



County of Surry, Virginia
Planning Commission Meeting Minutes
May 19, 2025

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 6 PM on Monday, May 19, 2025, in the Surry County General District Court, 45 School Street, Surry, VA, by Dr. Giron Wooden, Jr, Chair.

ATTENDANCE: The following members responded present to Roll Call:

Dr. Giron Wooden, Jr., Chair
Mr. Thomas Hardy, Vice Chair
Mr. Theodore Lunsford
Mr. Earl Newby, Sr.
Mr. Breyon Pierce
Mr. Eddie Brock
Mr. Stephen Berryman
Mr. David Coggin
Ms. Dianne Cheek
Ms. Carmen D. Judkins

Absent:

Mr. William Seward, IV

Staff Presents

Mr. Horace Wade, III, Director of Planning and Community Development
Ms. Regina Hilton, Administrative Assistant
Mr. Lorenzo Turner, Planner I
Ms. Lola Perkins, County Attorney
Ms. Frances Bailey, Planning Technician/Plans Reviewer
Ms. Haley Keene, Senior Planner
Mr. Darius Savedge, Senior Planner

Others Present:

Mr. Jason Wilkins, Townes Site Engineering
Mr. John Barksdale, Emerson Companies
Mr. Ed Rumler, Clenera, Developer of Bear Island Battery Storage
Mr. Scott Foster, Attorney for Clenera

PLEDGE OF ALLEGIANCE: All

ADOPTION OF AGENDA: Chair Wooden entertained a motion to adopt the meeting's agenda. It was moved by Mr. Pierce and seconded by Mr. Brock.

In favor: (10) Brock, Wooden, Newby, Hardy, Berryman, Lunsford, Cheek, Judkins, Coggin, Pierce
Opposed: 0
Abstain: 0

APPROVAL OF CONSENT ITEMS: Chair Wooden asked the Commissioners for the disposition of the minutes for February 24, 2025. A motion to approve was made by Vice-Chair Hardy and seconded by Mr. Newby.

In favor: (10) Brock, Wooden, Newby, Hardy, Berryman, Lunsford, Cheek, Judkins, Coggin, Pierce
Opposed: 0
Abstain: 0

OLD BUSINESS: None

Chair Wooden said before proceeding to new business, at the last meeting hearing, an adoption was made that the public hearing items would be held or heard at 6:30. We will move through the agenda until such time, then return to the public hearing item, allowing anyone who wishes to speak.

NEW BUSINESS:

1. Spratley Mill Subdivision Preliminary Plat by Emerson Ventures LLC – 32 Lot Subdivision on 97.34 Acres

Mr. Wade said that before the Commission tonight, there is a preliminary subdivision plat of more than five lots requiring approval from the Planning Commission. All items are reviewed prior to approval and then recorded at the courthouse during the preliminary plat review. The material presented tonight allows the County to review what the developer presents. The plat has 32 divisions over an area of approximately 97 acres. The subdivision is in the proximity west of the schools, on Spratley Mill Road. The subdivision would be entitled "Spratley Mill Subdivision".

Subdivision is subdivided by right. One requirement is that you can only have approximately 15 lots under three acres and eight below three acres. The lots must meet the minimum lot size and minimum width. Mr. Wade said that staff recommends approval, subject to VDOT meeting access management requirements.

Mr. Brock asked Mr. Wade if, according to the ordinance, you could have 15 lots under three acres, if it was a state requirement. Mr. Wade said that it was in a local zoning ordinance. Mr. Brock noted that to have a primary septic system, you need room for a secondary septic system, a well, and a house, on an acre and a half, and setbacks. Can it be done per the engineer that nothing presented tonight on the plat, would tell the Commission how wide the lots are? Lot 32 is almost 13 1/2 acres, the gray is

buildable area, and everything else is wetlands. Mr. Brock asked, “How do you get to the gray area. Can you come from the road frontage off Spratley Mill Road?”

Mr. Wade said that they asked the developers to add the gray area to show the location of the buildable areas, based on wetlands and setbacks, that are required in the ordinance.

Mr. Jason Wilkins, Townes Site Engineering:

- Lot seven is 150 feet wide and approximately 800 feet deep on the road frontage.
- Lot 32 is predominantly wetlands. There is a buildable area along Spratley Mill Road, where you would have a driveway.
- When determining the buildable area, the developer will ensure at least a 50-by-50-foot building envelope, which is a good starting point for a typical house footprint. This allows 2,500 square feet just for the first floor.
- Lot seven is where you would require putting in a driveway with a culvert, allowing water through to get to the buildable area in the rear.
- The gray areas would work because of their elevation. It was surveyed, and the FEMA floodplain was checked. A wetland delineation in the field ensured a buildable area and a sufficient size to put a house.

Question: Mr. Coggin asked Mr. Wade if he thought there was something in the ordinance about building on open farmland. That you could not create a lot if it were currently under cultivation. He asked Mr. Wade if he remembered that. The first couple of lots behind the house is 60 acres of maybe open farmland. It's under cultivation and to steer subdivision toward townships.”

Mr. Wade said that the larger lots do permit residential development. The lot towards the towns is typically an acre lot. In those cases, you would have them go through some rezoning. These are by-right subdivisions, which means you can use the property for residential by-right. Mr. Coggin asked if there is an ordinance that if it's on a particular road, you must have shared driveways, or you could only have a driveway every 500 feet? Mr. Wade said yes, and Spratley Mill Road is not one of those roads.

Question: Ms. Cheek asked in response to Mr. Coggin, “Did Mr. Wade’s write-ups refer to VDOT for requirements?” Mr. Wade said the answer to access management for a shared driveway is yes. The developer has various constraints on their development due to wetlands and environmental constraints. “We do not want to hamper developers from designing their driveways because of the access. “If you have access across a wetland to get to a feature, or across a culvert which requires a shared driveway or their lot size, it wasn't a detriment. We do not want to hamper them with access management that isn't necessarily required. That is when you would go to VDOT if the design of the final plats needs different entrances.

Mr. Wilkins said he had spoken to VDOT and shared the layout for their feedback. As far as VDOT is concerned, the roads do not meet the criteria for which you would be required to have shared driveway accesses due to the classification on which they are based, traffic. Single driveways for every 150-foot frontage would be acceptable, and they would review it when it goes to the final plat.

Question: Mr. Brock said, going back to the lot size. What are the criteria? You have eight lots that are under three acres. “Looking at Lot 24, which is barely over three acres, and if he is looking correctly,

over half of that lot is wetlands. You could be down to two buildable acres. Lot 25 is 3.6 or 3.63, which has the same issue. He would like to see the drawing with footage of the wetlands and the depth.

Chair Wooden said that he thought that, in addition to what Mr. Brock may be asking, would not be only building the actual structure, but also the location of the well and septic. How would we address water and septic? Mr. Brock said yes because the lot is barely three points plus acres. "When the wetlands are removed, you're under three acres."

Mr. Wilkins said, "On any lot, you can put a house anywhere you want to and roughly have 2,500 square feet for a first floor. If you have a lot that is three acres and lose an acre to wetlands, a 2,500 square foot footprint is not even a 10th of an acre. He doesn't have a concern about being able to fit a house on the lots, according to the drawings. Just because there are wetlands, it doesn't take away from the fact that people will own the property and be able to enjoy it."

Question: Ms. Cheek asked, "What happens when you add the septic field and well?" Mr. Brock asked, and another garage because the house isn't big enough. Mr. Wilkins asked what is traditionally done on the lots. You have an authorized on-site soil evaluator. They are certified to examine the soil and determine where the drain fields will go. The developers have already had somebody go out to each property. In properties with predominantly wetlands, you can place a drain field in the 100-foot setback between the roads. Mr. Wilkins said the lots without wetlands and floodplain have a 100-foot depth and plenty of room in the front setbacks.

Ms. Cheek asked if the well would go in the back. Mr. Wilkins said it would be located based on the separation requirements that it has at the drain field. He thought there would be plenty of room to put a well on the lots. Ms. Cheek asked could you use something besides the standard septic. Mr. Wilkins said that it depends on the soil types. Sometimes the soil is not good enough to do a traditional drain field. They would review an alternative design submitted and permitted with the building permit drawings. It would still require review and approval by the County before it can be done.

Ms. Cheek asked if the development would be marketed as a development site or if you would purchase a lot. Mr. Wilkins said it is more of a developer question, and he would talk to him. They're looking to sell to a single home builder, and the home builder will proceed to build based on the demand. Possibly one home a month. Mr. Wilkins said that he thinks it ought to be looked at more as a neighborhood instead of a one-off lot here and then, five years later, somebody purchases one, and three years later, somebody purchases another.

Mr. Wade said there are questions concerning the Health Department and septic systems. He thought he had read something from the developer that the lots would likely require alternative systems. The Health Department would review them before submitting the building permit. Mr. Wade told Mr. Wilkins that he may have to address having access management from New Design Road. Mr. Jason Wilkins said that he thought somebody had asked that before. "How would a shared access scenario look if you're looking at lots one, two, three, and four?" He said lots three and four would have a shared driveway in an easement on the property line. Then do the same with lot one and two. Lot number one has an extensive frontage."

Vice Chair Hardy asked if something existed on lot one. Mr. Wade said that an existing house. Vice Chair Hardy asked if it was a house and a shed. Mr. Coggin said it was an old farmhouse that was torn down and had barns and sheds.

Question: Mr. Coggin asked what tonight's agenda is. Was it just a preliminary review and brought back to the Commission for approval? Mr. Wade said they are asking for approval tonight, and if we approve with conditions. They are asking for preliminary approval. "They will not be able to do a final plat until the Planning Commission approves the process. You could approve it with conditions that must be met before their final plat goes through." He believes the applicant is asking for at least a conditional approval to move forward tonight.

Mr. Coggin asked if it was by-right? Mr. Wade said it is by-right. Mr. Coggin asked because Mr. Wade said you can have single-family homes in this district. He stated you could have a minimum of one acre. However, there is another caveat with 15 lots being less than three acres. In September 1975, the existing lots say, "As of this date, any existing lots, if using AR, can have up to 15 lots less than three acres. If you want more lots (less than 3 acres), you will likely have to rezone the lots."

Mr. Coggin said that he wouldn't feel comfortable voting on it tonight. One, "because he hadn't seen the proposal, and two, it seems like in all other subdivisions, you notify the adjoining landowners. He asked if they had been notified. He thought the adjoining landowners needed to come before the Planning Commission and express their feelings about a 32-lot subdivision surrounded by 100 to 200 acres and lots of farming land. Mr. Wade said that he was not aware of that process.

Ms. Cheek asked if it matters if it's 32 or a hundred lots. You would have to do a notification for an AR district. Ms. Perkins said there are no notification requirements if it's permitted by-right. Ms. Cheek asked how far the project is from Dendron. Mr. Coggin said right by the schools. She wondered what the mileage was, and Mr. Coggin said five.

Mr. Coggin said that he felt as if he needed more input. He wasn't prepared tonight to look at the project, and maybe needs to go out in the community to see what other neighbors thought about the project. The wetlands are a big issue for him. Ms. Perkins said this review is being done per a Virginia code section. Virginia Code 15.2-2260 explicitly states that the local Planning Commission "shall complete action on preliminary subdivision plats within 60 days of submission." Her understanding was that it was submitted on March 30th, which is why it made it onto the agenda for tonight's meeting. That would be 60 days by the end of May. Certainly, this may be a situation where the Commission needs more time to schedule a special meeting to meet the legal requirements in the Virginia Code.

Question: Mr. Hardy asked Mr. Wade whether, approved or denied, each lot would have to be approved by the building inspector, even with the wetlands that everyone is concerned about. Mr. Wade said yes and would also pull out the soil maps. Each soil has a classification, which we have from the NRCS, indicating where the soil classification is. The building official can see what is required to develop different soil classification types.

Vice Chair Hardy asked if the developer bought this property, and a lot that does not meet the qualifications for a dwelling. Is that lot done? Mr. Wade said yes, and in the Planning Office, if there are wetlands, we would then look at the property's wetlands and resource protection areas. This property is not in a Chesapeake Bay Protected Area. It does have floodplains. So, if it's not in the area considered

buildable, we asked the developers to show it in the grayed-out or blued-out areas, which are in front of the Commissioners, and to show some topographical areas. The developer did put contours in the map to show elevations.

Mr. Hardy asked if the lots were approved and if the building inspector would have to ensure that the driveways are suitable for emergency vehicles through the wetlands area. Mr. Wade said they would have to be certain they could access the lot. It would be between the Planning and Building Office to determine whether the driveways are accessible to the lot. Whether the developer was crossing wetlands or working with the Army Corps. Mr. Wade said he knew Mr. Wilkins and his team would know what permits are needed.

Mr. Brock said it would be an issue if you crossed through the backside of the field, over wetlands, and the amount of disturbance. Mr. Wade said that when working with wetlands, you must involve the Army Corps, DEQ, and many other departments outside the County to review the documents. Staff will not proceed unless there are approvals. Until then, building permits wouldn't be approved.

Mr. Brock said it is by-right. "If the Commission denied this tonight with the stipulation that we see the road frontage. If Mr. Wilkins said 150-foot road frontage, he could come and say there are 200 feet of road frontage. It's not on the paper that you see before us." Mr. Wade asked Mr. Brock if what was being said today was that it would be helpful to have those dimensions. Mr. Brock said yes, and tonight's presentation doesn't show how to get across the wetlands.

Question: Chair Wooden asked Mr. Wade or Ms. Perkins, "For purposes of the Commission and the audience, to Mr. Brock's point, if we did deny this tonight, what would be the next step?" Ms. Perkins said her recommendation would be, "If it is a question of needing more information, the item should be tabled and a special meeting should be scheduled before the end of May. If the application were denied tonight, the applicant would then have to start the application process over. And that's not what she is hearing. What she is hearing is that more information is needed. And again, she cannot emphasize enough that it is a by-right development. So, regarding what you use to place restrictions and conditions and the public hearing requirements, none of that applies to this development. We must operate within the parameters of the Virginia Code and our zoning ordinance, and for better or worse, this is a by-right development."

Question: Mr. Coggin said, "If you add up all the lots, it's like a hundred. He asked Mr. Wilkins, "Are you anticipating buying more?" Because the land for sale is only 99 acres." Mr. Wilkins said no. He thought that if Mr. Coggin says that you add all the individual lots and compare it to the total on the front, "the total acreage on the front on the preliminary plat is from the County's GIS system. It's just the online records for real estate data. They are finishing up their boundary survey. Also, they will update the acreage to match what's in the field, which could change a little. It will be corrected by the time the final plat comes in. It's just for the preliminary plat to show what the records show for the acreage right now."

Mr. Coggin said there is a house for sale and 99 acres on the left side of Sexton Road or Spratley Mill Road, where there is the swamp. Is that something the developer has now or anticipates buying to make it into the beaks? Mr. Wilkins said that it is a single parcel separated by Spratley Mill Road and one parcel on both sides of the road.

Mr. John Barksdale with the Emerson Companies, who is the purchaser of the property, said that it is one property. They are buying the entire parcel and will not acquire anything besides what you see listed. There may be some discrepancy in the acreage on the listing, and there may be more land along the swamp. Mr. Coggin asked if they had stipulations on house sizes, preventing having little shanty houses up and down the road, and Mr. Barksdale said yes.

Mr. Coggin said long ago that he was on a Steering Committee. If you had a long, narrow lot, the County allowed it to be subdivided, even if it was five acres or less. "Looking at 32, they are all long and narrow. If someone wanted to have their grandmother come in and decide to take off a piece of the lot, you could essentially go from a 32 lot to a 64 lot. Is there any reason they could not do that?" Mr. Barksdale said there may be a couple of lots with two buildable areas, which could happen theoretically. That is not their intent, and most lots have 150-foot frontage. Mr. Coggin asked, "How could you keep property owners from doing that?" Mr. Barksdale said it's not their intention, and they are not planning to build small shanty houses. He works for George Emerson in Chesterfield, which has several neighborhoods where the Commission could visit and see the product type they built. George Emerson has been developing neighborhoods for almost 50 years.

Question: Ms. Cheek asked if it would be like an HOA? Mr. Barksdale said that they did have deed restrictions. "Make sure there aren't junk cars in the driveway and objects in the front yards. All their neighborhoods have restrictions to ensure that they stay nice in perpetuity and that there are aesthetics from the street. With the larger lots, he did not know if it would be associated with lawn maintenance."

Ms. Cheek asked if they would set standards for the design of the houses. Mr. Barksdale said there are five models you can choose from or design your own. They mainly sell to national home builders. This neighborhood will be like the Eastwood Homes. As the developer, they manage the architectural review and what homes can be built. It doesn't matter who the builder is. They will pick the elevations and the house plans that would be best for the neighborhood. Several house plans will be approved. If you were a buyer, you would look at the model and your options, then customize and pick.

Ms. Cheek asked if it would be done in phases or open to building and picking your lot. Mr. Barksdale said that they were all open. "We will build. They haven't been completely mapped out, but they will likely build two or three. One is a model, two would be specs, and then you could come in and either have one ready to go or you could design your own. But the intention would be that once they start, they will keep going. You do one, two, or three a month, whatever the pace, until all is built. So, it will be less than two years from the start."

Mr. Hardy said he would like to make a motion to approve the Spratley Mills Subdivision preliminary plat with the noted conditions of the access management. Chair Wooden said, "There is a motion on the table. Is there a second? The motion on the table, is there a second? No second, the motion dies. Is there a different motion?"

Mr. Coggin motioned to deny and have the Developer review the plans again, get all the proper information, and then the Commission could vote on it at the next meeting. Mr. Wade told Mr. Coggin that earlier, Ms. Perkins reiterated, "If it is denied, they would have to go through the process all over again, as opposed to making whatever corrections are being tabled."

Chair Wooden asked if there was another motion. Mr. Pierce said, "After discussing this project, he said we should table this action until the next calendar meeting." Mr. Brock said this process was completed 60 days ago in March. Why were we getting the information last week, at the last possible time? Mr. Brock noted maybe the developer can ask for an extension. There hasn't been a subdivision like this since he has been on the Planning Commission. Mr. Brock said, "This is opening a Pandora's box in the agricultural world. You have one here and one in Bacons Castle. Lots two and three could be joined together, five and six could have been joined together, and they are using the minimal road frontage."

Chair Wooden said a motion is on the table, and there is a question about the extension. Ms. Perkins said it is not explicitly spelled out in the code. Based on other experiences, "if the applicant is willing to waive the 60 days, that is something that we could work on now. But if the applicant is unwilling to waive the 60 days, then action must be taken within those 60 days." Chair Wooden also said they need to clarify what they need to bring back to the Commission. He said that, in conclusion, an extension is possible if the applicant is willing to accept it. Ms. Perkins said yes, and that the extension should have a limit. When tabling the item, you table it for a future meeting.

Mr. Barksdale said that they intended to follow the ordinance. They have 150-foot lots that are three to five acres and a few that are smaller. They have met the ordinance on the lot design. Mr. Coggin said that it was the shock factor of the project. He said it has been years since Surry County had a subdivision of over three or five lots. This project is on the main road to the school. Buses would be stopping every 150 feet to pick up kids. He felt that more time was needed, and it would be helpful to see the lot sizes.

Chair Wooden said what is needed from the developer would be:

- To see actual lot sizes.
- The dimensions of the lots are to be compared with the buildable areas and some of the wetlands.
- Wetlands are an issue for most of the Commissioners.
- Comparing the buildable land on some lot sizes and seeing if the buildable footprint is enough to build a house.
- In rural areas, you must have a well, unless there is another water plan.
- You need a septic and drain field unless we have other plans for sewer. It would be great if the HRSD were a little further down, but right now, it's not.

Chair Wooden said he thought answering the Commission's concerns would be having the proper information to make the best decision for all the citizens in the County. Mr. Barksdale said that they could provide the information. They have done the soil work, ensuring there will be drain fields on all the lots. They understand the need for wells on each lot and know that some of the buildable areas on the plans look tight with some of the wetlands. Mr. Barksdale said they could look at a couple of lots.

Chair Wooden asked Mr. Barksdale if he was the person to ask if they were willing to wait until the next Planning Commission meeting. Mr. Barksdale said, "If that's what you need, we'll do that. If there's no mechanism for them to get in sooner, they need to do that."

Mr. Wade told Chair Wooden, "There is a need for a second meeting to discuss lots." This would be a good time to activate the subdivision subcommittee. They would review and provide recommendations to the Planning Commission. The developer would have time to walk through it and make corrections, and we could all agree on the next meeting date.

Chair Wooden said, "After hearing that the developer will accept an extension, is there a motion from the Commission?" There is a motion on the table. Mr. Pierce moved to table this agenda item until our next Planning Commission meeting, June 23, so that the applicant could meet with our subcommittee and meet the required recommendations for this project. Chair Wooden said, "There's a motion on the table. Is there a second?" Mr. Brock seconded it. Chair Wooden noted that it has been properly moved and seconded that this matter be tabled until the June 23rd meeting. All those in favor, please signify by saying aye. Opposed.

In favor: (9) Brock, Wooden, Newby, Berryman, Lunsford, Cheek, Judkins, Coggin, Pierce

Opposed: (1) Hardy

Abstain: 0

Chair Wooden said, "One opposed, the ayes have it, the matter is tabled." Chair Wooden asked Mr. Wade, "Would you like to return to the public hearing agenda since it's past 6:30? If he would, provide the information regarding the public hearing agenda."

NEW BUSINESS – PUBLIC HEARING (6:30 P.M.)

1. PC ORDINANCE AMENDMENT 2025-01: The Planning Commission will consider and intends to take action on the adoption of amendments to the Surry County Zoning Ordinance by amending Article II - Definitions and Uses, Article III – Zoning Districts and Boundaries, and Article IV – Supplementary Regulations to amend, incorporate and add language regarding use type descriptions, district requirements, and performance standards for sewer pumping stations and water pumping stations to allow as a permitted uses in Agricultural Limited (A-L), Agricultural-Rural (A-R), Rural Village Center (RVC), Medium Density Residence (R-1), Vacation Residence (R-2), Local Business District (B-1), General Business (B-2), Light Industrial (M-1) and General Industrial (M-2).

Mr. Wade:

- Tonight's public hearing is to consider an intent to take action on adoption of the amendments to the Surry County Zoning Ordinance by amending Article II, Definitions and Uses, and Article III, Zoning Districts and Boundaries. Article IV, Supplementary Regulations to amend, incorporate and add language regarding use type of descriptions, district requirements and performance standards for sewer and water pumping stations to allow this permitted use in Agricultural Limited, Agricultural Rural, Rural Village Center, Medium Density Residence, Medium Density Residence, Vacation Residence, Local Business, General Business, Light Industrial and General industrial.
- This ordinance came about when working with HRSD, which has pump lots. Their pump lots have been faced with situations with the schools. HRSD had to have a minimum lot size of an acre to have their own pump station.
- The lot, which is often too large, is only a hundred-by-hundred lot size needed to meet their needs. They hire someone just to cut the grass.
- When looking through the ordinance, he saw that we could address some of the issues by adding two new uses. A sewer and a water pumping station. Areas for lot requirements, we

stated, “the minimum lot size for these requirements can be reduced, provided the general standards are outlined in section 4-610 of the ordinance.

- Section 4-610 gives you general standards for minimum lot sizes, where they can be located, and how they are designed. This allows us to work with not just HRSD but also some water in the future throughout the County.
- In areas where the minimum lot size is an acre, we can work around that. Not having to presume yourself, having to go before the BZA, to apply for a variance.
- The Commission made a recommendation or a resolution for this ordinance amendment at the January meeting.

Before opening the public hearing, Chair Wooden asked the Commission if there were any questions.

Question: Ms. Cheek asked if we currently have many of these in the County? Mr. Wade said that there were a couple. She then asked if HRSD puts them in. Mr. Wade said there may be other places where you have water lines in a few neighborhoods. He didn’t know how they were there before, but HRSD has been actively looking at developing them throughout the county for several years. He thought previously we had it as a utility minor. Mr. Wade said, “We separated the uses of a water pumping station and a sewer pumping station outside of where it was previously the minor utility. We took them, extracted the uses, and said they are now their separate uses. They are being governed by what you see in the ordinance now.” Ms. Cheek asked if they would add a pumping station for water, and if that was part of their design. Mr. Wade said that it was. We would see sewer or water lines, a pumping station, a grinder pump, or pump houses.

PUBLIC HEARING OPEN:

Chair Wooden said, “If there were no more questions, he would open the floor for a public hearing. If anyone would like to come and speak for or against, please go and do so. It was asked if there would be an opportunity to make a public comment later. Chair Wooden said yes.

PUBLIC HEARING CLOSED:

Chair Wooden declared the public hearing closed. He asked if the Commission had any questions regarding PC Ordinance Amendment 2025-01. If not, he would entertain a motion. Mr. Brock motioned that we approve PC Ordinance Amendment 2025-01 as presented. Mr. Newby seconded it. Chair Wooden said, “It has been properly moved and seconded that PC Ordinance Amendment 2025-01 be approved. All those in favor, please signify by saying aye. Those opposed, nay. The ayes have it. The ordinance is approved.”

In favor: (10) Brock, Wooden, Newby, Hardy, Berryman, Lunsford, Cheek, Judkins, Coggin, Pierce

Opposed: 0

Abstain: 0

NEW BUSINESS:

2. Work session with Bear Island Battery Storage LLC - Battery Energy Storage System

Mr. Wade said, "Before the Commission tonight are Mr. Scott Foster, Head Attorney for Clenera, and Mr. Ed Rumler from Clenera. They are here tonight to walk you through their project for battery storage."

Ed Rumler, representative of Clenera (The Developer of Bear Island Battery Storage):

- A couple of weeks ago, they submitted the application for their project. The ordinance was approved; the application conforms to the ordinance and is now beginning the process of working through the conditional use permit for the specific project.
- Clenera has been developing, building, and operating solar and battery storage projects nationwide for over 10 years. A long-standing history of project success and gigawatt hours of storage, built with almost double what is expected to go in construction within the next six to 12 months. Their business motto is to develop and operate.
- They intend to be there during construction, after construction, and with the same company throughout. They usually do not sell development assets.
- At its smallest level, it's very similar to the battery in your cell phone. It's a series of those strung together. Then, they are added to racks, and those racks are stacked on top of one another and combined into something that looks like a shipping container.
- Shown is a battery storage project that they recently completed in New Mexico and, on the bottom right, a battery storage project owned by Dominion in Chesterfield County.
- Dominion's preference, if bidding into the Dominion RFP, is for the spacing of the containers to be wider. A typical spacing requirement is based on the third-party engineering standards when looking at the actual site plan for their project and using Dominion's spacing requirements. It is safe and will prevent any emergency from spreading from cell to cell, from container to container.
- Dominion expands the spacing even further, to an unnecessary amount, and then the site plan conforms with Dominion's spacing requirements. They have not contracted with Dominion and may not. They haven't chosen the contractor for the project, but designed the layout to allow them to use Dominion if they choose.
- At the beginning of the day, when demand is low, prices are low on the transmission system. That is when the battery charges and rises over that period. Throughout the rest of the day, the battery is releasing power.
- The vast majority of the days, that is exactly what all the batteries are doing: charging when demand is low and releasing energy when demand is high. During the middle of the day, when solar is producing energy, energy is cheap. When the load goes up on the system, the battery delivers.
- It will be accessible from the transmission system for a few other services, including the three most common areas, one called spinning reserve. If a transmission line goes out along the transmission system, the battery can step in on short notice and provide power to prevent any kind of cascade on the transmission system or to stabilize prices in certain spots caused by a transmission line issue.
- If a tree falls on a power line or a thermal event occurs that requires the power line to be shut down, this is called an N-minus-one contingency. At that point, the battery steps in to facilitate the operation.

- **Resource adequacy:** PJM is the system operator in this region. They specify requirements for Dominion. They say you must have X number of megawatt hours that you can produce in any given period, based on peak events throughout the summer. PJM will look a day in advance, and they'll say, "We expect... It's a very hot day. We expect a ton of air conditioning. The system load is so high that we must call on specific resources to deliver power at this specific time." That's when the battery steps in. So, it's meant to contribute to that peak operation requirement on the grid without requiring that a new resource be brought online to handle that peak service.
- The battery does not require a new solar or a gas facility. It allows you to meet that peak demand by shifting when existing generators produce megawatt hours.
- **Ramp control:** They are called ramp because the system will go up and down in production. They will take a large portion offline so that you can perform maintenance or for routine events. It will take a long time to ramp up and down. The battery can step in during those periods. When it is offline or ramping down, demand is high and there isn't a way to respond quickly, the battery can jump in and handle that ramp demand, which arises from slow generators coming on and offline.
- The entry point would be off White Marsh Road, directly south of a transmission line that runs east-west through the boundary. The parcel is about 400 acres, but the project will only use a small portion on the right-hand side, or the east side of the parcel boundary. This is directly south of the transmission line. The project sets back a significant distance from nearby homes and roadways.
- The red-outlined area is considered the permanent boundary. The grayed-out area with the red and blue boxes is where the actual system would be located. This shows a layout that assumes Dominion's basic requirements. If they do not contract with Dominion, it would be possible to shrink that footprint. Once a final technology is chosen, that footprint may shift slightly in depth or height, based on the actual size of the containers and all the engineering requirements for design.
- The pink box is a new switch yard required to access the transmission system. The orange box would be the project substation, which collects and sends all the energy to the grid. It is sent to the grid through that box, the new switch yard.
- The closest home is about 2,300 feet, approximately half a mile. Some homes are over 3,000 feet from where the nearest container would be located.
- The container's operating volume, measured at a distance from the nearest home, is 38 decibels, which is about the volume of a library. The ambient nighttime noise level in rural areas is 20 to 30 decibels. The other factor that is not considered is all the trees between the project location and the nearest home. The area is well forested, and sound should propagate between where the footprint is located and any nearby homes.
- The main benefit for the County is the tax revenue. Five and a half million dollars of estimated property taxes on a 20-acre footprint. This is a dense but valuable piece of development if it's done right. It's about a hundred times what the current property tax level is. So, it's an attractive development opportunity from the financial aspects alone.
- It also comes with some construction. The economic activity of construction is a fundamental component of developing a project of this kind. Fifty to 75 workers during peak construction time. That's about \$500,000 of local economic activity, which is generated by spending at local restaurants, gas stations, housing, etc.
- This contributes in a few ways to other popular sources of economic development. The estimated increase in the power demand on the grid by 2039 is two times what it is currently. And that's an unprecedented amount of demand growth expected on the system. The electricity

and power on the system have stagnated or declined slightly over the past 30 to 35 years. What is driving this is mostly data centers and artificial intelligence. This project is meant to help facilitate not just the existing grid but also the expansion of the grid.

- One way to meet peak grid demand without requiring new generation is to have batteries on the system. This helps to increase the efficiency of what's already there and prevents the need to build a new generation.
- This contributes to clean energy goals for companies looking to source data centers and other opportunities throughout the Country. 441 corporations are committed to 100% renewable energy. They have signed 200 gigawatts of agreements since 2000.
- The safety aspect is a priority on multiple levels, and it comes in at four stages. They have worked closely with a group called Fire & Risk Alliance. They will come to the public hearing with a wealth of knowledge related to design and safety.
- There is the actual component design, which ensures that everything is combined and put in the containers and operates safely and efficiently. The system design and construction will have the best practices in place. Also, you have things like correct spacing and analysis done to ensure that if there is a failure event, it doesn't spread. The design contains any issues with the system.
- Remote monitoring is used during the project's operation, designed to shut down if there is an issue with temperature or system control. As part of this process, an emergency response plan is developed. Should something go wrong, a plan will be in place that will be confirmed with the first responders here in Surry. Ensure everyone knows where to go, what to do, and how to respond during an event.
- NFPA 855 is the gold standard and is cited extensively during these discussions. Component and system design, remote monitoring, and emergency response are all built into this design and will ultimately be built on the site.
- Traffic is another big question that is asked. They expect 100 to 150 heavy vehicle trips over a two-month period, about two to three heavy vehicle trips per day. It's not zero traffic, but it is light, especially compared to some other forms of development that have occurred in the County over the past few years. Fifty to 75 employees are on-site during peak construction. It is expected to last three to six months, probably closer to three.
- The construction of the batteries is relatively simple. Almost everything is in a modular container, like a prefabricated house. They bring the containers in preconstructed, place them on site, and wire them. Most of the work is civil to begin the construction period and then electrical to ensure everything operates appropriately on the tail end.
- Twenty trucks of heavy vehicles per day is relatively light traffic for the project's duration, and construction is relatively short.
- Ordinance protections were discussed that include requirements for what type of traffic is allowed and how we respond to mitigate any impacts created by traffic. A draft traffic management report was pulled. This was produced by Clenera, showing the vehicle-per-day limits of all the roads used for access by the project. The lightest traffic road is right outside the project on White Marsh Road. The report has 260 vehicles per day.
- Information about the megapacks, which operate at the loudest volume, is included, but there are other things that create noise. The decibel levels of the main power transformer and the mid-voltage transformer at the property line and the nearest house are below what the megapacks would operate at and far removed from both property lines and nearby homes.

Question: Mr. Coggin asked if the megapacks are inverters. Mr. Rumler said the megapacks include the actual battery systems and the inverters. He said that he had information from a question asked by Ms.

Cheek about the kind of hazardous materials that would be created if a fire were to occur. Mr. Rumler said he always has the least satisfying answer: "It depends." It depends on whether the chemistry is ultimately the response. There is a study that you can do, called the plume model. This is a fire event. The release of any chemical related to the battery and the proximity at which it could potentially negatively affect neighboring properties or residences.

Mr. Rumler would like to include that as a condition, once they have a final chemistry, to ensure that plume modeling is required before the construction begins. To prove the fact that if a fire does occur, the spread isn't wide enough to spread to neighboring residences or property lines. It should be relatively self-contained. But the part of "it depends" comes in when chemistries operate differently, and there is a difference from actual weather, at any given point, it affects the plume modeling. That would be cold events or days with low air and barometric pressure, with lower spread. Days when it is hot and dry, the spread tends to be higher.

Mr. Rumbler looked at a relatively exhausting number of plume models. To figure out what the actual worst-case scenario for a spread would be with any chemistry. The worst he has seen is about 40 to 50 feet for a single container. That chemistry may not match what we choose for the project, but the best way to be protected from the concern would require the plume modeling as part of the final design approvals before construction. Like the final emergency response plan, traffic management plan, and anything else in the draft form, it is finalized before construction starts.

Chair Wooden asked if there were any questions from the Commission? Mr. Coggin said that Ms. Cheek has been helping him to be alert about the noise levels. He asked because of one nearby residence, "Would it be too expensive to build a wall? "Is there any way to lower the noise levels on the property? He wanted the level to be zero. Mr. Coggin agrees with the density of the forest, but in the wintertime, you could be in the woods on a tree stand two and a half miles away from Windsor Mills and hear them sawing in the early morning.

Mr. Rumler said that the sound is an interesting thing. What is perceived by the human ear is obnoxious or difficult to sit through. It is either something of a specific frequency level or inconsistent. The battery operates at a tolerable frequency level. What is creating volume is like an air conditioner. It's cooling the systems. It is like the noise level of a public library, and it's a consistent noise, operating at a frequency level that is highly unlikely to disturb someone. It would be hard to build, even a residence nearby, with an air conditioner, to guarantee zero decibels at the neighboring property level. But what you can do is build a sound wall. The reason developers wouldn't do a sound wall is that if you decide to do another battery project, it would be expensive. There is more room in the economics for solar to absorb costs, whereas batteries are still at the forefront of the expansion of renewables. There isn't solar attached to the battery product. The sound wall makes the entire system more expensive. When the entire system is more expensive, we become far less likely to win a bid with Dominion or another off-taker

Mr. Rumler said that they are the developers, and they will be making money from this project. But the difference between the County's perspective would be a valuable dense development in an extremely isolated and out-of-the-way spot versus no development at all. The margins for making it work economically in Virginia now are just higher.

Mr. Coggin said that the battery ordinance describes Mr. Rumler's process. Before the final site plan, the Developer must submit an actual noise study done by a noise consultant, demonstrating compliance with the ordinance. "The zoning administrator has the right to approve a sound wall administratively. There is a step built in, where they would show the math of how this will work. If it doesn't work, that's when the sound wall comes in. You have the right to require that. Mr. Coggin said that he is for

renewables. It doesn't take up a big footprint like the solar panels. It is quiet, little, and the homework is done by the one person who is nearby. Mr. Coggin said if he were that one nearby person, he wouldn't want to hear it. Mr. Coggin thinks that if they want to come in, that would be one of our criteria. We're here first, so they would come in and say, "You be the little quiet kid and sit in the corner." We've already looked at the math, and it sounds good, but the tax revenues aren't that good by the time you get the federal kickbacks and everything else that we won't get because it's not taxable. Money's not the option. Mr. Coggin thinks we need to respect the people here and keep it as close to the way it's always been."

Mr. Rumler said, for whatever it's worth, the location is about as far away from a neighboring home as any battery could be sited in the County. "Out of sight, out of mind as possible." If saying when the noise modeling comes back and his analysis is entirely off-base for being 70 decibels at the home, then that's a scenario where it would make perfect sense to require a sound wall. That's a nuisance to a neighbor. But where it's sited now, he doesn't think anybody would notice.

Mr. Berryman asked if the property is being purchased or leased. Mr. Rumler said that they are purchasing the property. Mr. Berryman asked how many acres. Mr. Rumler said it would be determined on the purchase. Mr. Berryman asked if they were purchasing a portion of the proposed property. Mr. Rumler said yes, but they might purchase the entire parcel. It depends on the discussions between them and the landowner.

Question: Ms. Cheek said that she wanted to leverage it. "If you only buy a certain amount of the property, then you wouldn't have control over whether the trees stay or not for the ones you use as your sound barrier?" Mr. Rumler said that if trees were required as part of the layout around the perimeter of the actual footprint, they would be included in the calculation. When they run the full calculation, they can make assumptions about the unpurchased area. "Let's say someone timbers it and doesn't plant another tree, for whatever reason. Realistically, it's commercial timber and was timbered less than five or six years ago. In the spot between where they are and where the closest house is, it's not economical to cut that for a while. If someone else were to come through and try to put another development between where the project is and where the other home is, he said that would be a discussion for this committee.

Mr. Brock said the drawing shows spots of wetlands. He assumes you can't do anything else with that portion of the property because he is sure that the property owner on the Charity path bought the land to use for wetlands credits in Chesterfield, somewhere north of Surry. He thought there was a conversation before about the wetlands being there. If a development encroaches on the wetland area, and there are already credits, he doesn't know how you would get there because of the wetlands. Mr. Rumler said many low-lying areas are very swampy. It's hard to speculate about future venues, because who would have predicted we would put a battery storage facility here five years ago? With what we know now, there's no reason that the portions between the project and where another home is would hear anything other than timber. Mr. Coggin asked whether landowners were notified. Mr. Rumler said there was a community meeting a few weeks ago. They sent notices to all landowners within a half mile.

NEW BUSINESS:

3. Motion to bring forth an Ordinance to add procedures for the designation or amendment of a historic district.

Chair Wooden said the third item under new business is a motion to bring forth an ordinance to add procedures for the designation of an amendment to a historical district. Mr. Wade said that Staff is recommending a motion to bring forth an ordinance to add procedures for the designation of a board member of a historic district. The newest member of the Board of Historic and Architectural Review is Mr. Coggin. The Board of Historic and Architectural Review members are asking how we can add other properties to the district. There's no set way to add properties to the district. Other localities have procedures in their zoning ordinance on how to do that. Our thought is to put together a procedure so Planning Commission members and Historic members know precisely the correct procedure.

If a new landowner moved in and said, "I want to make my lot to be a historic designation," You would have a defined method or procedure to do that. We propose that the Planning Commissioners bring a motion tonight to be read into the agenda. Looking at GIS, you'll notice an AR/HP on the layers. The HP is an overlay district called Historic Preservation. There is currently no spelled-out procedure in our zoning rules that says how a district or property will be added to the district, become a historic preservation district, or be taken out of a district.

Ms. Cheek asked if it is like rezoning. Mr. Wade said it is not rezoning but adding an overlay district on top of a property. Ms. Cheek asked if the zoning stays the same. Mr. Wade said that it would. Chair Wooden said that at this time, he is considering a motion.

Vice Chair Hardy stated, "Planning Commission, May 19th, 2025, historic district, motion to bring forth by the Virginia Code section 15.2-22A6A7. He made a motion of the public necessity convenience, general welfare, good zoning practice requirements that amendments to the Surry County zoning ordinance, specifically relating to historic districts, including the additional procedures for the designation and amendment of the A historic district be brought forth to the Planning Commission for public hearing, consideration and action on such amendments following the public hearing.

Chair Wooden asked, "Hearing the motion, is there a second?" Mr. Newby seconded it. Chair Wooden said that it is moved and seconded that this ordinance be discussed to discuss procedures. All those in favor, please signify by saying aye. Opposed, the ayes have it, motion carried.

In favor: (10) Brock, Wooden, Newby, Hardy, Berryman, Lunsford, Cheek, Judkins, Coggin, Pierce

Opposed: 0

Abstain: 0

PUBLIC COMMENTS:

Chair Wooden said, "Moving on to the next business item, Public Comments, is there anyone from the public willing to speak? Please come state your name and your district. You do have three minutes."

Sarah Steele, Carsley District:

Ms. Sarah Steele told the Commission, "Thank you again tonight for taking the time and not rushing into the Spratley Mill Development." She and her husband are property owners on Spratley Mill Road. They found out about this project today on Facebook. They are not for or against it, but are here for more information. During this process, they ask that the Commission get the answers to the questions asked tonight. She asked, " Will there be a plan to protect the wetlands. Their property backs up to Cypress Swamp. They are concerned about what's coming down their way. What type of runoff is from the construction process?"

She asked, What will 32 more homes between New Design Road and Spratley Mill Road do to the traffic? How will that be handled? The road is not very wide. You can come around curves very quickly and find a tractor or other vehicles stopped in the middle of the road, having a conversation. We must also consider putting in 32 homes and an additional 32 wells. Has anyone seen what it will do to the water table's demand for 32 additional wells running from underground aquifers? She has a shallow well, so will she suddenly lose depth? People are welcome to our community, and we enjoy growth, but at the same time, we want to make sure that we're making wise decisions.

COMMITTEE UPDATES:

Chair Wooden asked if there were any other public comments. If not, we will move to committee updates. He asked if there were any other committee updates during the discussion or updates from any other committees. If not, he wants to come back to a point that Mr. Wade brought up: this is our first subdivision. He does think it's time to reactivate the subcommittee for subdivisions. He believed that he heard Mr. Wade say that he would like to do that, and at this time, we would take volunteers for members to be on a subcommittee for subdivisions.

Mr. Wade said he thought he heard no fewer than three, and based on your bylaws, there are no more than five Commission members. The chair of the Commission shall appoint one member of each committee district. The PC secretary is the official of the committees, and the members of the committee shall serve for the duration of their term or until a successor is appointed.

Based on the bylaws, Chair Wooden said it would be three to five. "Mr. Brock? That's one. Who else?" Vice-chair said that he thought it was said, one from each district. Mr. Brock is at Bacon's Castle. Chair Wooden said Who else? "Ms. Cheek?" Ms. Cheek said she would be glad and wanted to give others the opportunity. Chair Wooden said he will draft Mr. Lunsford. Mr. Wade said that once he gets a plat back from the developer, he will schedule some time with the subcommittee.

PC SECRETARY COMMUNICATION:

Mr. Wade said that you may notice new faces in the room. We have two new Senior Planners, Mr. Darius Savage and Ms. Haley Keene. They have been with us since the beginning of April. Mr. Savage does a lot of environmental planning, looking at wetlands and floodplains. Ms. Keene works with historic preservation. She is helping with our public hearings and will be helping with the battery storage.

Surry is being considered for community assistance for the next Virginia APA. Virginia APA, as part of their annual conference, is conducting a study on the Route 31 Corridor for technical assistance. We will have more information about what is taking place by the next Planning Commission meeting. The next

conference is in Portsmouth. They will take a day trip to Surry to see the site and make recommendations for us.

Chair Wooden said he would like to reiterate something said at the January meeting about how we can do better as a Commission. Since we are not a large Commission and don't meet as regularly as some larger localities, he doesn't want to lose sight of possibly having some training for the Commissioners to make sure that we are on the right page and be able to answer questions or concerns about upcoming projects.

Vice Chair Hardy asked if there had been any feedback from the field trip to the battery storage facility. Has it been discussed about the noise level. Mr. Wade said that so far, two commissioners have gone. Chair Wooden noted that he and Mr. Newby had an opportunity to attend, as did some other community members and county officials. As far as the noise from where that battery storage facility is located, the noise from the road traffic was a hundred times greater than what you heard from the facility. And the mention of an air conditioner running is all you heard from them when they were there, which was approximately an hour. He thought it was about 20 or 25 units on site, and now and then, one of the air conditioning fans would come on to keep the battery storage facility cool. But the noise on Route 60 is like comparing living on Route 10.

Mr. Wade mentioned that Dominion said the next opportunity to visit their site would not be until October. Maybe in the meantime, he can see if there's another site that we could visit. Mr. Wade thought it would be helpful for our Commissioners and Board members to see what it's like to be on site and ask questions to the site operators. He thought that experiencing a site visit would be more helpful than hearing about it.

Mr. Coggin said he had one more question for Ms. Perkins. He is trying to understand his position as a Planner. Returning to the subdivision, he understood they can do that by-right. Ms. Perkins said correct. Mr. Coggin noted that he felt that citizens in his district would say, "You know what? They have the right to do it, but we don't want it." If he votes against the project, what would be the next step? "The subdivision ordinance says that we want to keep Surry rural. This is not Chesterfield; we don't want 32 houses all grouped and vote it down. Would they then go to the Board of Supervisors? Or is there no reason to vote them out because they have by-right?"

Ms. Perkins said they are all excellent questions, and what she would like to do is try to find some training materials and put something together for the Commission herself by the June meeting. This is her first time going through this process in her 25 years of practicing law. She could send information to the Commission so they can view it on their own time, at the preliminary plat stage. Ms. Perkins asked how we could marry the two concepts. This is preliminary, but it still requires approval, and you all must have a comfort level to achieve that approval. Preliminary plats are not required to go to the Board. It is not the code that spells out approval. It is not a situation where the Commission would recommend approval. Ms. Perkins said that the subdivision ordinance has not been updated since 2016. Changes to the Virginia Code have been made that have not been captured in our ordinance.

Mr. Berryman asked, If the ordinance is not up to code, what rules? Ms. Perkins said the Code of Virginia. For example, "if the Code of Virginia sets the minimum parameters and we want it to be more restrictive, that's fine. However, we would face difficulties if the Virginia Code had changed the minimum. The Virginia code allows localities the flexibility to be more restrictive or to do things a little

differently. But when the code says you must do X, Y, and Z, and we only say you must do X and Z, not Y, that becomes an issue.”

Mr. Brock also thought that building in an open field has something to do with the State or county yields production. Some have gone around that. We will just let the land settle for two years or a year, so the yield production goes down. It may be because plenty of land in Surry doesn't meet the state yields or the County's yields. Ms. Perkins said that she would investigate the yield requirement as well.

Mr. Berryman asked, on subdivision, “Do we approve the preliminary plat? Does anything else come back to us after that?” Mr. Wade said no. “The final plat will come to our office, but will have the preliminary plat. He thought Sunken Meadow was one of the last subdivisions, and you would get a preliminary plat. A developer would come back for each individual plat for a final plat.” Mr. Wade said it was done as a preliminary plat, which the Planning Commission approved.

ADJOURNMENT:

Chair Wooden entertained a motion to adjourn at 8:20 PM until the June 23rd meeting. It was moved by Mr. Newby and seconded by Mr. Berryman. It was moved and properly seconded that the meeting be adjourned. All those in favor signify by saying Aye.

Commissioners: Aye