'm told where it is. But surely we can have a better visual and then Okay, I just want the streets on there. Better visual, please

Parrish: *Inaudible* Get you maps showing what we're covering and I'll get your map showing the roads.

Gooden: The roads and the coverage together I want both of those on that same map. I don't need separate ones. Who enlarged that for me. Thank you. I appreciate that. But it's Yes, right. It doesn't tell me it doesn't help me to compare it to what it is now to what you anticipate the coverage to be.

Allen: Show a picture of without a tower. And then show a picture with the tower showing what we're doing. How much and how much we increase.

Shumaker: I think that's what they just flashed on the screen. I think she has a before and after.

Gooden: Is that what the pink is, that first map that you pulled up?

Parrish: Definitely want to be friendly to all the communities you know, like he said, We want to try to see less towers if we can. The problem is the technology has put them closer. You would think it would get better for distance.

Allen: Yeah, that's what I've always heard you have more and more telephones and slowly you have to have more towers. And there'll be a whole lot closer together

Parrish: Because the old ones used to cover bigger with the CDMA technology followed the contour of the land, whereas this is more of a straight line technology. They might do more than five miles I'll get you that information. Appreciate it.

Gooden: What is that screen? Yes. I have I see. They look virtually the same to me sir. And, and there are no streets on there that I can identify. They look.

Parrish: So US cellular, and like you got us or your verizon. And then you got T Mobile. They build their own towers in got power owners, as well like SBA crown castle. American power,

such as you know that, so a lot of their towers, they charges too much for rent. So it's cheaper to go and get somebody with a raw land to build our own power instead of paying the rent.

Gooden: I understand that principle. I'm just saying, For me to compare one of these to the other. Yeah, just about same to me. I would like to be able to see it and say this one is better than the other one.

Parrish: I'm going to hold my RF engineering, get on a call with Him and walk him through what you want to see. And we'll get you something better. Yes, ma'am.

Kapuscinski: If I'm not mistaken, I'm looking at the before and after the where you show the proposed site. On the right hand map up there. The small, the little pink dots. That's the additional coverage when you put that tower up there. In other words, it's, yeah, in other words on the left hand side under 636 I don't see any pink dots at all right. And then when I go to the right side, I show a lot of little pink dots. That's the coverage. So it looks even though you're going to put that power there it looks like it's a little bit sporadic. I mean, why wouldn't it be

Parrish: *Inaudible*

Kapuscinski: Yeah, I hear you.

Parrish: *Inaudible*

Kapuscinski: Yeah, you got a lot of dead spots and all the yellows are dead spot.

Parrish: *Inaudible* we're trying to fill areas.

Kapuscinski: So you're going to put that tower up there, and you're still going to have all these yellow dead spot in here.

Parrish: Yes, sir. We still might have to build more towers. Exactly right.

Kapuscinski: And there's no better where there's no better location for that tower to give you better coverage?

Parrish: Not according to the RF engineers. Like I said, I'm not an RF engineer. I just build them for them and they decide where we put them.

Kapuscinski: If I look at this map Miss Edmondston, seems to me we're going to need about a bunch of porcupine quills out there.

Edmondston: Well, Mr. Kapuscinski under the master plan for the county which has been adopted in years past it has been the practice of the county to want more smaller towers and by smaller, I'd say 199 feet or less. So the ultimate plan at the beginning in 2010, was knowing that the build out was going to be more towers that were below the 199. If if the county decided to

have a different practice and review that telecommute telecommunication plan, at that point, they may actually evaluate whether they'd like to see fewer very large towers which would have to be handled with the FAA and be lit and do bring other levels of responsibility from a local state, state and federal guideline I think it's important to remember to just the topography and the contour of Buckingham County, we're not in the Midwest in the flatlands there are many mountains, rolling hills, and also lots of vegetation. You know, the wonderful trees that provide shade and look so beautiful, each season that they change all of those things, and I'm not an engineer either, but they do impact coverage. I know that we probably can't argue that when we're driving through different places. Each small step within the build out plan for the county does increase connectivity. I mean, this is really about connectivity for rural America, it's done in many different forms, broadband certainly and the build out of proper towers and proper places. So it is it's it doesn't all happen in a short period of time it is a build out where engineers are constantly assessing and evaluating the growing technology a lot of the small cell towers that Mr. Parrish spoke of have to deal with 5g technology and above that are placed in more urban areas. That's probably more in a seven to 10 year build out for a rural place such as Buckingham so we will see many more applications for these 199 feet and below towers for a potential build out for connectivity and Buckingham by way of cell tower communication.

Kapuscinski: How far off the road is this tower?

Parrish: Approximately about three four hundred feet. It's back into Cow field

Kapuscinski: Yeah, I drove by it I just didn't know how far away trees around right and how far from the nearest home?

Parrish: Probably about probably a couple of football fields all right, same property you got to have a certain follows over she brought up a good point on the 199 That's why we did the 199 power grids you require monopole 199 County *inaudible* we might be able to I don't know we'd have to run a propagation map on that the RF guy would want to be friendly to everybody and you don't want to see the tower I'm with you.

Bickford: The towers over 200 feet have to be lit we try to stay away and it's usually lattice.

Kapuscinski: The only thing that concerns me as I'm looking at this coverage map and it just they're putting one tower up in the in the coverage they're getting if you look at the right hand right hand map the pink.

Parrish: Its not as much as you would think.

Kapuscinski: Yeah It's sporadic I mean I see solid pink in some of these other areas but over here it looks to me like you're going to have to have a half a dozen towers in order to cover that area.

Parrish: I'm not sure you know what we got over there. I'm not sure we definitely appreciate y'all listening *Inaudible*

Bickford: Before you sit down sir any other questions? Ill open up the public hearing. You go ahead, sit down there may bring you back up. With that I will hold the public comment period for this case. Do we have anyone signed up Nicci?

Edmondston: Mr. Chairman, we do not have anyone signed up.

Bickford: I will close the public hearing and move it back to the commission and discuss it and what is the pleasure of the commission? Understanding questions regarding to the coverage you get here but cityscape, which is a county consulting, you know, looked at this and gave their approval of it saying it was out of the three sites that were all on 15 It was the best for regard to coverage. So they gave their approval of its and they are our consultants. What's the discussion?

Kapuscinski: I don't even know how to discuss it. I mean, it's just putting up a tower and they get I mean, they're not getting a whole lot of coverage for the tower they're putting up. I mean, are they going to come to us again next month and say they're going to need another tower? 300 foot from that tower?

Bickford: Well, it's going to happen. Yeah, I don't know how quickly will happen. But yes, you're going to have to have more towers to have the, the framework to then start putting smaller towers in between on top of like, the gentleman was referring to poles, telephone poles or whatever.

Kapuscinski: We got solar fields, we're going to have tower fields. I mean, I'm not being facetious, but I'm saying it. This gets to be...

Bickford: You either take that choice and have coverage or you do without coverage till something else was developed. Whenever that is.

Kapuscinski: Or we find out if there's an alternative in a different area or with a higher tower Unfortunately, that would give us fewer towers and more coverage. I mean, that.

Bickford: Well, that's actually the job of cityscape our consultant.

Edmondston: cityscape is on has joined us this evening on Zoom. So if you have any questions for them.

Bickford: They are available Pete. cityscape our consultants if you want to ask him a question?

Kapuscinski: Raise your hand they here?

Bickford: No, they're on zoom.

Kapuscinski: Okay, well, then the question I would ask is, did you look at any alternatives like a height or a different area that would give better coverage?

Ben Evan: Well, the, the applicants have presented three, three possible places where top where towers have been either permitted or or consist. And colocation of course, on existing towers is always preferable if it can be engineered the right way. So we looked at all these towers, and we analyze these for the perspective of what you're selling or what US cellular coverage objections. objections are objectives. And their objective is to increase increase indoor coverage in in the nearby towns in the nearby towns, particularly shepherds and Curdsville. And they also specified as an area of interest in improving the health of the signal. USA highway 15, which I believe runs north and south in that particular area. And the name of the road that runs crosswise to it, I believe that says, Francisco Road, is that correct? So given those objectives that US cellular has laid out it they also they also I don't know if this was mentioned but the US cellular RF engineer also made up a map it seems it's still the US cellular affidavit it's a it's an aerial map with a red rectangle on it. That's the that's the particular error. I don't know if you can see that. On your screen, or if you could flip to it. But the area is particularly small it can it can be it can be a mile in diameter. So relatively small when you look at the big picture. This particular app doesn't have a scale but it's fairly small when you compare that to the typical flip In terms of a cellular tower facility, so given that there are three identified, permitted per either permitted sites or existing sites two have not been built, they were permitted by Buckingham County. But they have not been built for one reason or another interpret particularly about the about the telecom proposed tower tone power on James Madison highway and the national communications towers proposed site intersection of us 15 and State Route 633. The only one of those three that does exist is the USDA tower that's only 1.6 miles away from the proposed site, the other two sites the three and a half miles away and two miles away. Now keeping in mind that US cellular whose objective is to increase highway coverage in that in that particular area where the tower is going to go, and also improve indoor coverage in those two towns that I mentioned Curdsville to the North, East and in shepherds to just to the south. That's where their target is. That's the that's what that's a target area for improving coverage. And the only sites available are the only sites available in that area is the SBA tower. Now we looked at all three, from the perspective of which one would, if any, which one would provide better coverage than the proposal, what sellers proposing that the proposed site that they submitted, and our analysis shows that none of none of those three sites will provide as good coverage as the proposed the US Cellular facility. And like I said, to those two of those sites, there are no towers, they don't exist, the only one in the area is 1.6 miles miles away, it's the SBA tower. It's already being used by two other carriers. So the maximum height that US cellular could go on that tower would be about 155 feet, which in my opinion is not is not high enough to provide the coverage that they need. And so that eliminates pretty much eliminates all of those three alternatives, my estimation, and beyond that, you'd have to look at your existing towers don't really exist in that area unless you go out for five, six miles. So I think that in new towers, the only alternative for us cellular here.

Bickford: Okay, thank you. Any other questions from the Commission?

Allen: Well, while you talking about it. I like to ask this. And I've heard over the years that more telephones that we get, instead of having a tower here and another tower, five, six miles away, we're going to have to, you know, half a mile quarter mile away. Is it anything to that? or you can tell us?

Evans: Yes, well, it's driven by the industry. Back when they're back in the 1980s. No, there were very few people that own cell phones. So carriers can then just put up a 400 foot tower for example, and cover a very large area. Now, any one facility is limited as to how many how many connections they can handle at any one time. It's a technical limitation that exists, even today, what exists them in is just now it's just a limitation. Now when you increase the number of users of the service to 10 times, or 100 times the amount of calls, the amount of connection requests that come in you're going to find that that 400 foot tower will no longer no longer do the job because it covers such a wide area where so many people are using cell phones and trying to make calls and you'll get you'll get a look at their email or bring up videos or other media on their cell phones, but one tower is not going to do it. So what they have to do is to is to shrink the area that 1 tower covers and that's how we get the towers coming down inside because if you have one you if you have towers that are 400 feet it won't work you have to you have to you have to keep the footprints of each site as well manageable level whether they'll comfortably service users of cell phones that exists in a particular event with service there so long story short to your question. The question what you heard is absolutely correct. The carriers all the carriers need these days need more towers so that's the best they can cover more and more subscribers

Allen: Okay, thank you

Bickford: Any other questions?

Inaudible

Evans: Is that a question for me?

Bickford: Not sure.

Parrish: Explain the small cells that are coming to these folks. Small cells on the 40 foot telephone poles that Verizon and US Cellular are starting to do

Evans: You're going to go if you just tried to cover the area using small cells only.

Parrish: I was explaining to these folks to their Coleman they're going to be on 40 foot poles I think what the gentleman was getting at is you're gonna have more towers I was explaining they're going to have more 40 foot telephone poles coming in in the future

Evans: That's correct. You'll have one on every block.

Parrish: Yeah, that's what I was explaining. Is there any any input you can give them on that?

Evans: Well, I think that's pretty much what what happened between all the four major carriers that they all went to to small cells, like I said you'd have you'd have them on any one had would have one every 500 feet

Parrish: It's gonna end up coming what do you what I'm trying to say is it's coming it's gonna be on every corner like you go to the grocery store. You're gonna have one at the food lion at intersection good drugstore, you're going to have one at the intersection they're coming

Evans: Small cells are best used in urban areas where you have a higher concentration people, it doesn't make sense in a rural area.

Bickford: As the need arises, it will be changed. Demand will drive the number of cell towers, and then the fill in gaps on the technology with a small one. But we're not right at that point yet. So we have to deal with what we've got now. And that is, we need bigger towers. And we try to spread them out through the county as the need to get basic coverage and hopefully fill in. So that's what we're dealing with at this time. So anybody else have any questions, if not a neater decision?

Shumaker: if I understand correctly, that far, this red dot South looks to be not too far out of Dolan, there's a pretty substantial gap in coverage not in coverage, but definitely in in red dots at antenna or in Tower locations between there and the county line down at Prince Edward, for the residents that way, because it doesn't look like there has been any urgency to build any towers that way. I think improvement in that area, in any manner would benefit not only the residents there but public safety as well. So from our purview as planning commission, I think it's a proper use of land in a one and it is in line with our comp plan and our telecommunications plan as well.

Bickford: Are you putting that in a motion?

Shumaker: That would be my motion. Yes, that we accept city scapes recommendation to move this along to the Board of Supervisors.

Bickford: I have a motion to approve his application. Do I have a second?

Taylor: Second.

Bickford: Any further discussion? All in favor, raise your right hand passes. All right, very good. Thank you, sir. Moving to the board of supervisors. Thank you. That brings us to our new business introduction.

Commissioner Shumaker moved, Commissioner Taylor seconded and was unanimously carried by the Commission to move 23-SUP327 on to the Board of Supervisors.

Edmondston: Mr. Chairman, the next case for introduction is case 23 ZTA SUP 328. The landowner is Amon Stoltzfus at 1515 CAIRA road and Cumberland actually in Buckingham with the Cumberland Virginia 23040 address. Our applicant is Samuel Stoltzfus have the same address tax map is 174. Parcel two, it does contain approximately 84.74 acres as seen in the attached plat. The zoning district is a one, the applicant wishes to apply for a special use permit to operate a custom meat processing shop and custom slaughterhouse a meat processing shop is listed in special uses in an A one zoning district. The custom slaughterhouse request would need to be added to a list of special uses and an A one agricultural district to evaluate this request. The applicant is asking the Planning Commission to schedule a public hearing for this request. This business has been and continues to operate in violation of the Buckingham county zoning ordinance as the applicant does not wish to cease operation of his business while seeking a decision of the special use permit request. The applicant has received a visit and inspection by the Virginia Department of Agriculture Enforcement Division and was cited in violation of the state agency regulations and operation standards. This property is zoned a one currently a meat processing shop is listed in special uses and an A one agricultural district and the slaughtering slaughterhouse is not a permitted by right activity are listed in special uses in this district. This application request would ask for the slaughtering or slaughterhouse to be added to a list of special uses in a one zoning district by zoning text amendment and be included in the request for the special use permit. This use may be permitted by the Buckingham county board supervisors by zoning text amendment and a 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 protections of the district if both the zoning text amendment and the special use permit are approved. The application and narrative are attached and below are conditions you may consider attaching to the request. Should it be reproved approved or recommended for approval to the board. Mr. Chairman, members of the planning commission, would it be the pleasure of the planning commission to schedule a public hearing for this request? If so, July 24 2023 6pm. And the applicant is present in the audience this evening to address any questions or concerns.

Bickford: In regards to the violation. Would you give the details that you told me so the commission would have had the violation was Department of Agriculture?

Edmondston: This case was actually brought in a public comment at the April board of supervisors meeting. Lyn Hill went to investigate Mr. Stoltzfus actually came into the office about two days after the complaint was mentioned during the public comment period of the April board supervisors meeting. We had conversations in regards to ceasing your activity you know This cannot continue while you're seeking your special use permit. He turned his application in towards the end of May I believe this was, we had multiple conversations and complaints that he was continuing to operate his business which he did verify on the phone with me. After I was contacted by the Virginia Department of Agriculture, the enforcement division, it was Wyatt Locke, who contacted me and stated that he their office had received complaints as well, but they were unsure as to where the address was. They did further investigate on the CAIRA road, they cited him for violation. And they will go back to visit Mr. Stoltzfus quarterly, I do not have a copy of that violation, as I was informed by Virginia Department of Agriculture, that it would be

three to four weeks before their violation had been finalized. And at that time, I could submit a Freedom of Information Act request to obtain a copy of the violation.

Bickford: As far as you know, this is not as that has not been resolved?

Edmondston: No, sir, to my knowledge, and that the visit would have been approximately two weeks ago by the Virginia Department of Agriculture,

Bickford: And how quickly would they have the letter out?

Edmondston: They said three to four weeks after their visit, it has to be approved by the district manager or supervisor. I'd be able to call back and if it's available, request a copy of it.

Bickford: And a question I had the compost pile at this moment. He's Mr. Stoltzfus as held up because we have to make an action for him to get an answer from DEQ in the Health Department.

Edmondston: The way that I understand the compost pile is explained by the Virginia Department of Agriculture that would not necessarily be approved under their purview, depending upon how the waste materials and inedibles are handled. It may also involve the Virginia Health Department along with D EQ. But there were other variables in regards to the blood products and in edibles and everything that culminates into the waste products of the animals.

Bickford: So we don't have an answer on that either.

Edmondston: At this point, no, sir.

Bickford: I want to put it to the commission. We've got got two outstanding things here that we don't have an answer for. Mr. Stoltzfus if you'll come up front, and we'll explain what I suggest to you. But I will make let you make your own decisions. Let me first say I appreciate you trying to get in compliance with the county because you got this outstanding violation, and we don't have an answer yet on the on the health issue with the compost pile. I'll give you your option you can we'll go ahead and open this up and talk about it to commission here. Or we can table it until you get an answer or at least from Nicci gets the paperwork from the Agriculture Department and resolve that issue with agriculture. Be honest with you, if we were to hear this case. Now, I don't know that I can speak for the other Commissioners. But this commission really wouldn't be doing their due diligence to move it on knowing that's a violation. So I'm suspect what would happen is you would get denied. So I will give you your choice. Do you want to go ahead and have the hearing? Or do would you agree to table until you get your violation resolved?

Samuel Stoltzfus: So if I would agree with just going ahead with the hearing, I would have another month to get my violation resolved? Or would you want that resolved before you agree to hearing?

Bickford: I cannot speak for all the whole commission. But I would say we would like it probably would be the consensus of this commission. We'd like to see that resolved the violation before we discuss it in either turn it down and move it forward to the public hearing. But now, I'm giving you your option. But I just want you to be aware of what may happen because that's outstanding. It's hard for this commission to consider doing their due diligence and we don't know what that is. It's not been resolved.

Stoltzfus: It would be table and then next month's meeting?

Bickford: Next month if you were to get a resolution on that violation and you let Nicci know and it will come before us.

Stoltzfus: As another introduction and a public hearing a month later.

Bickford: Correct. It will at least be heard but you need to let her know first. Is that what you choose to do?

Stoltzfus: Yeah.

Bickford: Okay. We will be tabling this until you resolve the issue with the violation.

Kapuscinski: One quick question. Do you intend to continue operations while this thing is tabled?

Stoltzfus: No.

Kapuscinski: You will not be doing any slaughterhouse work at all?

Stoltzfus: No.

Bickford: Thank you, sir. All right. That brings us to our Blue Rock solar.

Edmondston: Yes, sir. The next case is 23 SUP 329. For introduction, the landowners are Blue Rock resources LLC and JAMN Limited Partnership LLP. The applicant this evening is Blue Rock solar LLC RW e clean energy. The tax maps, in this request are 202 parcels 70 containing approximately 796.67 acres tax map 207 parcel 41 containing approximately 108 and tax map 207 parcel 40 containing approximately 192 point 91 acres the parcels are located near the intersection of State Route 683 which is more hilly road and State Route 636 stagecoach road in the mad Curdsville magisterial district zoning district is a one and the applicant wishes to obtain a special use permit to allow for the construction and operation of our solar photovoltaic PV models to produce up to 100 megawatt utility scale solar facility on approximately 1100 27 acres in Buckingham County. The power generated will be linked to the electrical transmission grid via the existing overhead 115 KV high voltage on site transmission line. The applicant is asking

the Planning Commission to schedule a public hearing for this request. Of course the zoning ordinance does not permit a public utility generating plant as well as a permitted use however, within the agricultural District Public Utility generating plants. Public Utility booster or relay stations transformer substations, meters and other facilities including rural roads and facilities 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 the ordinance and the Code of Virginia. The Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if the special use permit is approved. Blue Rock solar the applicant or Blue Rock solar request a special use permit to allow for the construction and operation of a 100 megawatt utility scale solar facility on the property as mentioned 1127 acres of private land. The project is being developed by RW clean energy, a subsidiary of RWE group, the third largest renewable energy company in the United States and the country's second largest solar owner and operator with more than 15 years in the US renewables business. RWE has a proven track record in developing, constructing and operating renewable energy facilities. RWE clean energy strong position and renewable energy is a result of combining RWE renewables America's with Con Edison clean energy businesses acquired by RWE in March of 2023. RWE clean energy operates renewable energy portfolio of about eight gigawatts installed capacity of onshore wind, solar and battery storage. The 1500 RWE team in the US is fully committed to being a leader in the clean energy transition in North America. As part of the RW group's growing green strategy to expand its green portfolio globally to more than 50 gigawatts of installed capacity and to invest globally more than 55 billion grows by 2030. RWE clean energy is determined to significantly increase its operating asset base in the US. This is backed by a project pipeline of more than 24 gigawatts and onshore wind, solar and battery storage, which provides for one of the largest development platforms in the United States. There are conditions attached to 28 conditions attached to this special use permit request. Would it be the pleasure of the planning commission to hold a public hearing for this request? If so, July 24 2023 6pm. I'd also like to add that the applicant is available in the audience this evening with a presentation and to address any answer and address and answer any questions or concerns you may have.

Bickford: Thank you Nicci. Mr. McNeely you want to come up to the podium please? Would you just give us a quick overlay and then we'll go into your presentation if that's satisfactory?

McNeely: Sure. Well, good evening. Thank you, Mr. Chairman, commissioners. Overdue You want me to start on the project? I think Nicci did a fantastic job.

Bickford: If you hit some highlights Other than that, or you can go right on to the presentation. We'll be having some questions after that.

McNeely: You want to go to slide three. So, as Nicci mentioned, I mean, ultimately, we're seeking a recommendation of approval from the planning commission. And hopefully to move this forward to the Board of Supervisors. I think we've, you know, we've put together a pretty solid application that we believe aligns with the Buckingham County comprehensive use plan. And ultimately, or are looking to get the special use permit approval. Next slide, please. So, as

mentioned, the project's 100 megawatt PV facility, we began development on this back in 2018. So it's been a while in the making. I know you guys have seen quite a few projects that have come forward. For the county. I think when you look at all the projects that have been proposed, electrically, at least this one is, is one of the most advanced and has probably the highest likelihood of being built from an economic standpoint. The project is, you know, unique location, it borders the county line with Cumberland County. So we actually have 35 acres that fall into Cumberland County, we will be seeking a similar conditional use process with Cumberland County for that that acreage. It's essentially three landowners, as mentioned, we're at 1127.2 acres, I believe, under panel, it's under 700 acres. The project, we put some unique components into design, specific to address wetland buffers, view shed buffers, wildlife corridors, I think when you look at the array blocks on the next slide. Each individual array block I think we're roughly two dozen, I believe there's 22 different array blocks, all with independent corridors that run throughout the project is really in a unique spot where it's flat comparatively. I know we talked about with your presentation on the cell towers topography within the county of Buckingham pretty rough from what you would expect for an ideal solar facility. This area in particular is one it's isolated from, you know, multiple residents. I think we're looking at your guys's ordinance has a 350 foot minimum buffer from a residence. I think we're closer to 800 from an existing residence or neighboring residence. We've got no schools churches, really think from a recreational perspective in close proximity to the project site. Only frontage road is stagecoach road that runs on the north boundary of the project. The current use of the property's commercial timber and cultivated AG. The intent of RWE would be to maintain existing vegetative buffers in addition to planted vegetative buffers, essentially making it completely hidden from the public. And then at the under the so I guess, one step back so we've got three different parcels that we are occupying currently, the majority of it is leased with the exception of the JAMN LLP property, which is the purchase so 194 acres will be purchased. And then the substation area will be purchased. That substation area will then be deeded over to dominion. The vast majority of the project will be under lease under our leasehold obligations. We have a bond at right to restore the property at the end of the project life. I think we are open to naming the county as a secondary party on that decommissioning bonding requirement. Next slide please. This shows the wildlife corridors. So some of the unique designs are the incorporations into design. As mentioned where almost two dozen different array blocks which would allow for vegetative wildlife corridors. Next slide please we can skip these Nicci covered these. So I think the next three slides cover RWE. And then the merger that was closed in March, effectively the business is to own and operate. So we are an independent utility, or independent power producer, third largest in North America, second largest in solar, I think fourth largest and wind. And then back to the project timeline. So, as I mentioned, the single largest gating item for solar and any state in the US is interconnection, interconnection has to be economically viable to support a project. This project based on where it's at in the PJM, and dominion interconnection process, has the ability to come online in 2026, which I don't think any of the other previous applications with the exception of maybe the, the apex project can represent that accurately. So we've got, as shown here, essentially, the, you know, this is under the assumption that we would get a approval for the special use permit, in q4 of this year, and what that timeline would look like. And so we'd have the bulk of the remaining studies for the state permit viral process would commence in q4, and then we would run through the permit by rule process with the state DEQ through next year,

with breaking ground in 2025. And partial operation and 2026. That's a fairly conservative timeline, it takes into account the timing that would be required for dominion to build that substation, which is 24 months, assuming that they can actually stay on schedule. Next slide. And then just running through some key items, for conformance with your guys solar siting guidance. And so I think if you guys have had time to review the application, I think we've taken most of the conditions that have been, you know, previously stipulated to other projects into consideration. We've got, as I mentioned, the setback from existing dwellings. You guys have 350 feet in there. As I mentioned earlier, I think from the nearest residents to panel were approximately 800 feet and the exact distance is stated within the application. sent back from property lines, I think you guys have put 50 foot buffer from adjacent property lines, we are that the project is within compliance with that from a right of way a 75 foot buffer from any adjoining public right of way all its has been incorporated the existing design, the layout that was previously shown on the screen. And it's also in the application from perennial streams and wetlands, a 50 foot buffer. We understand there's been, you know, a lot of sensitivity within the state of Virginia on impacts to waterways. In particular, I think if you look at the project site, you know, comparatively some other to some other applications that have been submitted to the county. You know, we've got no significant waterways. And again, the topology, which is one of the main reasons why we select the site being that it's flat, we anticipate, you know, zero impact to water runoff. There was a question in previous meetings with, with staff and the commissioners, about any blue line streams, I think we've got one blue line stream that runs through the north west portion diagonally across the project. As far as buffer, I think we've included a 50 foot buffer, we would be open to additional feedback from the commission if that continues to be a sensitive buffer. Main thing we hear I've been doing this since 06 across the entire nation is view shed. View shed it's always a huge issue. I think, you know, I'd mentioned it already once we've got a single frontage road on this project. It's all planted pine right now for the most part against that frontage road. We'd anticipate and I think we've even put in there a tree stand map for you guys to see the age of that existing timber. We'd expect to retain a portion of that and then build in additional vegetative buffers per the solar side. Guidance. Next slide, please. traffic and road use. Within the application we've included a traffic study on this. One of the things I mentioned earlier is we've got no schools or churches within close proximity along stagecoach road. So we and again, it's, you know, going east on stagecoach it runs up against the county line. So from a school bus impact, you know, we have the expectation that there's zero impact during operations, the construction traffic that was addressed, if you guys have additional questions, we can follow up with the specific subject matter experts that put together. Economic and fiscal impact. I think there's a couple things when we look at this, we anticipate that as a requirement for the SUP that we would enter into a signing agreement with the county. The revenue share on this via the state statute is roughly \$1,400 A megawatt that's supposed to increase five or 10% every five years. So by the time this project goes into commercial operation, we would have past 2025, which means that that 1400 shown on the screen is actually 1540. I believe my math is correct. In addition to that, a change in the tax revenue from ag to industrial also will boost revenue for the county. Topology or topography, I think we've addressed that again, comparatively to the rest of the county, very flat area, view shed that one off as well. Next slide, please. Land use so preserve the rural character, nature, natural beauty and historic setting. As I mentioned, we're not in any historic view shed recreational area and

believe that there will be no impact to surrounding properties. We've personally met with all of the adjoining neighbors that live on stagecoach road to make them aware of the project and allow them to voice concerns on it. It would be our intent before a public hearing to have a town hall meeting invite the public to keep out of businesses that pollute or damage the environment. I think you guys have heard enough solar doesn't make any noise doesn't pollute. We as a company do not use first solar modules which are made with cadmium telluride, we use the standard photovoltaic modules, which is essentially compressed sand silicon. There's no toxic materials in it is essentially aluminum and glass and silicone. So again, I think we feel that it's an in accord with the comprehensive plan as far as keeping out businesses that would pollute or damage the environment. And then as far as community design, you know, this this project is set Drive millions of dollars in tax revenue for the county that can be used for schools, roads, fire departments, for first responders and recreational facilities next. Cultural resources so, we performed a cultural Phase One A on the project, there is no known or deemed of possible significance, cultural resources identified within the entire 1127.2 acres' economic development you know, this project during construction will create two to 300 jobs, there is an economic benefit analysis that has been supplied as part of the SUP application post construction, two to four full time jobs, the revenue share tax benefits, I think, have also been discussed. All of that is within the economic impact report which was built as part of the SUP application. environment the project you know, as I mentioned, we don't anticipate any adverse environmental impacts as far as impacts the soil or water. The product obviously you have to go through DEQ for stormwater management in the design and the layout that was incorporated earlier there are I believe they are red or slightly pinkish squares that follow around all of those blue array blocks. Those are all permanent stormwater plate basins that have been incorporated into our 10% civil design. You know, and again, we anticipate, you know, staying within full compliance with DEQ. So Fire Rescue law enforcement so, you know, we anticipate that there will be no additional stress put on public services, what we propose with the county as it requirements With the SEP is dedicated training that we would perform with all first responders, fire and police staff. The parks and open spaces, you know, we've talked about this and you know, shown within the SUP application, it will have no impacts to parks. It's not located within the view shed of any parks or open spaces. And frankly, we believe with the, the existing vegetation that's on site and the fact that we've only got a single frontage road that it's, you know, will be a great neighbor and visible to the public. Potable water, I think the main item here is the leaching of any chemicals. And in the fact that we don't expect any water pollution on the project. So the telecommunications, we're going to install fiber to monitor the project that says requirements with dominion. So we anticipate no additional strain to the county for that. In addition, as an owner operator and a utility as our primary business, we've got a 24/7 operations facility that operates out of Texas or is always maintained locally, you know, we do have four projects that are either in construction or operation in the state of Virginia. And we do anticipate two to four full time employees dedicated to this project going forward. So transportation, I would defer to the traffic study that was submitted for, for the SUP application. But in addition to that, you know, I think I've talked about it, we're on the county line. As far as traffic that comes post construction, there's no anticipated impact to the community and your constituents. I think lastly, as far as an additional item that we would request, or be willing to agree to, as part of the SUP application is a road use agreement with bond protection to the county to repair any damages that

may have been caused during construction. Solid Waste, you know, the product that we're using the poly silicon modules, 90% of those semiconductor materials, and the glass and aluminum is all recyclable. So it's anticipated at the end of the useful life of the project, which is 40 years that those materials can be recycled. The last items we have for you are some visual simulations that we put together. And so these are also within the within the SUP application. I think the importance of some of these images are with the exception of the driveway into where the proposed access points are on the project. Those are also shown on the SUP application and layout, it's anticipated there's zero impact from a viewership perspective, with the exception of that one driveway, off stagecoach road. Again, it's we do anticipate, you know, a vegetative buffer requirement for that. And so over time as that that grows and matures, we believe that it will be fully blocked from public view. So essentially, these are these images are going east along stagecoach Road, looking south towards the project site. This is that one driveway that I mentioned, that will be visible, and will not have both the existing pipeline and the planted buffer. But as you can see, I think on the next slide, we show it at 10 years what it looks like as it grows out. Again, you know, we believe we can be a great neighbor, be invisible to the public. Seen one of your guys's first projects and our goal is to not be that project. And then moving further down the road. It gets you know, because of the existing buffer and the proposed planet buffers along. Stagecoach it gets denser and denser with less visibility. One more that concludes our presentation today

Bickford: Thank you Mr. McNeely, question from the Commission?

Kapuscinski: I drove both roads Mohele and 636 Both where's your access? Is it up 636?

McNeely: I believe within the SUP application on the layout if you go back to the the layout so there will be two proposed access roads. One from the south and then one on the along stagecoach road to the northwest portion of the project site,

Kapuscinski: You're gonna have on both ends.

McNeely: There's one from the south one from the north. Correct.

Kapuscinski: When I was up Mohele road I, I just happened to notice. It's a nice flat area. It was interesting. A lot of sweet gum trees. So there's wetland, I noticed in your application, you delineated at least 100 acres, is there any more wetland? And if so, what do you intend to do? I mean, I don't know exactly how runoff affects the, the wetland area. And this I mean, it looks like there's a lot of wetland over there.

McNeely: So as you can see, within this, so the entire property has been delineated it is that has been submitted to the US Army Corps of Engineer, for an AJD. You know, our practice. And the best practice that we adhere to is avoidance for all wetland, to the extent as possible, so the only, only times that we impact wetlands would be for culvert crossings. So for road crossings, essentially, which would be a permitted use with the Army Corps of Engineers, we'd have to go through that process and follow that permit with them with ours.

Kapuscinski: So with regard to where the wetland is located in this area,

McNeely: we have we have incorporated 50 foot buffers off every wetland for all year, what

Kapuscinski: about your holding ponds? I mean, how are they affected?

McNeely: They're all incorporated into the design for the topology and around the buffers, we can have a the group that put that together, which is Timmons group. They did the civil design on that I'm not a civil engineer, but we can have grass, how that was incorporated into the existing design

Kapuscinski: That seems to be one of the big questions that everybody asks about these panels in the runoff. I'm kind of interested in finding out exactly how the holding ponds are going to hold up. Given the fact that you're you do have some wetland here that to be concerned about. So maybe that would be something interesting at your public hearing if we get that far. Second question I'd ask you is who is the owner who will ultimately own this?

McNeely: RWE.

Kapuscinski: RWE so this is not going to be assigned to...

McNeely: So our business. So if you if you look back at the narrative that was in the SUP application that Nicci read, so our business is to own and operate renewables. Okay, if you look at the business historically, its utility, we've owned everything. As far as all fuel types, everything from nuclear to coal to natural gas.

Kapuscinski: The liabilities reside with RWE.

McNeely: Correct.

Kapuscinski: And then can you explain this particular map to me, I don't understand what these shades are.

McNeely: I don't have a map set in front of me. Do you mind?

Kapuscinski: I just don't know what it was.

Inaudible

Kapuscinski: So it's elevations that we're looking at?

Inaudible

Kapuscinski: And have the neighbors been canvass? The people that you say you're going to be bordering?

Inaudible

Kapuscinski: Did you say that you're going to be 800 foot even though your buffer requirements only 340 foot from the nearest residence, you're going to be 800 feet from the nearest residence?

Mcneely: Correct. So it's hard to see on this image, this this map set is is also in the SUP application. So every circle you see there is a resident dwelling. Essentially one of the main things that attracted us to the site other than, you know, access to transmission, we've got a transmission line that runs directly through the property. That typology when you look at the rest of Buckingham County is significantly flatter. The third thing that attracted us to it is the lack of residences in close proximity to it. I believe there is a map set that shows the exact distance, I believe it's like 790 feet from the closest residents, that that should be in the map set within.

Kapuscinski: That's respectful. I'm wondering whether or not you'd be willing to put that in as a condition. I don't know if it's a requirement or not.

McNeely: I think let me verify the exact distance. But it would be something that we would be open to consider.

Kapuscinski: Nicci, in your estimation in this area. Is there anything scheduled for neighborhood development or any other future development around this place?

Edmondston: I currently don't have any cases or nor have I had any pre application meetings at this point for anything in that area. But each day is a new day.

Kapuscinski: Thank you.

Bickford: Mr. McNeely where is the substation on this project?

McNeely: Yeah, so this so as I mentioned the transmission line, the Dominion line runs north to south that makes a slight turn on this project mapset. It's hard to see here, this line, there's a shaded area on the north side that is basically hashed out pink. That is the proposed project substation area for all projects, all generating projects. For renewables, there's essentially two substations so there is a smaller what they call collection or PV plant substation. Generally those are co located near your switching station, which is the one that will be owned by dominion. So they will be co located our substation roughly a 200 By 200-foot pad, the Dominion substation being at the 115 KV voltage be roughly a 400 by 400-foot path, I would say the one the one item that may change on this is an additional access road that Dominion may require. You know, from previous projects that we've done in Virginia, Dominion historically asked for their own independent access into the substation that is not to be shared with any other Counterparty.

Bickford: And there is no battery storage, correct?

Mcneely: No. We do have just for full transparency; we do have an interconnection application that has been submitted for battery storage. But that is not part of application or our intent for what we're seeking.

Bickford: Just want to clarify that. So any other questions? Appreciate your presentation. Mr. McNeely. I see in the narrative you have your community meeting scheduled for July, I think the 12 was somewhere in that area.

Inaudible

Bickford: Well, even though it's not exact policy, I just would have been the way we'd operated is to have that community meeting, have that first and then come back to the commission. And I would think the commissioners feel like that they need some additional time as a lot of information here to digest it. Rather than moving this to public hearing, or deciding on that is to they're going to have the meeting in July, is to come back in August, and then discuss it more, we can understand what the community meeting how that went. And you'll have time to read all over all the information and maybe have additional questions. That what you prefer to do?

Allen: What about the Cumberland part? You have to have another meeting with Cumberland to get approval?

McNeely: Correct. So as I mentioned, so there's roughly 35 acres that fall into Cumberland County. We've met with staff, and we are in the process of preparing the application, which will be you, vastly similar to the one that we've submitted for you guys. It's our intent to have that ready for submission in the next year. Maybe sooner. But we are seeking that in parallel, correct?

Allen: Yeah, I don't want to say I'm approving what's on this map. It's showing going in Cumberland.

McNeely: I think the county attorneys have had been in communication as well, honestly. So we did meet with staff, as mentioned with both Cumberland County and Buckingham County staff. And I am aware that the attorneys have spoken at least on more than one occasion.

Shumaker: Cumberland approval impact this projects willingness to move forward?

McNeely: No, not necessarily. So under. Ultimately, under the interconnection requirements with PJM and dominion, we can build at a smaller system size then what we've requested. I think, from an economic standpoint, you know, the project with the loss of only 31 Acres is still financially viable. So we would still move forward. Regardless,

Bickford: If that were to happen, it wouldn't affect your land in Buckingham there would just be a reduction in generation of the power correct?

McNeely: Yeah. And are in that portion of land is with the majority land owner on a project that's leased, and we have the ability to release portions of that lease.

Bickford: Questions? Thank you Mr. McNeely you can sit down, we have to discuss. How does the commission want to do this, do they want to wait as I suggested to August? Well, they're not having the meeting until July community meeting. What we've done before is we gave time for everybody to read all information and maybe gather questions. But now I'm throwing it out there for whatever the commission would majority would like to do

Shumaker: We postponed our or canceled our July work session, would that give us the opportunity to discuss internally, maybe at the August work session? Solar in general and the status of our ordinance.

Bickford: We could I guess it would hinge on how much time we would need for the comprehensive plan as whether we would have, you know, whatever time we could certainly do it.

Shumaker: Most of my questions are centered internally, not necessarily for RWE, but about where we are with our solar ordinance. And if that's official, and if we're using that as a guide at this point.

Crews: That's what I was wondering to.

Bickford: If that's the case, and do you want...?

Shumaker: I think August would make the most sense.

Bickford: Is that the consensus of the commission come back in August?

Gooden: That makes the have to set up their community meeting results, and this is already the end of June.

Bickford: Well, they're going to try on July, but I don't know if they'll have it in time for us to get any feedback before then. What's the feelings? That's the consensus? All right, Mr. McNeely, you understand, we're going to basically not make a decision, we're going to let you have the community meeting in July, if you possibly can pull that off. We will come back in our August meeting, and then we will ask more questions, and then move forward from that point, either deny or move you on to public hearing. So we are pushing you back one month, but it gives us time to digest all this information you've given us and get response from the community. Okay, I appreciate that sir.

Edmondston: Question. Are we scheduling a public hearing for the August meeting?

Bickford: No, we're coming back, ask more questions. And then that meeting will either deny or move forward to a public hearing.

Edmondston: So we will not include this application on the agenda at all for the month of July?

Bickford: No, because they're in the process of trying to get the community meeting committed to.

Edmondston: Okay, thank you, sir.

Bickford: All right. That will bring us to our last case which is the Us cellular Axtell tower.

Edmondston: Yes, sir. The next case for introduction is 23 SUP 330. The landowners is M3 properties incorporated their offices located at 3294 Doctors crossing in Charlottesville, Virginia and the applicant again is US Cellular. The agent is Emily Lauer. She is unavailable to join us but we do have Mr. Parrish in the back to answer questions and concerns. This tax map is 14 parcel 59 And does contain approximately 44 point 98 acres and it's located at 2462 Axtell road Scottsville, Virginia 24590. And the Slate River District zoning district is a one and their request is to obtain a special use permit for the purpose of constructing a 199-foot monopole communications tower. The applicant is asking the Planning Commission to schedule a public hearing for this request. And once again, this case represents something that the zoning ordinance does not permit a communications tower as a permitted use. However, within the a one agricultural district radio stations, television stations and cable TV facilities communication station and our tower related facilities in accordance with Article Nine of this ordinance may be permitted by the Buckingham County Board of Supervisors for special use permit. Following recommendation by the Planning Commission in accordance with this ordinance in the Code of Virginia. The Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if the special use permit is approved. Cityscape as the wireless telecommunications expert for the county of Buckingham concludes that there's a preponderance of evidence that construction of a new personal wireless communications facility in the vicinity of the proposed site is technically justified and is essential for the applicant to achieve its objective of seamless service in the county. Furthermore, given the rolling nature of the terrain in the county, which presents challenges to personal wireless transmission and reception, City scape believes that location and high proposed are technically appropriate. The choice of the monopoles color is at the discretion of the county. Therefore, cityscape recommends approval of a new wireless facility with US Cellular as an anchor tenant at the proposed location and tower height of 199 feet, applicant us cellular and Agent Emily Lauer explains this project within submitted narrative and all submitted application documents. There are 15 conditions attached to the special use permit request. Those do reflect the recommendations by cityscape the consultant for the county. Would it be the pleasure of the planning commission to schedule a public hearing July 24 2023 6pm? And of course Mr. Parrish is in the audience.

Bickford: One quick question before I ask him to come down. Where do we stand with the tower that was approved close to Howardsville? Off 602.

Edmondston: That's under construction.

Bickford: It is under construction.

Edmondston: This would probably be located under three miles under two miles from this and this would be part of a larger build out for that reception and to connect the dots within the plan.

Bickford: I was hoping that what I could tell it looked like it would be the be able to overlap to keep the service. Alright, Mr. Parrish? Yes, sir, if you'd like come forward. Just give us a quick overlay.

Parrish: Just another 199 monopole tower on Axtell road for service. It's in a pine thicket. There's pine trees with a road cutting and the man uses it for storage blocks of brick for his business. that's where we're putting a tower. I got some drawings in a notebook here to pass around. They were just trying to improve coverage to the capacity site.

Kapuscinski: Is there another? I'm sorry, Mr. Chairman? Is there another pink map like the one you showed before? Where we can determine?

Inaudible

Kapuscinski: Yeah, I think I think those things are necessary when we talk to these, you know about these cell towers? Because I tell you again, I was out at that area. All right. And I can tell you, there isn't anything out that area. So quite frankly, I mean, underneath I think not not a bad idea. But I don't know where the other cell towers aren't. I don't know what the coverage is. And I don't know exactly where they stand in respect to the roads. So if we could get some kind of a map.

Inaudible

Kapuscinski: All right, thank you.

Allen: Yeah, this one got a better map then the other. It's page 438 and it shows before and after map.

Edmondston: It's an affidavit from us cellular.

Inaudible

Gooden: It's better.

Parrish: Might have a different RF engineer.

Gooden: It's better but I'm very familiar with that area.

Allen: The only negative I've got here is it's got the same signature from the vdot people And that that run a long time ago.

Inaudible

Gooden: You've got the same, you've got the identical document. Both presentations, the one about the endangered species of the monarch butterflies. It is the same, it is dated the same. It references the same that the same animals. The same address yes, because it speaks to the document that you have in this Axtell cell tower says Francisco road. So it is it is the same document in that. So I want to see what is specific to the Axtell road.

Inaudible

Gooden: Well, they just stuck in a letter that they had just happened to be. I'm wanting something specific to Axtell. Yes. And I do know this area, and this is a better coverage area.

Inaudible

Gooden: It's across from Goshen church. Yeah. Okay. Yeah. And I know where it is. I know the little side road down there. And there's some folks that live down there. And Salem church down the road is the church that I attend. So I know that road very well.

Inaudible

Gooden: This is a better map, because I happen to know the area really well. But what we need is something that actually shows the streets. Somebody else may not know the roads. Plus the coverage.

Edmondston: Mr. Parrish? Would you stay close to the microphone, we're not able to pick up anything you're saying. And we probably need that.

Parrish: I was just telling her our good or better map showing the roads and stuff.

Edmondston: Okay, thank you so much.

Parrish: Anything else?

Allen: The application was still the same as the other one. Yeah, it says Francisco.

Gooden: One application taking care of both.

Parrish: They didn't change the name or anything on it?

Allen: No exact same thing on both.

*Multiple People Talking.

Allen: Application for special use permit. And if you notice, right down he has done by Francisco. It's to me they just took the same permit and slid it down to this. The same signature from a person from Lynchburg, Virginia. Need to redo the application. Nicci, you don't know if that's a different one somewhere else do you?

Edmondston: After much communication with the applicant, and for many requests, this is what she has sent. There was information requested and sent to cityscape. This application is for the Axtel road address. I'm sure she had some confusion in submitting the documents and I'm not sure if it was a case of copy and paste and many requests for many different documents. But here we are, I will ensure with Mr. Parrish that he update the documents that are needed and may be a victim of cut and paste from the Holland road application.

Gooden: Mr. Chairman, I'm not referring he's referring to another document that was cut and paste that's referring to the United States Department of Interior Fish and Wildlife Service.

Inaudible

Gooden: It's the doesn't say that it just says it's but the date is the same. The wildlife right from the United States Department of the Interior. This is this it's the same document same day. Absolutely the same document same date.

Inaudible

Gooden: Well, we need one for Axtel road.

Allen: And then same thing I was looking at.

Gooden: We might should put a hold on that.

Bickford: It's all whatever the majority, if you want to hold a hold until then or can you have all this information to us by next month?

Parrish: Yes, sir.

Bickford: Propagation maps and all. That's up to you now we can either postpone it or if he doesn't have the information about next month's meeting, then we just table it or till he gets it to

us. Or we can go ahead and just say we're not we're going to table it. That's your choice, whichever you prefer today.

Parrish: I can get this emailed to her tomorrow as quick as I can get.

Gooden: I would just prefer to see the applications filled out correctly. So we don't have we have the wrong names.

Bickford: Right. I Understand. So do you want to postpone or go ahead knowing he will have it at the next meeting? If we move into a bubble hearing and if he doesn't, and we table at that point? Or would you prefer to have it first before you move to public hearing.

Gooden: I would prefer to have the information. I don't know what the consensus of the rest of the board, but I would just prefer to have the information right before. And especially since we asked or asked for specifics for the last time. For the propagation maps. And we're still at that same point.

Allen: We got a better one for this.

Gooden: We're still at that same point.

Bickford: All right. If that's the consensus, we'll table a man you get the information to sir and we'll meet in July. And we'll review the information, ask the questions at that point. And then if we do, it's been recommended by or consultants cityscape to move it on forward. But we're going to table to get the information and then we'll have that in July.

Parrish: And then in July, would that be the introduction?

Bickford: It'll be a continuation of the introduction at that meeting. If you've got all your information together, and everything to the satisfaction of the commissioners here that they asked for. Then we'll discuss it. And then there'll be a vote to move toward public hearing, which will occur in August. If we've moved forward.

Parrish: Sounds good. Okay, thank you,

Bickford: Before we sit down is any other information that you want to ask at this point? All right. Thank you. So appreciate

Parrish: I've gotten notes for her better roads and the propagation. Federal letter about endangered species.

Bickford: And also, we got to get Danny the highway department application? Right. Yes, sir. Okay. Thank you so much. Brings us Nicci to your report.

Edmondston: At this time, Mr. Chairman, I don't have anything to add as zoning administrator. I do have one question. Going back to the Axtell case, we will have them as an introduction continuation in July.

Bickford: July and a decision at that point will be made. If he has, they have got all their information together if application is brought up to date, well evaluate at that time either moving forward or whatever we need to do, but there'll be a decision and move it if public hearing will be in August.

Edmondston: Okay, and then backing up just a bit just to make sure that I have all of the cases straight. So the Blue Rock solar will come back for a continuation to their introduction in August and all right, and then the Stoltzfus case, the applicant

Bickford: Table until he brings you information that violation has been corrected. resolved, whatever.

Edmondston: Thank you, Mr. Chairman.

Bickford: All right. Commission matters and concerns anything you want to voice?

Kapuscinski: Chairman? Two questions actually number one, with regard To the Stoltzfus case, you'd indicated Miss Edmondson that, that in a one district meat processing is allowable?

Edmondston: By way of special use. It's part of a list of special uses.

Kapuscinski: I don't see it here. Was it a text amendment?

Edmondston: It was in 2008. It was a text amendment. So it's not on the sheet.

Kapuscinski: Okay. The second question for you, Mr. Chairman, are we, you know, we had the work session on a goldmine. And I thought we were going to, I thought, we're going to discuss what we intended to do at this meeting. Did we put that off? Is there going to be another work session? What's going on?

Bickford: I thought we had left it is we requested the letter for the board of supervisors sent on to the state corporation, we would continue to work on a comprehensive plan give them a little bit of time, them being the state to see if they come back with any kind of clarification while we're working on a comprehensive plan. And then if we don't get something, here, it is almost July, you probably reasonable not going to get anything until December, January at earliest, before sometime next year, if we have not received anything, which is a very good possibility, no clarification, then we need to probably look at it. We resolved everything but the issue with the m two by right.

Kapuscinski: I agree. I, you know, I just decide coming. I think if you're going to wait for the state to decide to split mineral and metal mining, or sorry, non metal, mineral mining and mineral mining. I, you know, my experience dealing with people in a state I think we're probably dreaming.

Bickford: I'm not naive, I don't disagree. But I would like to if they were to take a step and put some clarification for us, then we could, we could work off of that.

Kapuscinski: We going to set a time limit on that?

Bickford: I would say we just figure maybe January, February, and we haven't received. We got to go back and look at him to by rights. We're still whatever, if we change that into district, either by removing mining, or whatever, that's a major change that has to be put into the comprehensive plan, and then we write the ordinance to make sure it fits a comprehensive plan.

Kapuscinski: I agree. The big question in my mind is, you know that we were asked to come up with a recommendation about metal mining fact, we were asked to do. And obviously that's not going to happen. I mean, you can't do that. It's against the law. So we understand all that stuff. But we do have an opportunity to do something. And I think in the public side, we're probably not doing very much. And that concerns me, I do think that there ought to be a recommendation that goes back to the board from us, even though it's not in our purview that they get started on something that may have to do with the Civil Rights part of this thing, which is basically the Pruvit se first, it's not in our purview. But you know, it keeps coming up. It these meetings that we have a responsibility to do something to prove it first it's not in our purview. I've said it a number of times even wrote a letter to the paper on that. But I think somehow from our commission to the Board of Supervisors, there ought to be some recommendation to help them get started on the ordinances that are that are their responsibility.

Bickford: Understand what you're saying, We'd have to structure that and might be very beneficial to have Mr. Wright's input on that? Well,

Kapuscinski: I'm happy to hear what he's got to say. But I, you know, it keeps coming back to the planning commission, and it's not anything we can do anything about.

Bickford: Well, I don't disagree with that. And that's, you know, I've said that several times. And that's, you know, we keep we are authorities limited state authority powers been granted to us and in special use permit is a framework, we work within. Again, I'll discuss that with Mr. Wright, and see what he has, if he has something

Kapuscinski: Id appreciate hearing, because we're laying us we're not civil rights. So if those questions continue to come to us, you know, it just it sort of presses into a into a scenario where we're considering things that are not in our purview. I would like that to go to the individuals who are responsible for it.

Bickford: I understand where your coming from. I will discuss that with Mr. Wright and see what his input is on it. And we'll, I'll report back to the commission.

Kapuscinski: I appreciate that.

Bickford: No problem. Any other commissioners have anything? Yes, Danny.

Allen: It used to be a slaughterhouse right there in Dillwyn across from seay milling, y'all ever remember that? I remember the younger folks don't. Concrete building and people back up and drop a cow off and come back and get it in a bag.

Gooden: Behind the school too.

Bickford: Fanny white.

Allen: I can't think his name he went to school with my brother

Kapuscinski: People that process deer fall into the same category?

Edmondston: They are wild animals versus domestic animals. There is a difference according to the Virginia Department of Agriculture. Wild animals such as deer rabbit, squirrel, they're not regulated as animal protein such as beef and poultry protein, I guess.

Kapuscinski: So if somebody's doing deer processing, they don't fall into the same zoning rules as?

Edmondston: No, they should still be regulated by the county. So they're operating in a place that does not permit it by right. They still need to seek the approval for the meat shop from the county there. There are a couple of locations I'm a no we on Troublesome Creek Road. Mr. Blackburn owned a meat shop for years that has actually been in existence and operation since 1972. It does operate by Virginia Department of Agriculture and the health department that was confirmed to me when the new tenant moved in to continue the same type of business. And I believe that the slaughterhouse and deal one was in the town limits. I do remember that quite well. I crossed some hogs long ago, long, long ago. But the meat processing, whether it's wild animals or cows, sheep, goats, or poultry, they still need a special use permit. Ultimately approved or decision by the board of supervisors to operate in compliance with the zoning ordinance. Thank you.

Bickford: Before we go, I'd like to get caught up here about the girl's softball.

Allen: We got to go into another game.

Bickford: Congratulations

Allen: Young and doing a good job.

Bickford: Very good.

Allen: Since we're getting different pay next month, July, do we still need to fill out this paper or not?

Bickford: You still need a mileage or was that incorporated?

Edmondston: I have not been told that it's not incorporated. But we can give you an official go ahead and fill your forms out of course this evening since it's prior to June 30. And then I'll send out a text message or an email to confirm knowledge July 1, one So fair enough.

Bickford: All right. If we have nothing else, we are adjourned. Thank you

Supervisor Allen moved, Commissioner Shumaker 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