

# MINUTES OF THE LUNENBURG COUNTY PLANNING COMMISSION

**March 3, 2022 AT 7:00 PM**

The Lunenburg County Planning Commission held its meeting on March 3, 2022 at 7:00 p.m. in the 2<sup>nd</sup> floor courtroom, Lunenburg Courts Bldg., Lunenburg, VA. Commissioners Jennings, Pennington, Shell, Tharpe, Thompson, and Trent were present. Also, in attendance were Assistant County Attorney, Drew DiStanislaio and Clerk of the Planning Commission, Taylor N. Newton. Commissioner Drummond was absent due to work.

The meeting was called to order. Ms. Newton conducted a roll call of Commissioners, which all were present except Commissioner Drummond.

Chairman Tharpe called for any additions or modifications to the agenda. None were brought forward.

Chairman Tharpe called for declarations of conflict of interest to be disclosed. None were brought forth by any member.

Chairman Tharpe called for action on the minutes of the February 3<sup>rd</sup>, 2022 meeting. There being no additions or corrections to the minutes, motion was made by Commissioner Thompson and seconded by Commissioner Shell that they be approved, as presented. Roll call vote conducted, which was unanimous.

The Director of Planning and Economic Development monthly report was provided. It was advised that it was in their packet. No questions arose from the Commission.

No citizens came forward during citizen time.

Chairman Tharpe read, "A 15.2-2232 Hearing for CUP-4-21 Conditional Use Permit for Dogwood Solar, to construct and operate a 4 MW, medium-scale solar array located on tax parcels 035-03-0-2C2 (15.24 AC) and 035-03-0-2C (17.24 AC), West on Main Street (Rte 40) from Kenbridge, VA, then North on Dogwood Lane; the access to the property is approximately 522 feet on the left (the nearest addresses to the project parcels include 20 Epps Lane, Kenbridge, VA 23944 and 116 Dogwood Lane, Kenbridge, VA 23944). The parcels consist of 32.48 acres in an A-1 (Agricultural) zone. The 15.2-2232 process is required by the Code of Virginia prior to any request for a zoning amendment regarding specified projects to be considered. The process determines if the request is in compliance with the Lunenburg-Kenbridge-Victoria Comprehensive Plan."

Following the calling of the case, Commissioner Pennington made a motion to open the public hearing, which was seconded by Commissioner Shell. A roll call vote was conducted, which was unanimously approved by all Commissioners in attendance.

Chairman Tharpe advised the applicant to proceed with their presentation. Justin Vanderbroeck, ESA Solar, began the presentation with the background of ESA Solar and how they are partnering with Apex to develop this project. He provided an introduction to the team, as well as, discussed how the project is classified as community solar. Chairman Tharpe noted that the hearing was specifically to determine if the project was in '*substantial accord*' with the Comprehensive Plan and not on the application itself.

Mr. Vanderbroeck proceeded to discuss the VA Shared Solar Program with specifics noting the benefits and project facts. Provided a presentation with the handout that was provided at the Community meeting. He noted how the project is in compliance with the Comprehensive Plan. He noted that it is a quality

industry, it diversifies the economy with construction workers and employment opportunities. He noted there would be someone there 1 to 2 times a week for maintenance support. Additionally, he noted that there is not a lot of light or noise at night. Mr. Vanderbroeck noted that they will be using natural resources, the site has been timbered and they will protect the existing forestry.

Additionally, Mr. Vanderbroeck noted that the Town of Kenbridge does not have concerns pertaining to infrastructure expansion. They will be connecting to the Kenbridge substation and a study is currently being conducted to determine the upgrades that will need to be completed at the applicant's expense. He noted that they have an interconnection agreement with Dominion within the next 1 to 2 quarters, as well as, being 1<sup>st</sup> in line for the substation.

Mr. Vanderbroeck noted that they have provided site plans and landscaping plans.

Commissioner Thompson questioned if the panels would rotate. Mr. Vanderbroeck noted that they are a fixed-tilt design due to the land terrain and they would be approximately 9 ft in height and south facing. Commissioner Pennington questioned if it would be solar in the community. Mr. Vanderbroeck noted that it would be if the customer enrolled with Dominion. Chairman Tharpe asked if there were any more questions. Mr. Vanderbroeck noted that they will comply with DEQ, Soil and Water, and are looking at an 8-month process. They will follow the contour of the current topography for basins and project design.

Mr. Michael Zehner with the Berkley Group provided the staff report for Dogwood Lane Solar, specifically noting:

- I. Project Description
- II. Comprehensive Plan Citations
  - a. Policy Area:
    - i. Solar Facilities
    - ii. Loss of Agricultural Land and Open Space
    - iii. Protection of Water Resources
    - iv. Corridor Development
  - b. Economy and Employment
  - c. Land Use
  - d. Natural Resources
- III. Reviewed the Applicant's position on compliance with the Comprehensive Plan
- IV. Staff Analysis and Comments
- V. Staff Conclusions and Recommendations
- VI. Options of the Planning Commission

Chairman Tharpe called for any members of the public wishing to speak on this matter. Mr. Richard W. Harris of 2599 Blackstone Road, Kenbridge, VA 23944 noted that he hopes that everyone looks favorably, it is a good developer and then thanked the Commission for their time.

Chairman Tharpe called for a motion to close the public hearing. Commissioner Pennington made the motion and Commissioner Thompson seconded. A roll call vote was conducted, which was unanimously approved by those present.

Chairman Tharpe noted that due to its close proximity to the airport, a glint and glare study was conducted. There is no concern. Commissioner Trent had questions about the Community meeting and the information in the packet. He was advised that Chairman Tharpe and Clerk Newton were in attendance. Chairman Tharpe called for a motion as to whether the application was in '*substantial accord*'

with the Comprehensive Plan. Commissioner Thompson made the motion that it is in *'substantial accord'* with the Comprehensive plan. The motion was seconded by Commissioner Shell. A roll call vote was conducted with an explanation for the vote:

- James "Buck" Tharpe— "Yah—I move that Dogwood Lane Solar, LLC's proposed 4-megawatt photovoltaic solar energy facility, as described in the conditional use permit application CUP-4-21, is substantially in accord with the Lunenburg County Comprehensive Plan, or parts thereof, for the following reasons:
  1. The area of the proposed project has adequate and necessary utility access and the project constitutes a more environmentally friendly industrial use; while not inherently compatible with adjacent uses, which are almost entirely residential and agricultural, significant setbacks and buffers/screening will work to mitigate for this incompatibility and additional conditions can be considered as part of the review of the Conditional Use Permit.
  2. The proposed development does not negatively impact natural resources of the County, especially area of critical environmental importance. Further, the project works to promote the preservation of existing trees by retaining existing vegetated areas along the periphery of the site. "
- Edward Pennington— "Yah—it is in accord with comprehensive plan and it is fitting for the area."
- Brenda Jennings— "Yah—it is fitting to the guidelines."
- Cecil Shell— "Yah—approve it because it fits all the guidelines."
- Tony Trent— "Yah—this is the type of facility we would like to have in the County due to the size, locations, and fits the conditions."
- Walter Thompson— "Yah—it has been the best topography we have seen in any application. It, also is good with the comprehensive plan."

Chairman Tharpe called for Old Business. Assistant County Attorney, Drew DiStanislaio, provided an update on the status of the Event Venue Definition and Ordinance.

The announcement of the next Planning Commission meeting on April 7<sup>th</sup>, 2022 at 7:00 p.m. was made. On a motion by Commission Pennington and seconded by Commissioner Thompson, the meeting was adjourned at 7:37 p.m.

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James Tharpe, Chairman

Lunenburg County Planning Commission

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Taylor N. Newton, Clerk

Lunenburg County Planning Commission