

SUMMARY

MEETING DATES:

Planning Commission: January 19, 2023 5:30 p.m.
County Commission: February 6, 2023 5:00 p.m.

SUBMITTED BY: Brooks County Zoning Agent, Melissa Smith

SUBJECT: **Application no. 12-1-22**, Special Exception request by Morven Solar, LLC for a large-scale solar energy system in an Agricultural Zoned District consisting of 940.3 acres on a portion of 11 land parcels which includes five (5) land owners along Peach Road, Guess Road, Lawson Pond Road, and Valdosta Highway 133 east of Morven, Georgia.

HISTORY: Planning Commission met January 19, 2023. Zoning Consultant made the report for the Application with also Stephanie Williams of the Development Authority providing input. Pine Gate Renewables, the Applicant, presented their proposed application for a Large Scale Solar Energy System. Zoning Consultant made the recommendation for Denial due to the inconsistency with the Comprehensive Plan, quantity of prime farmland that will be lost, the impacts on wetlands & wildlife, and the roads. 25 citizens spoke in favor, while 9 Citizens spoke against the proposed Large Scale Solar Special Exception.

- **Tom Eggers made the motion for Conditional Approval pending:**
 - o A Valid Road use Agreement put in-place
 - o Erosion Measures provided and Filtration Plants in the Retention Ponds
- **Linda Gosier Seconded the Motion. Jeannie Little was in-favor. James Warren was opposed.**
- **Vote was 3-1 for the Conditional Approval.**

PREVIOUS ACTIONS: N/A

RECOMMENDATION: Due to the staff’s concern of the amount of “prime farmland”, the quantity of jurisdictional wetlands, the threatened and candidate species potential impacts, and the amount of access roads because the parcels are not contiguous (especially Peach Road – dirt), the Staff recommends **DENIAL** of the applicant’s proposed use as a Large-Scale Solar Energy System.

FINAL ACTION BY COUNTY COMMISSION:

- APPROVED AS REQUESTED BY THE APPLICANT
- APPROVED AN AMENDMENT TO INCLUDE A LESSER GEOGRAPHIC AREA OR LESS INTENSE ZONING DISTRICT OR CHARACTER AREA
- APPROVED WITH CONDITIONS
- DENIED

STAFF REPORT
File Number: 12-1-22

MEETING DATES:

Planning Commission:	January 19, 2023	5:30 p.m.
County Commission:	February 6, 2023	5:00 p.m.

GENERAL INFORMATION:

Item & Purpose: Application no. 12-1-22

Applicant & Contact: Mikala Newsome, Pinegate Renewables

Address: 130 Roberts Street, Asheville, NC

Phone: (828) 232-6471

File Date: December 5, 2022

CURRENT LAND USE:

Subject Property: Agricultural

North: Agricultural
East: Agricultural
South: Agricultural
West: Agricultural

CURRENT ZONING:

Subject Property: AG (Agriculture)

North: AG (Agriculture)
East: AG (Agriculture)
South: AG (Agriculture)
West: AG (Agriculture)

STAFF ANALYSIS

§ 36-67-3. Zoning proposal review standards

In any local government which has established a planning department or other similar agency charged with the duty of reviewing zoning proposals, such planning department or other agency shall with respect to each zoning proposal investigate and make a recommendation with respect to each of the matters enumerated in this Code section, as well as carrying out any other duties with which the planning department or agency is charged by the local government. The planning department or other agency shall make a written record of its investigation and recommendations, and this record shall be a public record. The matters with which the planning department or agency shall be required to make such investigation and recommendation shall be:

(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed use of a large-scale solar energy system is suitable for agricultural zoned properties. However, the disconnected proposed layout of the solar system creates a larger impact area of 23 neighboring homes and a vast amount of farmland that is not consistent with the intent of Brooks County (See Number 5).

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

Staff is concerned with the potential impacts of the 127.05 Acres of jurisdictional wetlands and 10.15 acres of non-jurisdictional wetlands upon and leaving the properties. The properties range from 1-3 miles west of the Withlacoochee River. Although the applicant has submitted a preliminary Erosion Control Plan with the intention to submit full plans to the GA EPD, the concern is relating to maintenance of the site after construction (maintenance of the proposed 18 drainage basins, utilization of filter socks, any chemicals to be utilized for weed control). There is also concern for the threatened and candidate species found upon the properties, the potential for habitats of these species, and migratory species to the properties. Although the applicant is maintaining a 25 foot buffer from areas of present/potential wildlife and avoiding the area west of Section 2, the area of wildlife around the Transformer and Substation (near and adjacent to Section 1) remains a concern with the equipment and fencing.

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

Yes, the current zoning of the 11 parcels proposed is AG – Agricultural and is currently being utilized for crops, timber, pasture land, and/or rural residences. Of the 952 acres proposed for the solar farm, 782 acres (82%) is considered “prime farmland” per the Federal Register or “farmland of statewide importance”. The applicant is also proposing clearing 13% (121.9 Acres) of timber from the properties. However, the existing pecan trees to be affected by Section 1 and 2 were not addressed in the tree survey. Existing vegetation is to be retained where possible for a vegetative buffer.

(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

Due to the parcels not being contiguous, staff does expect some negative impacts on the roads due to the amount of access points for the solar sites spread across the parcels, especially on Peach Road which is a residential dirt road. They are proposing one access/culvert on Peach Road, two access points/culverts along Guess Road, and three access points/culverts along Lawson Pond Road. Lawson Pond Road is a gateway collector road that stretches from Lowndes County southwest into Brooks County. The rather busy road provides a rural, residential route from Interstate 75 and State Highway 122 west of Hahira to Hwy 133 east of Morven.

(5) If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan;

Per the Future Development Map in the adopted Brooks County 2027 Comprehensive Plan Community Agenda, the subject property is within the Agricultural character area. The proposed solar farm is not compliant with the objectives to protect farmland and the rural lifestyle of the Agricultural District.

(6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The Morven Solar project will NOT lead to any permanent jobs working specifically for the Morven Solar Facility nor Pine Gate Renewables. However, they aim for the project to initiate the hiring of 30 permanent employees through a "PowerUp" apprenticeship type program to their sister company, Blue Ridge Power, who constructs their projects.

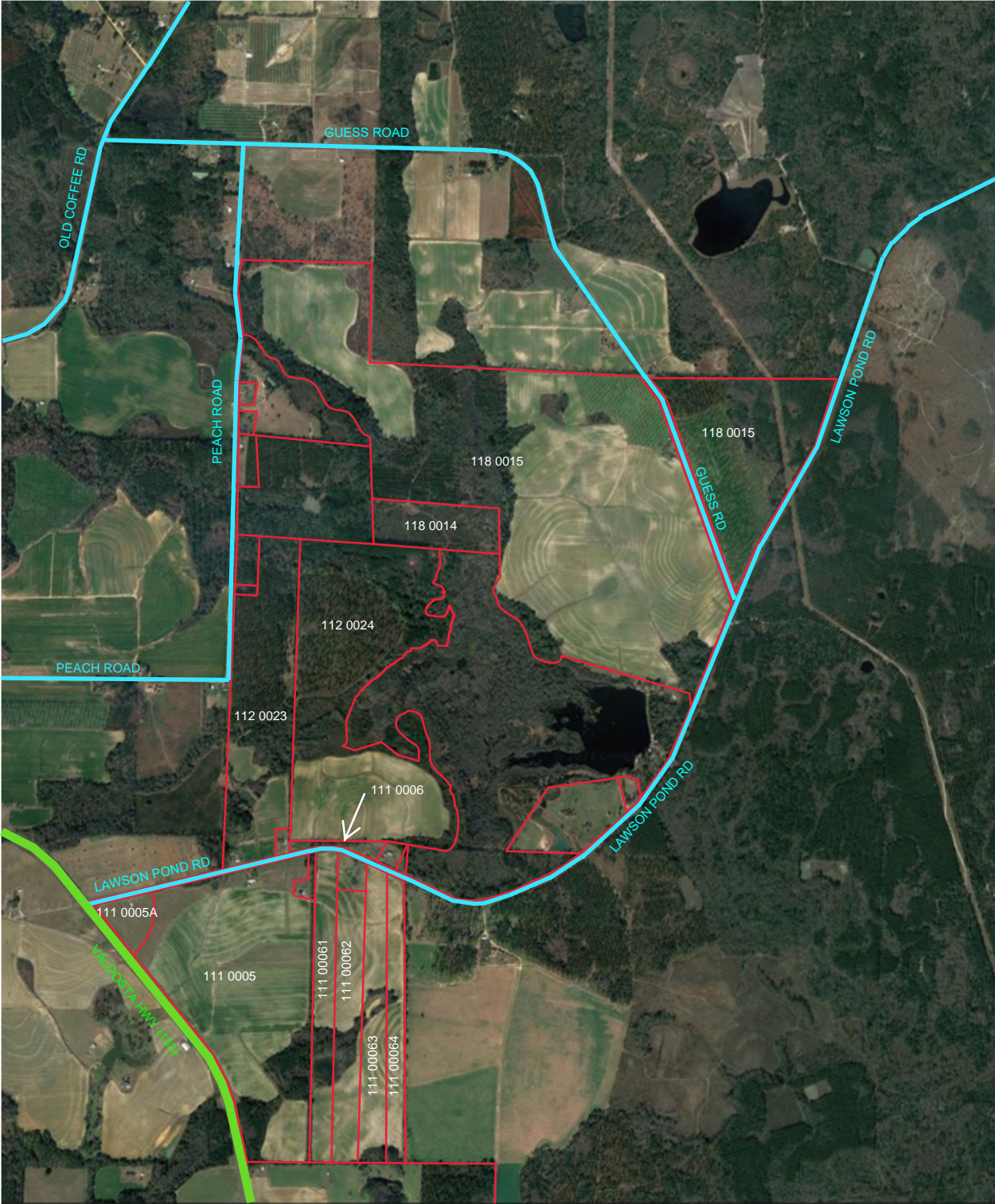
ATTACHMENTS:

Application
Aerial Map
Location Map
Zoning Map

AERIAL MAP

MORVEN SOLAR

Tax Map/Parcels 118 0014, 118 0015, 112 0023, 112 0024, 111 0005, 111 0006, 111 00061, 111 00062, 111 00063, 111 00064, 111 0005A

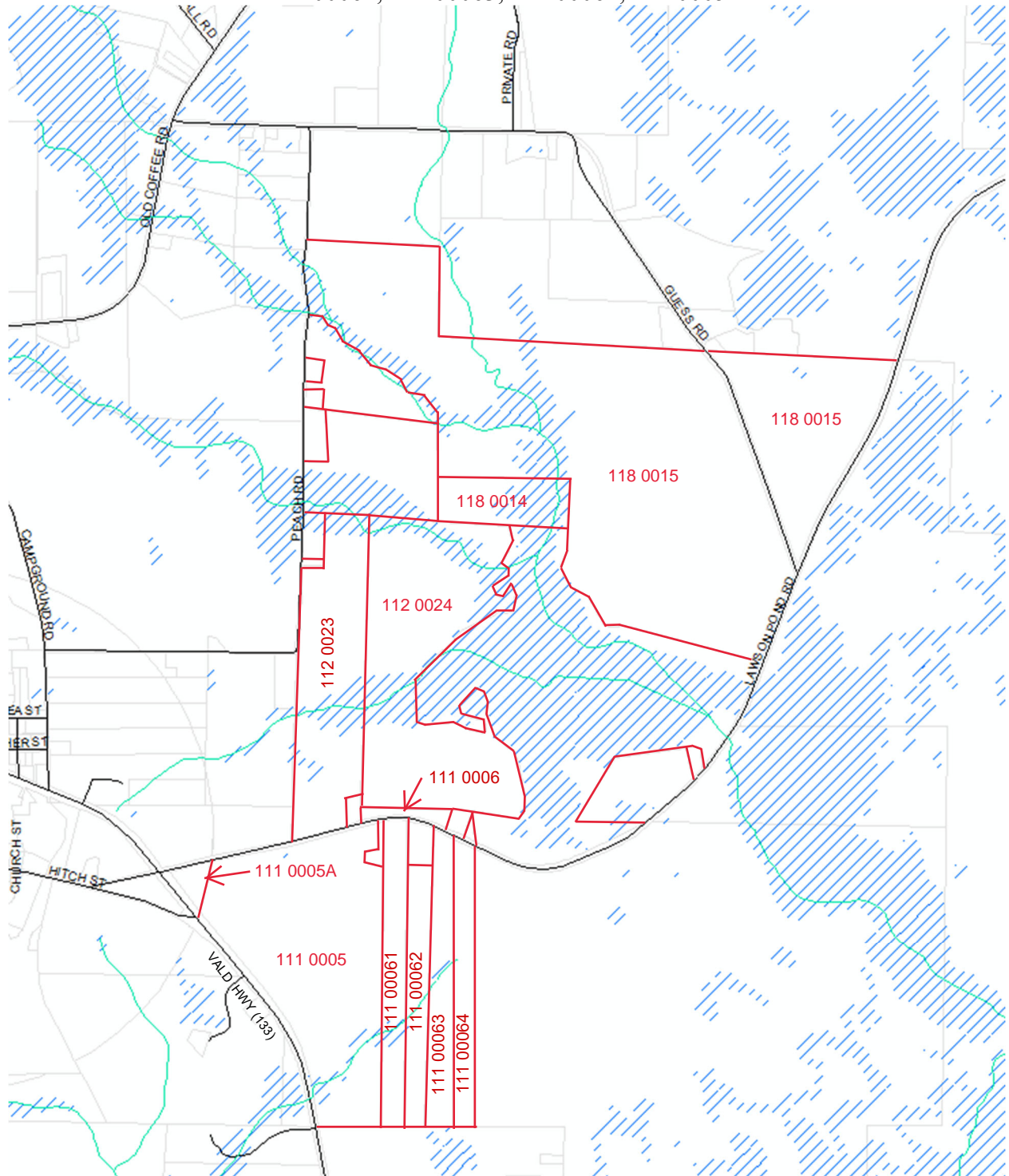


NOTE: PARCEL OUTLINES ARE
DIAGRAMMATIC ONLY

LOCATION MAP

MORVEN SOLAR

Tax Map/Parcels 118 0014, 118 0015, 112 0023, 112 0024, 111 0005, 111 0006, 111 00061, 111 00062, 111 00063, 111 00064, 111 0005A

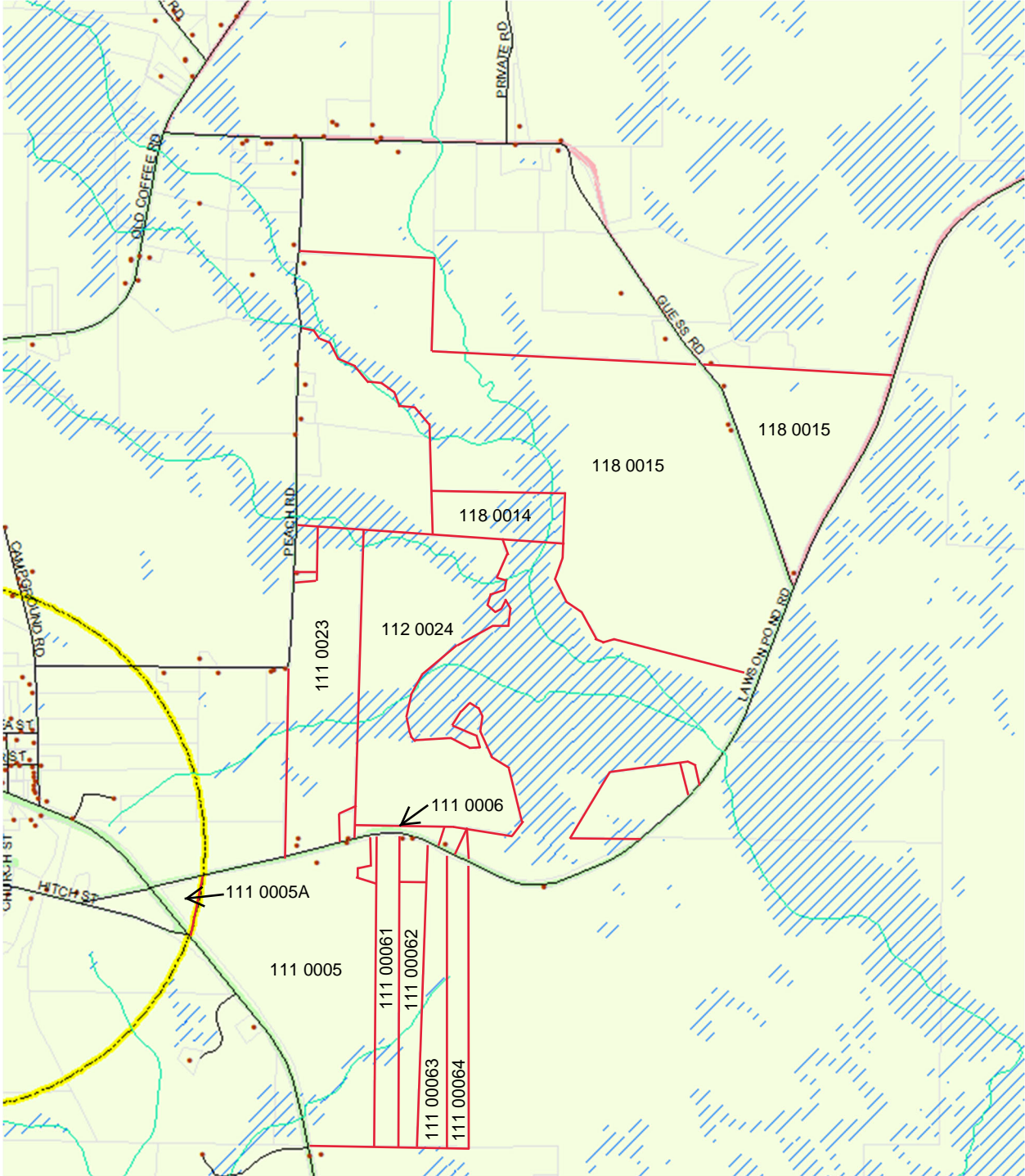


NOTE: PARCEL OUTLINES ARE
DIAGRAMMATIC ONLY

ZONING MAP

MORVEN SOLAR

Tax Map/Parcels 118 0014, 118 0015, 112 0023, 112 0024, 111 0005, 111 0006, 111 00061, 111 00062, 111 00063, 111 00064, 111 0005A



NOTE: PARCEL OUTLINES ARE
DIAGRAMMATIC ONLY

File no. _____

SPECIAL EXCEPTION APPLICATION

APPLICATION CHECKLIST

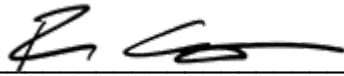
Please use the checklist to ensure that all items required by your application have been included.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Should you have any questions, please call the County Commissioners' Office at

Completed	Description
X	Letter of intent (see page 3, item 4B of the application)
X	Map and parcel number of subject property
X	Current Land Use District of subject property
X	If the applicant is different from the owner, a notarized letter of authorization from the property owner stating that the applicant may act on their behalf
X	List of adjacent property owners obtained from the Tax Assessor's office (see page 4, item 4D of the application)
X	Conceptual site plan (see page 4, item 4E of the application)
X	Signature of the applicant
X	Date
X	\$120.00 application fee
X	\$7.00 fee per adjacent property owners for notification
X	\$100.00 advertising fee

I certify that the above items have been completed.



Signature of Applicant

11/26/2022

Date

SPECIAL EXCEPTION APPLICATION

OFFICIAL USE ONLY

SUBMITTAL DEADLINE _____ **Application fee** _____
Public Hearing Dates _____ **Advertising Charge** _____
Planning Commission _____ **Certified Mail Fees** _____
Board of Commissioners _____ **Total Application Fee** _____
Date received: _____ Letters mailed: _____ Property Posted: _____

This is an application for a Special Exception. This completed application, together with all required attachments and fees, must be completed and returned to the Land Use Administrator by one of the established monthly deadlines in order to initiate review and consideration of the request. The applicant is responsible for the completeness, accuracy, and timely submittal of this application, including all of its attachments and fees. Unless otherwise stated, please type or neatly print the responses to each of the following.

1. Applicant Information: Contact person authorized to receive all communication regarding this application:

Name: Mikala Newsom

Complete Address: 130 Roberts Street, Asheville, NC Phone: 828-232-6471

Has the applicant made any campaign contributions over \$250.00 to any local government official of the local government considering the application?

YES _____ NO X _____

118 0015, 118 0014,
112 0023, 112 0024,
111 0005, 111 0006,
111 00061, 111 00062,
111 00063, 111 00064,
111 0005A

2. Property Information:

Map Number: _____ All or Part (circle one) of Parcel Number: 111 00063, 111 00064
111 0005A

General Location Description: Lawson Mill Pond Rd., Morven, GA

Existing Use of the Property: Farm Land/Timber

Acreage (or square footage if less than 1 acre): 940.3 acres

Current Land Use District: Agricultural

Has this property been denied a Land Use Change during the past 12 months?

YES _____ NO X

Has any public hearing been held regarding this property during the past 3 years?

(If so, describe.) No

How will the property receive water and sewer services? (Public, private, community, septic, etc.)

N/A, solar farm

3. Owner Information: (If the applicant listed above is not the current owner of the property, then list the names and addresses of all owners of record for each property that is the subject of this application.) Also, if the applicant is not the current owner or is one of multiple owners, a notarized Letter of Authorization shall be signed and submitted by all owner(s).

<u>Map/Parcel Number</u>	<u>Owner of Record</u>	<u>Mailing Address</u>
<u>118 0015, 118 0014</u>	<u>Howard Lawson</u>	<u>PO Box 8, Morven, GA 31638</u>
<u>111 00063, 111 00064, 111 0006</u>	<u>Daniel Anglin</u>	<u>1081 Lawson Pond Road, Morven, GA 31638</u>
<u>112 0023</u>	<u>Jerry Sapp</u>	<u>PO Box 156, Morven, GA 31638</u>

4. Special Exception Request: For Solar to be an accepted use within the current
Agricultural zoning designation

5. Approximate cost of work involved: \$74,540,450

6. Please explain why the Special Exception should be granted: _____

Per the Zoning Ordinance of Brooks County amended on 1/1/2021 for designated
permissible uses of solar electrical systems, solar is an accepted and approved use
under an Agricultural zoning designation if a Special Exception Application is submitted
with all application materials following code.

Special Exceptions granted by the County Commission shall be executed within a period of twelve (12) months from date of approval. Special Exceptions not executed within this time period shall become null and void and are subject for procedures for resubmission. Special Exceptions are not transferable except upon written approval of the appropriate governing body.

Map/Parcel	Number Owner of Record	Mailing Address
112 0024, 111 0005 , 111 0005A	C&M Land Holdings, LLC	PO Box 207, Morven, GA 31638
111 00061	Stuart Chappell	PO Box 207, Morven, GA 31638
111 00062	Freddie Dell	255 Hall Road, Barney, GA 31625

LANDOWNER & PARCEL INFO					
<u>PARCEL ID#</u>	<u>LANDOWNER</u>	<u>ARRAY SECTION NUMBERS</u>	<u>PARCEL ACREAGE</u>	<u>LEASE ACREAGE (SUP & SE APP ACREAGE)</u>	<u>PROPOSED DISTURBANCE ACREAGE</u>
118 0014	HOWARD I LAWSON	EASEMENT TO 3	29.0	2.0	1.5
118 0015	HOWARD I LAWSON	1 & 2	580.4	395.0	258.1
112 0023	JERRY ALVIN SAPP	PORTION OF 3	106.9	55.0	43.9
111 0005	C&M LAND HOLDINGS, LLC / RICHARD STUART CHAPPELL	PORTION OF 5	193.0	172.0	102.1
111 005A	C&M LAND HOLDINGS, LLC / RICHARD STUART CHAPPELL	PORTION OF 5	4.0	4.0	0.7
112 0024	C&M LAND HOLDINGS, LLC / RICHARD STUART CHAPPELL	PORTION OF 3 & 4	210.0	188.0	101.1
111 00061	C&M LAND HOLDINGS, LLC / RICHARD STUART CHAPPELL	PORTION OF 5	38.4	34.0	17.5
111 00063	DANIEL ANGLIN	PORTION OF 5	38.4	35.0	30.3
111 00064	DANIEL ANGLIN	PORTION OF 5	33.1	20.0	22.2
111 0006	DANIEL ANGLIN	EASEMENT TO 5	3.3	3.3	0.1
111 00062	FREDDIE DELL	PORTION OF 5	32.4	32.0	26.3
TOTAL	-	-	1268.7	940.3	603.8

7. Attachments: The following items must be submitted in full prior to acceptance of this application.

- A. **List of all current owners of record** for properties located immediately adjacent to or directly across any right-of-way from the subject property. The list shall include the current names, mailing addresses, and tax map/parcel numbers as reflected on the current tax roll of Brantley County. (This information may be obtained from the Brantley County Tax Assessor's Office.) Please list on page 7 and sign.
- B. **Letter of Intent**; stating the request, why the request is being made, and any other specific information.
- C. **Proposed Conceptual Site Plan** that includes:
 - a. Applicant name, date of drawing, and revision dates if applicable.
 - b. The size and location of the lot.
 - c. The dimensions and location of the existing building or structure(s) on the lot in question.
 - d. The dimensions and location of the proposed building, structure, or addition(s) on the lot.
 - e. If applicable, the location of any existing buildings on adjacent lots and their property line distance.
 - f. Any additional information necessary to allow understanding of the proposed use and development.

Special Exception Process: The Brooks County Planning Commission shall review the application for a Special Exception at a public hearing and shall make a **recommendation only** to the Brooks County Commissioners. At a second public hearing, the Brooks County Commissioners shall hear and decide all requests for Special Exceptions. In making this decision, per §13-2.8(F), the governing body shall consider the following:

- 1) Is the type of street providing access to the use adequate to serve the proposed Special Exception use?
Yes, project will have access points branching from Peach Rd, Lawson Mill Pond Rd, and Guess Rd. All access roads will be approved and maintained per GDOT requirements.
- 2) Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and to allow access by emergency vehicles?
Yes, all access road entrances will be approved and maintained per GDOT requirements.

- 3) Are public facilities such as schools, water, sewer or other public utilities and police and fire protection adequate to serve the proposed Special Exception use?

Yes, project will coordinate with all public facilities as required by Brooks County code

- 4) Are refuse, service parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light glare and other negative impacts?

Yes, project will follow all requirements per Brooks County code

- 5) Will the hours and manner of operation of the Special Exception use have no adverse impacts on other properties in the area?

No impact, see visual and noise renderings provided for further information

- 6) Will the height, size or location of the buildings or other structures on the property is compatible with the height, size or location of buildings or other structures on neighboring properties?

Yes, solar panels will be 15ft tall at the maximum per Brooks County code

The County Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood. Wherever the County Commission shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any term, condition or restrictions upon which such permit was granted are not being complied with, said County Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

PLEASE READ THE ABOVE AND THEN SIGN BELOW.

I do hereby certify that to the best of my knowledge, the above information and attachments are true and correct. I authorize the staff of the Land Use Office or their designee to enter and inspect the premises, which are the subject of this application.



Signature of Applicant

11/29/2022

Date

ADJACENT PROPERTY OWNERS

Map & Parcel Number:

Name and Mailing Address:

1. 118 0017

1. Sandra Williams

P.O. Box 236

Morven, GA

2. 118 00171

2. Wesley R Williams

PO Box 56

Barney, GA

3. 118 0017A

3. Ben C Williams

694 Guess Road

Morven, GA

4. 119 0001

4. Timothy Heirs

2352 Cooper Rd

Barney, GA

5. 112 00231

5. Jerry & Sherry Sapp

PO Box 156

Morven, GA

6. 111 00051

6. Robin & Dennis Plymale

PO Box 87


Morven, GA

7. 11 00062A

7. Christie Dell Akins

980 Lawson Pond Road

Morven, GA



Signature of Applicant

11/29/2022

Date

ADJACENT PROPERTY OWNERS

Map & Parcel Number:

Name and Mailing Address:

1. 111 0004D, 111 0004A,
111 0008A, 111 0008, 111 0007,

Van Murphy
9284 Valdosta Hwy
Quitman, GA

2. 111 00081

Megan Murphy
9238 Valdosta Hwy
Quitman, GA

3. 111 00145

Johnny & Pamela Whiddon
9778 Valdosta Hwy
Quitman, GA

4. 111 011

Virgina Cunningham
62 Edna Roberts Dr
Alexander, NC

5. 119 0006

Langdale Woodlands
PO Box 10388
Valdosta, GA

6.

7.



Signature of Applicant

11/29/2022

Date

Additional Supporting Materials

1. Letter of Intent
2. Property Descriptions
3. Landowner Authorizations
4. Noise Rendering
5. Overview of the Engineering, Procurement, and Construction Company – Blue Ridge Power, LLC
6. Information on Job Creation
7. Overview of Blue Ridge Power's PowerUp Program
8. Pine Gate Renewables' Waste Management Guidelines
9. Current Equipment Specification Sheets

1. Letter of Intent

November 4, 2022

Attn: Melissa Smith, Code Enforcement Agent
Brooks County Development Services
1625 Johnson Short Rd
Quitman, Georgia 31643
229-263-8817
mssmith@brookscountyga.gov

Letter of Intent for Morven Solar LLC Large Scale Solar Energy System Special Exception Application

To Whom It May Concern,

Please find enclosed the Special Exception Application for the Morven Solar LLC Large Scale Solar Energy System. As per Ordinance 2012-01-01 of the Brooks County Zoning Ordinance, hereafter called the Solar Ordinance, a Large-Scale Solar Energy System is an accepted and approved use under an Agricultural zoning designation if a Special Exception Application is submitted with all application materials, as required by the Solar Ordinance.

The enclosed application will request that the entirety of the 80-megawatt project to be located on 940.3 acres on a portion of 11 parcels be covered under this approval. The project entity, Morven Solar, LLC, maintains Site Control Agreements with the 5 landowners of these 11 parcels. This includes Richard Stuart Chappell (owner of C&M Land Holdings, LLC), Howard Lawson, Daniel Anglin, Jerry Alvin Sapp, and Freddie Dell. These landowners have each provided Notarized Authorization Letters allowing the project entity to submit for this Special Exception Application on their property.

The enclosed application is accompanied with all documentation required per the Solar Ordinance as listed below:

- Letter of Intent
- Property Descriptions
- Landowner Authorizations
- A Site Plan ("ZPP") with the following:
 - General Site Map with Large Scale SES Code Requirements labeled (Page ZPP-101)
 - USGS Topographic Site Map (Page ZPP-102)
 - Sediment and Erosion Control Map & Plan (Pages ZPP-103 & ZPP-103A)
 - GA DNR Species Map (Page ZPP-104)
 - Habitat Mitigation Plan (Page ZPP-104A & ZPP-104B)
 - USFWS Species Map (Page ZPP-105)
 - NRCS Farmland Classifications Map & Mitigation Plan (Page ZPP-106)
 - Tree Survey & Removal Map (Page ZPP-107 & ZPP-107A)
 - FAA 5 Nautical Miles Map & Clearance Confirmation (Page ZPP-108)
 - Warning Signage and Fence & Access Road Specs (Page APP-100)
 - Decommissioning Plan, Cost Estimate, and Bond Commitment Letter (Page APP-101 & APP-102)
 - Single Line Drawing (Page APP-103 & APP-104)
 - Brooks County Zoning Map (Page APP-105)

- Visual Rendering of the required Visual Buffer (Page APP-106)

Additional Supporting Materials added to the application are as follows:

- Noise Rendering
- Overview of the Engineering, Procurement, and Construction Company – Blue Ridge Power, LLC
- Overview of Blue Ridge Power’s PowerUp Program
- Pine Gate Renewables Waste Management Guidelines

If you have any questions or concerns, please reach out to the Development Project Manager, Mikala Newsom, at (828) 232-6471 or mnewsom@pgrenewables.com.

Sincerely,

Morven Solar, LLC

By: *Julianne Wooten*

Name: Julianne Wooten

Title: Authorized Person

2. Property Descriptions

Description of Property

Location: Lawson Mill Pond Brooks County, GA

Owner: Howard Lawson

Tax Parcel ID Number (PIN): 118 0014 and 118 0015

Parcel Acreage: 609.39 acres

Lease Acreage: 397 acres



***Property is outlined by a white line (subject to final survey)**

Depiction of the Land

Property Location: Lawson Mill Pond Road, Brooks County, GA

Owner: Daniel Anglin (Son of Japonica Dell Haefele)

Parcel IDs: 111 00063 and 111 00064

Parcel Acreage: 71.45 acres

Lease Acreage: 65 acres



***Property is outlined by a white line (subject to final survey)**

Description of Easement

Property Location: Lawson Mill Pond Road, Brooks County, GA

Owner: Daniel Anglin (Son of Japonica Dell Haefele)

Tax Parcel ID Number (PIN): 111 0006

Parcel Acreage: 3.27 acres

Lease Acreage: 3.27 acres



***The narrow strip of Property in white on Parcel 111 0006 connecting Lawson Pond Rd. to the northern half of the Solar Farm to shall be 50 ft. wide.**

Description of Property

Property Location: Peach Road, Brooks County, GA

Owner: Jerry Alvin Sapp

Lease Acreage: 55 acres

Tax Parcel ID Number (PIN): 112 0023

Parcel Acreage: 106.9 acres



***Property is outlined by a white line (subject to final survey)**

Description of Property

Location: Lawson Pond Rd., Brooks County, GA

Lease Acreage: 398 acres

Parcel ID	Parcel Acreage	Ownership
111 0005	192.98	C&M Land Holdings, LLC
111 0005A	4.0	C&M Land Holdings, LLC
111 00061	38.36	Richard Stuart Chappell
112 0024	210.0	C&M Land Holdings, LLC



***Property is outlined by a white line (subject to final survey)**

****The narrow strip of Property on Parcel 111 00061 connecting the southern half of the Property to Lawson Pond Rd. shall be 50 ft. wide.**

DESCRIPTION OF PROPERTY

LOCATION: Brooks County GA

Parcel Total Acreage: Approximately 32 acres

APN Numbers: 111 00062

APN/Legal Description	Lease Acreage	Notes
111 00062	32	Grantee will not be required to lease any portions of the Property that cannot be used for the development of the Project due to Applicable Law, including as a result of Applicable Laws disallowing development within a certain distance of the property line (setback restrictions), restrictions on portions of the Property being located on wetlands or other restrictions based on Applicable Law
Total	32	

PROPERTY MAP



3. Landowner Authorizations



Asheville: 130 Roberts Street, Asheville, NC 28801 ♦ Charlotte: 301 Camp Road, Suite 104, Charlotte, NC 28206
Jacksonville: 315 3rd Avenue N., Jacksonville Beach, FL 32250 ♦ info@pgrenewables.com ♦ www.pgrenewables.com

LANDOWNER AUTHORIZATION

This form authorizes Morven Solar, LLC, owned by Pine Gate Renewables, to act on behalf of the landowner to apply for any special exception, special use, or other permits and approvals Brooks County requires for the development of the Morven Solar Project.

Landowner Name: Daniel Anglin

Contact Information: 229-563-2937, daniel.1033services@gmail.com

Parcel ID#: 111 00063, 111 00064, 111 0006


Parcel Acreage: 38.36 + 33.09 + 3.27 = 74.72 acres

Lease Acreage: 68.27 acres

Proposed Disturbance Area Acreage: 52.5 acres

Reason for Partial Use of Lease Acreage: Due to wetlands and other site conditions that limit the footprint of the solar project, only 52.5 acres of the 68.27 acres available in the Agreement will be a part of the Proposed Disturbance Area.

By signing the below, I authorize Pine Gate Renewables to apply for any permits or approvals with Brooks County needed for the Morven Solar Project. I, the undersigned, am either a duly authorized owner of record of the property identified herein, or acting as the duly authorized agent of the owner of record of the property.

Signature:  BC6EE0914B79422...

Print Name: Daniel Anglin

Capacity: Owner Authorized Agent

Date: 9/25/2022



Asheville: 130 Roberts Street, Asheville, NC 28801
Jacksonville: 315 3rd Avenue N., Jacksonville Beach, FL 32250

Charlotte: 301 Camp Road, Suite 104, Charlotte, NC 28206
info@pgr Renewables.com www.pgr Renewables.co

LANDOWNER AUTHORIZATION

This form authorizes Morven Solar, LLC, owned by Pine Gate Renewables, to act on behalf of the landowner to apply for any special exception, special use, or other permits and approvals Brooks County requires for the development of the Morven Solar Project.

Landowner Name: Richard Stuart Chappell and C&M Land Holdings, LLC

Contact Information: 229-560-9472, chappell.1@hotmail.com

Parcel ID#: 111 0005, 111 0005A, 111 00061, 112 0024

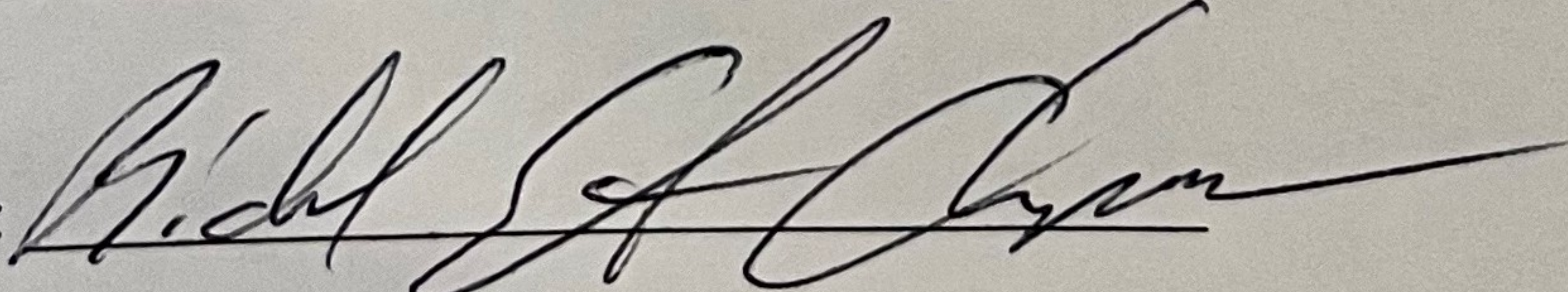
Parcel Acreage: 192.98 + 4 + 38.36 + 210 = 445.34 acres

Lease Acreage: 398 acres

Proposed Disturbance Area Acreage: 222.3 acres

Reason for Partial Use of Lease Acreage: In the Site Control Agreement between Richard Stuart Chappell & C&M Land Holdings, LLC and Morven Solar, LLC, there is a minimum lease acreage of 398 acres. Due to wetlands and other site conditions that limit the footprint of the solar project, only 222.3 acres of the 398 acres available in the Agreement will be a part of the Proposed Disturbance Area.

By signing the below, I authorize Pine Gate Renewables to apply for any permits or approvals with Brooks County needed for the Morven Solar Project. I, the undersigned, am either a duly authorized owner of record of the property identified herein, or acting as the duly authorized agent of the owner of record of the property.

Signature: 

Print Name: Richard Stuart Chappell

Capacity: Owner Authorized Agent

Date: 9.24.2022

LANDOWNER AUTHORIZATION

This form authorizes Morven Solar, LLC, owned by Pine Gate Renewables, to act on behalf of the landowner to apply for any special exception, special use, or other permits and approvals Brooks County requires for the development of the Morven Solar Project.

Landowner Name: Freddie Dell

Contact Information: 229-561-2816

Parcel ID#: 111 00062

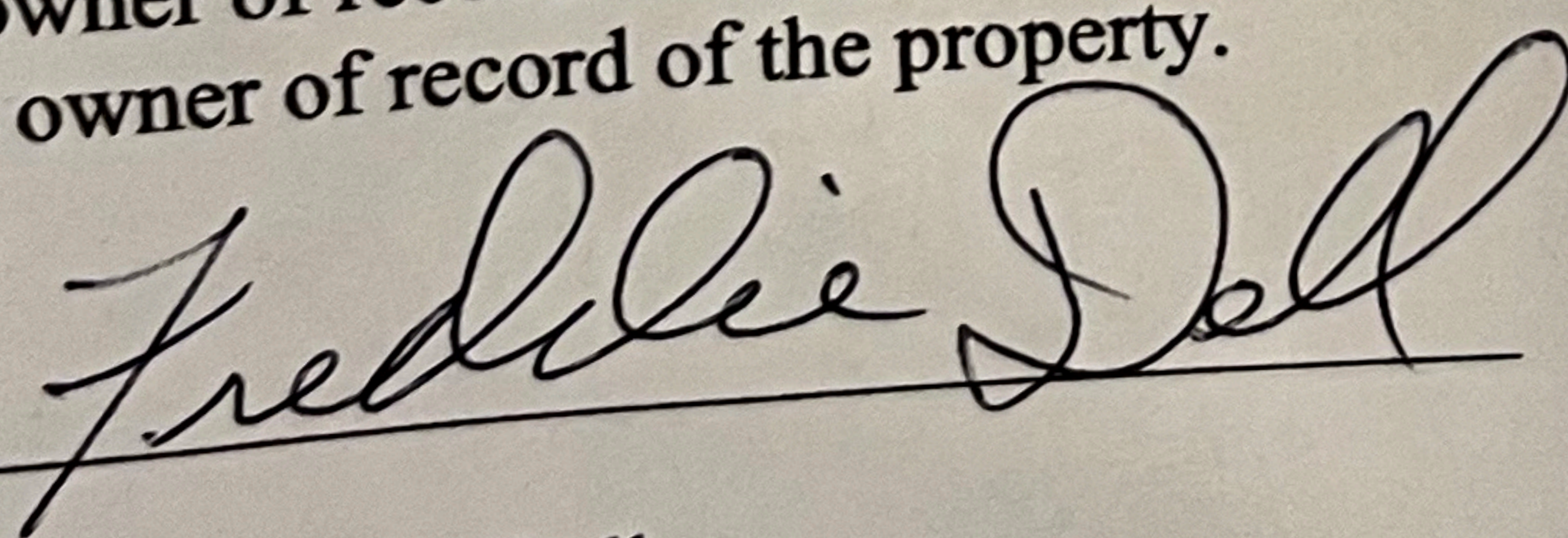
Parcel Acreage: 32.36 acres

Lease Acreage: 32 acres

Proposed Disturbance Area Acreage: 26.3 acres

Reason for Partial Use of Lease Acreage: In the Site Control Agreement between Freddie Dell and Morven Solar, LLC, there is a minimum lease acreage of 32 acres. Due to wetlands and other site conditions that limit the footprint of the solar project, only 26.3 acres of the 32 acres available in the Agreement will be a part of the Proposed Disturbance Area.

By signing the below, I authorize Pine Gate Renewables to apply for any permits or approvals with Brooks County needed for the Morven Solar Project. I, the undersigned, am either a duly authorized owner of record of the property identified herein, or acting as the duly authorized agent of the owner of record of the property.

Signature: 

Print Name: Freddie Dell

Capacity: Owner Authorized Agent

Date: 9/24/22



Asheville: 130 Roberts Street, Asheville, NC 28801 ♦ Charlotte: 301 Camp Road, Suite 104, Charlotte, NC 28206
Jacksonville: 315 3rd Avenue N., Jacksonville Beach, FL 32250 ♦ info@pgrenewables.com ♦ www.pgrenewables.com

LANDOWNER AUTHORIZATION

This form authorizes Morven Solar, LLC, owned by Pine Gate Renewables, to act on behalf of the landowner to apply for any special exception, special use, or other permits and approvals Brooks County requires for the development of the Morven Solar Project.

Landowner Name: Howard I Lawson

Contact Information: 229-561-4862

Parcel ID#: 118 0014 and 118 0015

Parcel Acreage: 580.39 + 29 = 609.39 acres

Lease Acreage: 397 acres

Proposed Disturbance Area Acreage: 260.4 acres

Reason for Partial Use of Lease Acreage: In the Site Control Agreement between Howard I

Lawson and Morven Solar, LLC, there is a minimum lease acreage of 397 acres. Due to Parcel

ID# 118 0014 only being used for a 30 foot wide easement, wetlands, and other site conditions

that limit the footprint of the solar project, only 260 acres of the 397 acres available in the

Agreement will be a part of the Proposed Disturbance Area.

By signing the below, I authorize Pine Gate Renewables to apply for any permits or approvals with Brooks County needed for the Morven Solar Project. I, the undersigned, am either a duly authorized owner of record of the property identified herein, or acting as the duly authorized agent of the owner of record of the property.

Signature: *Howard I. Lawson*

Print Name: Howard I Lawson

Capacity: Owner Authorized Agent

Date: 9/23/22

LANDOWNER AUTHORIZATION

This form authorizes Morven Solar, LLC, owned by Pine Gate Renewables, to act on behalf of the landowner to apply for any special exception, special use, or other permits and approvals Brooks County requires for the development of the Morven Solar Project.

Landowner Name: Jerry Alvin SappContact Information: 229-506-0695Parcel ID#: 112 0023Parcel Acreage: 106.9 acresLease Acreage: 55 acresProposed Disturbance Area Acreage: 43.9 acres

Reason for Partial Use of Lease Acreage: In the Site Control Agreement between Jerry Alvin Sapp and Morven Solar, LLC, there is a minimum lease acreage of 55 acres. Due to wetlands and other site conditions that limit the footprint of the solar project, only 43.9 acres of the 55 acres available in the Agreement will be a part of the Proposed Disturbance Area.

By signing the below, I authorize Pine Gate Renewables to apply for any permits or approvals with Brooks County needed for the Morven Solar Project. I, the undersigned, am either a duly authorized owner of record of the property identified herein, or acting as the duly authorized agent of the owner of record of the property.

Signature: Jerry Alvin SappPrint Name: Jerry Alvin SappCapacity: Owner Authorized AgentDate: 9-22-22

Planning Commission Meeting Minutes

January 19, 2023

5:30 P.M.

Members Present: Pat Sharp, Jeannie Little, Linda Gosier, Tom Eggers, James Warren

RC (Regional Commission): Sherry Davidson

Brooks County Zoning Agent: Melissa Smith

Zoning Agent collected the Sign-In Sheet at 5:30 p.m.

Meeting was called to Order at 5:31 p.m. by Ms. Pat Sharp, Chairman.

Ms. Sharp explained the Planning Commission is a RECOMMENDING Body only to the Brooks County Board of Commissioners. Explained that when speaking to address the Planning Commission panel, not the audience. There will be no talking back and forth. If you are called out of order, you will be removed or asked to leave.

Application 12-1-22 Morven Solar LLC: Ms. Sherry Davidson presented the Application for a large-scale solar energy system in an Agricultural Zoned District consisting of 940.3 acres on a portion of 11 land parcels which includes five (5) land owners along Peach Road, Guess Road, Lawson Pond Road, and Valdosta Highway 133 east of Morven, Georgia. Ms. Davidson went through the Zoning Proposal Standards per the Zoning Procedure Law Questions, answering as such:

1. Permit a Use that is suitable in view of use and development of adjacent and nearby property: Not suitable and will impact 23 neighboring residents.
2. Adversely affect existing use or usability of adjacent or nearby property: concern over the 127.05 acre of jurisdictional wetlands and 10.15 acres of non-jurisdictional wetlands AND concern regarding the threatened and candidate species found upon the properties.
3. Property to be affected has a reasonable economic use as currently zoned: Yes, 782 Acres of the 952 Acres is considered "prime farmland" per the Federal Register submitted by the Applicant, Tree Survey revealed the

clearing of 121.9 Acres. Pecan Trees to be affected by Section 1 and 2 were left out of the Tree Survey.

4. Will result in a Use which will or could cause an excessive or burdensome use to streets, transportation facilities, utilities, or schools: Staff does expect some negative impact on the roads, especially Peach Road which is a residential dirt road. Lawson Pond is a gateway from Lowndes County southwest into Brooks County providing a busy, rural, residential route from I-75 and State Hwy 122 west of Hahira TO Hwy 133 east of Morven.
5. Conforms with the policy and intent of the land use plan: Per the 2027 Comprehensive Plan and Future Character Map, the proposed solar farm is not consistent with the objectives to protect farmland and the rural lifestyle of the Agricultural District.
6. Other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval: The Morven Solar Project will not lead to any permanent jobs for Brooks County. The Solar Panels themselves do not make noise, however the Transformer and Inverters transmit noise 24/7.

Sherry Davidson then turned the floor over to Ms. Stephanie Williams, Executive Director of Economic Development for the Brooks County Development Authority.

Ms. Williams introduced herself and her credentials. She stated that Nextera put a target on Brooks County. She said that Brooks County was ranked 20th in the state for their farm gate value. She talked about the Comprehensive Plan and how the intent is to protect AG, protect the Scenic Corridors, Fire Prevention (big fire at Nextera). She talked about how a solar farm ties up farmland, so those precious crops like corn, pecans, etc. are lost. That impacts the AG Companies in our community. We already have a housing shortage, infrastructure issues. The Agreement of 35 years with two 5 year options ties up land that could be utilized for other things. AG Land is important to Brooks County. Concerns with Decommissioning due to newer technologies. Adjacent Property Values decline, fire hazards. The Comprehensive Land states that our AG Land is one of Brooks County STRENGTHS and one of our biggest threats is SOLAR. Ms. Williams also stated that as of Tuesday night (January 17th), the City of Morven has put a moratorium on Solar.

PineGate Renewables' Development Project Manager, Mikala Newsome, presented the proposed Special Exception Application. She went through the drawings and documents provided with their application. She understood that the recommendation was denial due to the intent to protect AG Land and the rural lifestyle this has to offer. They want to invest in the community by constructing an 80 MegaWatt Solar System under a 40 year term lease. They are only developing two-thirds (2/3) of the leased area. Will be fully responsible for the decommissioning of the site to restore back as close to its natural state with a decommissioning bond with the county. There will be no expansion of the solar farm. Ms. Newsome stated that the farmland in Brooks County has grown by 20% according to the US Census and their Solar Site will take up "negligible amount of farmland". The solar lease will pause the farming pesticides and chemicals to help restore the soil. She states the setbacks and vegetative buffers are in-compliance with the Solar Ordinance. They will be performing monthly maintenance on-site and solar panels.

James Warren asked Ms. Newsome – How will this benefit Brooks County?

Response: Met with Howard Acres (schools system) regarding the Blue Ridge Power Up Program presentation at the school systems. This will be a new source of income to help families that have brought a lot of acres in AG. 940 of 780,000 Acres of AG Land is a "drop in a bucket".

Pat Sharp: Where will the jobs be? Brooks County? Response: Cannot guarantee jobs will be Brooks County.

Pat Sharp: Noise Level at the Transformers? Response: Right at the Inverters – 79 dB; General 50 dB; Mr. Anglin's residence is the closest residence to an inverter (min. 500') – 50 dB. There is only one transformer.

Ms. Newsome discussed the impacts on the environment. They submitted a preliminary Erosion Control Plan, subject to approval by EPD. Will share with Brooks County before construction. Discussed the Gopher Tortoise Burrows and will provide a 25' buffer (15' min. required), silt fence, educational information for workers on-site, and Jim with Terracon's contact if sited. They plan to utilize BMP's including a natural fiber mesh silt fence and fencing that allows smaller animal pass-thru. She commented that there were no jurisdictional wetlands and minimal non-jurisdictional wetlands impacted.

Ms. Newsome discussed the Tree Survey – 9.6% of total acreage will be cleared. The Pecan Trees and some Pines were not addressed in the Tree Survey because the landowners plan to harvest. Restoration of the Trees per the Tree Survey are part of the decommissioning plan.

Ms. Newsome spoke that no permanent jobs would be created, but opportunities through Blue Ridge Power, their sister company through their Power Up Program will be available.

Ms. Newsome spoke about Economic Development. She stated the first year revenue for Brooks County would be \$600,000 and the rest being tax revenue. This income will total \$2.9 million over 40 years.

Ms. Newsome added that regarding the roads – PineGate is open to a Road Use Agreement to maintain and restore the roads to its previous condition after construction.

James Warren: How long Pine Gate has been in business? Response: Since 2014.

Tom Eggers: Standardized percentage of recyclable material and storage parameters? Response: Do not know the percentages, but the solar panel parts are recyclable.

Tom Eggers: How many Solar Farms do you have, specifically in western North Carolina? They have 1 GigaWatt across the US with 80 MegaWatt facilities across 26 states, so they have a lot of experience. The closest in Georgia is Elbert and Warren County. PineGate offered a site visit.

James Warren: Sister Company – Blue Ridge Power? PineGate acquired Blue Ridge Power from Horn Brothers Construction in 2021.

Ms. Newsome opened the floor to Jim Baxter, Senior Ecologist with Terracon to touch on the Wetland Impacts. He explained that PineGate had navigated their plan to avoid impacts to wetlands.

Ms. Pat Sharp opened for the public hearing for comments from the audience. The time limitation would be 2 minutes(no proxies). Please state name and address.

Following spoke **IN FAVOR** of the project

Irvin Lawson, 381 Hicks St.

Grew up on the farm, supports saving farmland through productive clean energy. No coal, no fossil fuels, greenhouse gases, but clean energy. 75% of their land they will continue farming. Farming is very challenging and diversified.

Jerry Sapp Jr, 214 Church St, Barney

No land connected, but feels like they should be able to do what they want on their land.

Roy Lawson, 1629 Greysbark Dr, Florida

Wants to preserve a multi-generation farm with clean, quiet energy. He is diversifying. He wants to buy additional farmland and seeking land near Morven. Knows the noise or appearance of solar panels might be a concern, but the developers have found ways to mitigate this issue. Land will have a period of rest from fertilizers, cultivation, and chemicals.

Beth Lawson, 1629 Greysbark Dr., Florida

Absolutely For It

Cannan McLeod, 2315 N. Woodshire, Valdosta

Will provide Unification and Security for Family, supporting local business. Decide the fate of the future.

Howard Lawson, 664 Campground Rd

91 years old, farm is a centennial farm, pay taxes for over 1200 acres, it has not been easy growing crops. He has a chance to put a small portion of my land in solar to make some extra money for his family. Some of his family wants to come back to Brooks County and build a house and raise a family. This will allow them to do so. Please do not tell him he cannot put a solar farm on part of my land that I have been working and paying taxes on since 1961. (Speech copy provided)

Anna Sapp

For IT

Barbara Lawson, 381 Hicks St

Irvin's Wife. Loves the Farm. When the GA Sunshine is up, BUSY!! Opportunity for clean energy. Asking to bring AG & Solar together. We will continue farming AG and Solar together. Don't forget we open May 1st!!

Stuart Chappell, 2500 Cooper Rd

Lived here all my life and paid taxes. MY Land and wants the highest and best economic use and benefits. Acres out of CUVA, brought processing back to the county, will reduce the amounts of fertilizer and pesticides.

Libby Chappell FOR IT

Makayla Martin FOR IT

Robin Plymale FOR IT

Dennis Plymale FOR IT

Dale Rackley – Smaller Farmer in Brooks Co. Wants the most for their investment as possible

Drew Martin, 1706 Old Coffee Rd

Good Idea. This is bad economic times. Need to diversify and make income.

Freddie Dale, 225 Hall Road

He's an electrician at SGMC and just wants to keep the land in the family to keep his late mother's wish.

William Carl Howard, 184 Ridgeland Dr

The question was never asked of the 5 property owners if the land was actually still being utilized/farmed. Hard for farmers. He is FOR Economic Health of Brooks County.

Nancy Dell – FOR IT

Geneva Howard – FOR IT

Jerry Sapp, 650 Lawson Pond Rd

He's 80 Years old. In 1988 he planted pines. He wants to quit losing money. He also owns a Hardware Store in Morven. He wants to earn extra money and slow down (still works 8+ hours a day)

Marie Sapp, 650 Lawson Pond Rd

With the County Taxes going up, this is a way we can pay our taxes.

M. McLeod – FOR IT

Jackie McLeod – FOR IT

Brian Jake Schoffman – FOR IT

Jess Merwin – LEFT (Was not present when name called)

Gavin Merwin – LEFT (Was not present when name called)

Billy Lovett – Asked if he could reserve until after those opposed (Pat Sharp Denied Request) – FOR IT

Presenters/Applicants – Mikala Newsome, Andrew Varrow – FOR IT

Jim Baxter with Terracon & Frances Melley with Kimley Horn – FOR IT

Following spoke **IN OPPOSITION** of the project

Jim Tunison, 908 N. Patterson St, representation for Mr. Hiers

Respects the property owner's rights and interest, as well as the interest of the county as a whole. Referred to the Zoning Procedures Laws and impacts of neighboring homes, usability of adjacent property, economic use of existing property, 2027 Comprehensive Plan states to protect AG land. Follow the Comprehensive Plan.

Peg Howard, 7974 Barwick Rd

*Played the recording of noise from Quitman I & II Site, Lives across the street from Quitman I & II Solar. She explains that the noise does not cycle on & off – it is constant. Effects health (March started complaining, September in ER). No noise right now but dreads the Spring when the noise will start back. Her house is

800' from Quitman I&II. Noise depends on the temp, wind, weather. It effects the quality of life that she moved out there for.

Bill Brannen – Not present

Stephanie Williams – Already presented

Megan McLeod, 9228 Valdosta Highway

Concerned, Will not benefit community. How come up with Bonds for clean-up when no one has done it before (newer technology). 1 facility in California recycles panels, Concerned about impacts of transformers and raising kids next to this.

Julie G Biles – AGAINST

Lee Larko – AGAINST

Blake McLeod, 9228 Valdosta Hwy

Lives at highest point in Brooks County. A 15' buffer will not cover the panels/equipment – will still be able to see. From 2 pm until dark – won't be able to look towards road because of glare. California facility (mentioned by wife, Megan) is not accepting anymore solar panels. Charges \$29/lb., estimates 1 million solar panels. Removing farming cuts local business. Seen a bald eagle 150' in Section 2.

Todd Key – LEFT (Was not present when name called)

Johny Whiddon, 9778 Valdosta Highway

Concerned about residual lead, heavy metals flowing downhill to his property. Erosion is already a problem of the county. Concerned about his land value, decommissioning process. He doesn't want to loose the environment we have now. Nobody mentioned the Sandhill Cranes – the solar farm will look like a pond to them. AGAINST

Justin Price, 1180 Williams Rd

Concerned about the snowball effect this will create. There are plenty more opportunities

Justin Scott - LEFT (Was not present when name called)

Julia Scott - LEFT (Was not present when name called)

Public Hearing Closed

Ms. Sherry Davidson stated the Staff recommended DENIAL of the Special Exception for the large scale solar due to not being consistent with the Comprehensive Plan.

Chairman Pat Sharp opened for any questions or comments from the Planning Commission.

Jeannie Little: Asked what the difference between Peg Howards Noise and Pine Gates Noise would be. Response: They cannot attest to the noise from the other facility. The creditable engineers from Kimley Horn have developed this model based on the specifications of their equipment. But on average 60-65 dB

James Warren: Asked about the Tax Abatement - \$2.9 million over 40 years is only \$72,000 per year. Response: Explained about the \$600,000 the first year. James Warren: So it will be less than \$72,000 per year....Response: Yes

Sherry Davidson: Do you have a Power Purchase Agreement with GA Power? Response: Mikala answered that this was acquired by Samsung at a 80 mW facility and under study by GA Power. Andrew Varrow (Pine Gate) clarified that by installing the 80 mW that this is a GA Power Qualified Facility, meaning that the Power Purchase Agreement is guaranteed by Ga Power.

Chairman Sharp asked for a motion on the application, Tom Eggers motion to recommend conditional approval pending a Road Use Agreement and Erosion measures with filtration plants in the retention areas.

Chairman asked if there was a second. Linda Gosier Seconded.

Chairman asked All in Favor – Jeannie Little was in-favor.

Chairman asked for All Opposed – James Warren opposed.

Vote was 3-1 for Conditional Approval with the above mentioned items.

Meeting adjourned at 7:18 pm

Melissa Smith, Zoning Agent

SIGN IN

Brooks County Planning Commission

January 19, 2023

IN FAVOR

IRVIN LAWSON ✓
Jerry Sapp Jr. ✓
Roy Lawson ✓
~~XXXXXXXXXXXX~~
Beth Lawson ✓
Cannan McLeod ✓
HOWARD LAWSON ✓
Anna Sapp ✓
Barbara Lawson ✓
Suar + Chappel ✓
frances Kelley ✓
Luby Chappell ✓
Makayla Martin ✓
Raphia Pymale ✓
Kemis Pymale ✓
Dale Ruch ✓
Pru Math ✓
Mikala Lawson ✓
Freddie Self ✓
William C. Howard ✓

NOT IN FAVOR

Jim Tanison ✓
Peg Howard ✓
Linda PRAXXEN X
STEPHANIE Williams ✓
Megan McLeod ✓
Juliegrace Biles ✓
LEE LARKO ✓
BLAKE MCLEOD ✓
Tosh Q. Key ? +
Johnny + Pam Whidton ✓
John S. Quarterman (WATKINS) ✓
Justin Price ✓
~~JULIA SCOTT~~ X
JUSTIN SCOTT X

SIGN IN

Brooks County Planning Commission

January 19, 2023

IN FAVOR

NOT IN FAVOR

Nancy Deel ✓

Geneva Howard ✓

Mary Japp ✓

Marie Japp ✓

Wanda McLeod ✓

Jackie McLeod ✓

Jim Baxter ✓

Bryan Jake-Schoffman ✓

Jess Merwin ✗

Gayn Merwin ✗

~~Billy Lovett~~ ✓

Andrew Varlow ✓