

MINUTES OF THE LUNENBURG COUNTY PLANNING COMMISSION
April 6th, 2023, AT 6:00 PM

The Lunenburg County Planning Commission held its meeting on April 6th, 2023, at 6:00 p.m. in the 2nd floor courtroom, Lunenburg Courts Bldg., Lunenburg, VA. Commissioners Garrett, Jennings, Pennington, Shell, Tharpe, Thompson, and Trent were present. Also, in attendance was Clerk of the Planning Commission, Taylor N. Newton, and Assistant County Attorney, Drew DiStanislao. Commissioner Drummond was absent due to having to work.

The meeting was called to order at 6:02 p.m. by Chairman Tharpe. Clerk Newton conducted a roll call of the members. All the members except Commissioner Drummond were present.

Chairman Tharpe asked if there were any additions or modifications to the agenda. Assistant County Attorney DiStanislao advised that under Item 7(d), he would be making an announcement. There were no further additions or modifications.

Chairman Tharpe called for the Declaration of Conflict-Of-Interests. None were brought forth.

Chairman Tharpe called for a motion to adopt the by-laws with the modifications pertaining to the spelling errors and grammatic errors. Commissioner Thompson made the motion to adopt the by-laws with the modifications, which was seconded by Commissioner Trent. The motion was unanimously approved.

Chairman Tharpe called for a motion for approval of the January 2023 Planning Commission Minutes with the amendment of “the” being changed to “to” on page 3, paragraph 2, line 4. Commissioner Thompson made the motion to approve the minutes with the amendment, which was seconded by Commissioner Trent. The minutes were approved unanimously.

Chairman Tharpe advised the Director of Planning and Economic Development’s monthly reports for January, February, and March are in the packet. Clerk Newton highlighted the information about broadband.

Assistant County Attorney DiStanislao made an announcement that all developers and/or their legal counsel or representatives are not permitted to contact Planning Commissioners directly. They are required to approach Clerk Newton or himself. They are not permitted to have any direct contact with Planning Commissioners or Board of Supervisor representatives.

Chairman Tharpe called for Citizen Time. No citizens came forward to speak.

Prior to calling the cases for public hearing, Chairman Tharpe explained the purpose of the 15.2-2232 hearing is to determine how the application pertains to the Lunenburg Kenbridge Victoria Joint Comprehensive Plan and will not be discussing or reviewing any other matters of the application. Chairman Tharpe then made a motion to suspend the by-laws to reduce the amount of time per speaker for the meeting due to the number of speakers signed up except for the presenters. The motion was seconded by Commissioner Trent. A roll call vote was conducted, which resulted in “Yah’s” from Commissioner Garrett, Jennings, Pennington, Shell, Tharpe, and Trent. A “Nay” vote was received by Commissioner Thompson, so the by-laws would stay in

place for the meeting, with each speaker except the applicant to have a maximum of five (5) minutes to speak in support or opposition of the application.

Clerk Newton read the Public Speaking Guidelines.

Chairman Tharpe called the public hearing for **CUP 8-22 Conditional Use Permit for Wheelhouse Solar**, to construct and operate a 60 MW, utility-scale solar array located on 9 individual parcels of property in an A-1 (Agriculture) Zone with Tax Parcel numbers as follows: 032-0A-0-6, 032-0A-0-5, 032-0A-0-13, 032-0A-0-9, 032-0A-0-12, 032-0A-0-4, 032-0A-0-6D, 020-0A-0-29, and 032-0A-0-7. The property consists of 676 acres, which is located to the West/Northwest of the Town of Victoria. Commissioner Pennington made a motion to enter into public hearing, which was seconded by Commissioner Thompson and approved unanimously.

Garrett Weeks, Palladium Energy, presented the application and explained that he is a representative for Wheelhouse Solar working as one of the developers through Palladium Energy. Mr. Weeks provided the following pertaining to Wheelhouse Solar:

- I. 2232 Purpose
- II. Project Overview
- III. Project Location
- IV. Project Extent
- V. How the project is in “*substantial accord*” with the Comp Plan
 - a. Zoning Map and Future Land Use Map
 - b. Current Land Use Map
 - c. Special Policy Area: Solar Facilities
 - d. Special Policy Area: Loss of Agricultural Land and Open Space
 - e. Special Policy Area: Protection of Water Sources
 - f. County Goal: Promote the expansion of a diversified economy.
 - g. County Goal: Promote a balance of land uses that meet economic and demographic needs of Lunenburg County, the Town of Kenbridge, and the Town of Victoria.
 - h. County Goal: Protect and preserve the natural resources of the community.
 - i. County Goals:
 - i. Economic Development
 - ii. Job Creation
 - iii. Improved Infrastructure
 - iv. Cleaner Environment
 - v. Low Impacts

Chairman Tharpe asked if there were any questions of the Commission. None were brought forth. Chairman Tharpe noted that is not a cleaner environment due to the tree removal as well as that it does not agree with adjacent property values (having little to no impact on adjacent property values). Commissioner Trent noted that three (3) or four (4) projects have come before the Planning Commission, and he commends the applicant on how they organized the application to reference how it agrees or refutes the Comp Plan. He greatly appreciated that organization. There was no further discussion from the Planning Commission, so Chairman Tharpe called for Citizens that signed up to speak:

- I. Lane Gunn—16476 Kings Highway, Wylliesburg, VA 23976--Support

- II. Blake Cox—6454 Waymore Lane, Apt. 202, Chester, VA 23831—Support
- III. Dana Bacon—2978 Bacon Fork Road, Kenbridge, VA 23944—Support

Letters/Comments received for CUP 8-22: Wheelhouse Solar

- I. Kristin Windon—Support
- II. Thomas Morrison—Support
- III. Edith Shelton—Support
- IV. MeriPage Spencer—Support

Chairman Tharpe made a motion to exit public hearing, which was seconded by Commissioner Pennington and unanimously approved.

Lindsay Edwards, Berkley Group, provided the staff report and the recommendation to (1) deem the application is in “*substantial accord*”, deem the application is not in “*substantial accord*” with explanation, or defer the decision with an explanation.

Commissioner Garrett questioned the in-fence acreage. Ms. Edwards advised that it was three hundred and seventy-three (373) acres, which could be a discrepancy because the acreage in the report does not include setbacks or buffers. Chairman Tharpe advised that it does not pertain to 15.2-2232 hearing. Commissioner Trent advised that the application is fully compliant with the solar ordinance. Chairman Tharpe rebutted that it does not fully comply, and no application will.

Commissioner Trent made that CUP 8-22: Wheelhouse Solar is in “*substantial accord*”, which was seconded by Commissioner Thompson. A roll call vote with explanation was conducted with the following votes:

- Commissioner Jennings: Yah—It agrees with the Comp Plan after reading all of it.
- Commissioner Garrett: Yah—It complies with the Comp Plan.
- Chairman Tharpe: Yah—Wheelhouse Solar’s proposed 60-megawatt photovoltaic solar energy facility, as described in the conditional use permit application CUP-8-22, is substantially in accord with the Lunenburg County Comprehensive Plan, or parts thereof, for the following reasons:

1. The proposed solar facility can be characterized as safe development that minimizes, or will be expected to minimize through conditions, impacts to land uses, properties, and the environments.
2. The project will be subject to Virginia Department of Environmental Quality regulations and permitting, which will work to ensure protection of the County’s water resources.
3. The proposed development works to expand a diversified economy within the County, and would constitute an environmentally friendly industrial use, primarily due to the proposed scale of operation, generally sited in an area with adequate and necessary utility access.

4. 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.
5. The proposed development does not negatively impact natural resources of the County, especially areas 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.
 - Commissioner Pennington: Yah—It is in line with the Comp Plan and if the applicant does what they say, then they will need to ensure to follow through.
 - Commissioner Shell: Yah—Complies with the Comp Plan and believes from what has been said, they will do what is needed.
 - Commissioner Trent: Yah—It is off the road, it runs with the power line, and it is financially beneficial for the County.
 - Commissioner Thompson: Yah—It follows the Comp Plan and will be a large benefit to the County.

Unanimously deemed in “*substantial accord*” by the Commissioners present.

Ms. Newton advised that it would likely have the public hearing for the application itself at the meeting scheduled for Thursday, May 4th, 2023. Chairman Tharpe called for a ten (10) minute break starting at 6:50 p.m. At 7:02 p.m., the meeting was called back to order by Chairman Tharpe.

Chairman Tharpe called the public hearing for **15.2-2232 Hearing for CUP 2-22 Conditional Use Permit for Laurel Branch Solar**, to construct and operate an 80 MW, utility-scale solar array located on 26 individual parcels of property in an A-1 (Agriculture) Zone with Tax Parcel numbers as follows: 058-0A-0-68, 058-0A-0-69, 058-0A-0-5A, 058-0A-0-54, 058-0A-0-56B, 046-0A-0-20, 046-06-0-2, 046-06-0-1, 058-0A-0-67, 059-0A-0-67, 059-0A-0-1, 058-0A-0-63, 047-04-0-13, 059-0A-0-1A, 058-0A-0-66A, 059-0A-0-27, 047-04-0-B1B, 047-04-0-38, 047-0A-0-38, 047-04-0-6, 058-0A-0-60, 047-0A-0-25, 047-0A-0-25, 047-04-0-5, 047-04-0-12, 058-0A-0-65, 058-0A-0-65, 058-0A-0-66B, and 058-0A-0-66C. The property consists of 2,378 acres, which is located to the Southwest of the Town of Kenbridge. 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.

Commissioner Pennington made the motion to enter into public hearing, which was seconded by Commissioner Thompson and unanimously approved.

Robin Lucey, Dominion Energy and Development Manager for this project, presented the application by discussing the following:

- I. Conclusion of the 2232 Report
- II. Overview of Dominion Energy
- III. Overview of Laurel Branch Solar

- IV. Special Policy Area: Loss of Agricultural Land and Open Spaces
- V. Special Policy Area: Protection of Water Sources
- VI. County Goal: Economy and Employment
- VII. County Goal: Land Use
- VIII. County Goal: Natural Resources
- IX. Dominion Energy being a great partner for Lunenburg County
 - a. Economic Benefit
 - b. Compatible with land use and existing transmission infrastructure.
 - c. Protect the environment, including natural and water resources.

Questions or comments from the Commission was requested by Chairman Tharpe.

Commissioner Trent advised that in the application it does not specifically note how it complies or refutes the Comp Plan. There is a little blurb but does not specifically answer the question. He advised that if they come back with another application, then they need to answer the question and not make the Commissioners “hunt” for the information in the application. Chairman Tharpe noted that they reference existing vegetative buffers, but the existing screening and/or buffers are cut, so there are not any existing buffers. Ms. Lucey rebutted that they could construct as soon as early 2023, so they are evaluating the area and can refine the site plan to incorporate screening and/or buffers. Commissioner Trent questioned if they were willing to abide by the requirements in the solar ordinance. Ms. Lucey advised that they would. Commissioner Trent questioned the zoning of R-1 on the map. Clerk Newton advised that was a discrepancy. Chairman Tharpe called for citizens who signed up to speak:

- I. Lane Gunn—16476 Kings Highway, Wylliesburg, VA 23976--Support
- I. James Long—701 Hilltop Road, Kenbridge, VA 23944—Support
- II. Brad Perkins—3349 Forest Grove Road, Goochland, VA 23153—Support
- III. Randy Long—3173 Brickland Road, South Hill, VA 23970—read the letter from Robin G. Wrenn—Support
- IV. John Washburn—9755 Craig Mill Road, Kenbridge, VA 23944—Opposed
- V. Frank Spencer—3610 Ghent Road, Chesterfield, VA 23832—Opposed
- VI. Clyde Spencer—434 Hilltop Road, Kenbridge, VA 23944—Opposed
- VII. Richard Hite, Jr.—9331 South Hill Road, Kenbridge, VA 23944—Support

Letters/Comments received for CUP 2-22: Laurel Branch Solar:

- I. Wanda Campbell—Opposed
- II. Janice Puleo—Opposed
- III. Derrick Hall—Opposed
- IV. Sue and Stephen Stupasky—Opposed
- V. Robin Wrenn—Support

Commissioner Pennington made a motion to exit public hearing, which was seconded by Commissioner Shell and unanimously approved.

Lindsay Edwards, Berkley Group, provided the staff report and the recommendation to (1) deem the application is in “*substantial accord*”, deem the application is not in “*substantial accord*” with explanation, or defer the decision with an explanation.

Commissioner Thompson made the motion that the application appears to be in “*substantial accord*” with the Comp Plan, which was seconded by Commissioner Shell. A roll call vote with explanation was conducted with the following votes:

- Commissioner Thompson: Yah—It is well in the Comp Plan and is economically beneficial.
- Commissioner Trent: Yah—It is a big project, but only about 700 acres in the project. There are lots of little pieces, so it is not as bad. It follows the solar ordinance.
- Commissioner Shell: Yah—The water quality and one (1) sediment pond/basin per twenty-five (25) acres to address erosion, but it needs to be monitored closely.
- Commissioner Pennington: Yah—It follows the Comp Plan, and they need to ensure that they follow through on what they say.
- Chairman Tharpe: Yah—Lots of concerns, but it barely meets requirements; however, it does meet the requires, but will be closely monitored.
- Commissioner Garrett: Yah—After reading, there are a lot of questions, but it does follow the Comp Plan.
- Commission Jennings: Yah—Follows the Comp Plan, but they need to be monitored closely.

Unanimously deemed in “*substantial accord*” by the Commissioners present.

Chairman Tharpe called the public hearing for **15.2-2232 Hearing for CUP 6-22 Conditional Use Permit for Laurel Branch Switchyard**, to construct and operate a Public Utility Switchyard and Substation on Tax Parcel 058-0A-0-68, 464 Laurel Branch Road, Kenbridge, VA 23944, which consists of 465.62 acres located in an A-1 (Agriculture) 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.

Commissioner Pennington made the motion to enter into public hearing, which was seconded by Commissioner Thompson and unanimously approved.

Robin Lucey, Dominion Energy and Development Manager for this project, noted that this is a separate application because following the decommissioning of the solar facility, the switchyard will remain part of the required infrastructure. Ms. Lucey presented the application discussing the following:

- I. Conclusion of the 2232 Report
- II. Overview of Laurel Branch Switchyard
- III. Policy Area: Solar Facilities
- IV. Special Policy Area: Loss of Agricultural Land and Open Spaces
- V. Special Policy Area: Protection of Water Sources
- VI. County Goal: Economy and Employment
- VII. County Goal: Land Use
- VIII. County Goal: Natural Resources

Chairman Tharpe called for discussion by the Commission. Commissioner Garrett questioned how the landowners are notified. Chairman Tharpe and Clerk Newton advised that Clerk Newton mails notice. Chairman Tharpe then called for citizens to provide their input:

- I. Lane Gunn—16476 Kings Highway, Wylliesburg, VA 23976--Support

Commissioner Shell made a motion to exit public hearing, which was seconded by Commissioner Pennington and unanimously approved.

Lindsay Edwards, Berkley Group, provided the staff report and the recommendation to (1) deem the application is in “*substantial accord*”, deem the application is not in “*substantial accord*” with explanation, or defer the decision with an explanation.

Patricia Harper-Tunley asked the name of the person presenting the staff report. Chairman Tharpe advised at that time only Commission members could ask questions. Commissioner Pennington asked the name of the person presenting the staff report. Ms. Edwards identified herself.

Commissioner Thompson made the motion that the application appears to be in “*substantial accord*” with the Comp Plan, which was seconded by Commissioner Shell. A roll call vote with explanation was conducted with the following votes:

- Commissioner Thompson: Yah—It is in “*substantial accord*” with the Comp Plan.
- Commissioner Trent: Yah—It is part of the project for CUP 2-22: Laurel Branch Solar, it is compliant with the Comp Plan, and it is an important piece of the project.
- Commissioner Shell: Yah— It is in “*substantial accord*” with the Comp Plan.
- Commissioner Pennington: Yah—I have concerns about water and the impact as well as questions on the wells (Chairman Tharpe advised that comes with conditions).
- Chairman Tharpe: Yah—It is imperative to the project and is in compliance with the Comp Plan.
- Commissioner Garrett: Yah— It is in “*substantial accord*” with the Comp Plan.
- Commission Jennings: Yah— It is in “*substantial accord*” with the Comp Plan.

Unanimously deemed in “*substantial accord*” by the Commissioners present.

Chairman Tharpe called for Other Business— Ms. Newton advised that due to the number of items that would be on the agenda for the next meeting, what is the pleasure of the Commission as to how they would like to handle them. It was determined that the regularly scheduled meeting would be held on Thursday, May 4th, 2023, where CUP 2-22 and CUP 6-22 would have their public hearing. A special-called meeting would be held on Tuesday, May 16th, 2023, where CUP 8-22 would their public hearing as well as any other possible CUPs that Clerk Newton has in progress. Chairman Tharpe made a motion to approve, which was seconded by Commissioner Thompson and unanimously approved.

Dominion requested their public hearing be scheduled for the meeting on Thursday, May 4th, 2023, which would leave Wheelhouse Solar being held on Tuesday, May 16th, 2023, as well as any other smaller Conditional Use Permits that Clerk Newton schedules.

Chairman Tharpe questioned Assistant County Attorney DiStanislao if he had an update. He advised that he did not have any updates.

Clerk Newton made the announcement that the next meeting would be Thursday, May 4th, 2023, at 6:00 p.m. On a motion made by Commissioner Thompson and seconded by Commissioner Pennington, the meeting was adjourned at 8:22 p.m.

James “Buck” Tharpe, Chairman
Lunenburg County Planning Commission

Taylor N. Newton, Clerk
Lunenburg County Planning Commission