



County of Surry, Virginia
Planning Commission Meeting Minutes
December 16, 2024

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7 PM on Monday, December 24, 2024, in the Surry County General District Court, 45 School Street, Surry, VA, by Mr. Giron Wooden, Jr, Vice Chair.

ATTENDANCE: The following members responded present to Roll Call:

Mr. Giron Wooden, Jr., Vice Chair
Mr. Theodore Lunsford
Mr. Earl Newby, Sr.
Mr. Breyon Pierce
Mr. Thomas Hardy
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne Cheek
Ms. Carmen D. Judkins

Absent:

Mr. Eddie Brock, Chair
Mr. Stephen Berryman

Staff Presents

Mr. Horace Wade, III, Director of Planning and Community Development
Ms. Regina Hilton, Administrative Assistant
Mr. Lorenzo Turner, Planner
Mrs. Lola Perkins, County Attorney
Mr. Ray Phelps, Chief of Emergency Management Emergency Services
Mr. Jonathan Judkins, Commissioner of Revenue

Others Present:

Mr. Greg Creswell, Senior Development Manager with AES
Mr. Scott Foster, Gentry Lock
Mr. Derrick Post, Fire Protection Engineer

PLEDGE OF ALLEGIANCE: All

ADOPTING OF AGENDA: Chair Brock entertained a motion to adopt the meeting's agenda. It was moved by Ms. Judkins and seconded by Mr. Newby.

In favor: (9) Wooden, Newby, Hardy, Lunsford, Cheek, Judkins, Coggin, Seward, Pierce

Opposed: 0

Abstain: 0

APPROVAL OF CONSENT ITEMS: Chair Brock asked the Commissioners for the disposition of the minutes for January 29, 2024. A motion to approve was made by Newby and seconded by Mr. Hardy.

In favor: (9) Wooden, Newby, Hardy, Lunsford, Cheek, Judkins, Coggin, Seward, Pierce

Opposed: 0

Abstain: 0

OLD BUSINESS:

Conditional Use Permit No. 2024-01 The Applicant, Sycamore Cross Solar, LLC, seeks a conditional use permit for a solar generation facility in Surry County. The project will span six parcels (60-1-1, 60-9, 60-17, 61-2, 61-3, 61-4) zoned M-1, Light Industrial, within Surry County and will be located along Mill Swamp Road (SR 623), Mullet Drive (SR 684), and Beechland Road (SR 626), south of White Marsh Road (SR 617). The proposed conditional use permit is part of a solar energy generation facility project to produce 240 megawatts in Surry County and Isle of Wight County. Within Surry County, the project arrays will be developed on three parcels (60-9, 60-17, and 61-3) totaling 806 acres, of which approximately 125 acres will be fenced arrays. Parcels 60-1, 61-2, and 61-4 will be easement only parcels and will contain medium voltage utility corridors. The Comprehensive Plan Map indicates that the project parcels are suitable for General Industrial Use.

Mr. Wade stated that at tonight's meeting, "We have Mr. Creswell, who is the applicant from AES. He will present the new condition changes to their application and is seeking a conditional use permit for the solar generation facility in Surry County.

Mr. Greg Creswell:

- Mr. Creswell stated that at the meeting held on November 25th for the AES Sycamore Cross project hearing, the Sycamore Cross team hosted a site tour of the proposed Sycamore Cross project with members of the Planning Commission. There were extended communications with the members of the Planning Commission that attended, and they have received additional feedback.
- Based on the feedback from the tour and email exchanges with other members of the Planning Commission, they propose two amendments to their conditions for the Sycamore Cross Solar Project.

- Regarding the view shed, they are amending the proposed condition addressing the vegetative buffer screening. The current ordinance and the proposed ordinance revisions that are under review by the county recommend using existing vegetation as screening when available.
- Sycamore Cross is proposing the use of a 50-foot buffer for screening where existing vegetation is already in place. Based on the input from various members of the Planning Commission, they noted that an existing project, for example, does not completely screen a project from the viewshed. Sycamore Cross is confident that the current vegetation will achieve the desired level of screening.
- With that concern in place, Sycamore Cross proposed an amendment of the language to add new plantings to increase the density of the screening and shall do so in coordination with the Zoning Administrator in the event the existing vegetation no longer effectively screens the project. Areas without existing vegetation will abide by the newly proposed ordinance, which is currently under review and requires four rows of vegetation.
- Second, regarding the updated condition relating to decommissioning, Sycamore Cross has proposed the inclusion of a minimum surety of \$500,000 for the project. Regardless of the decommissioning costs determined using salvage value, the surety will ensure that the County can engage and contract with a vendor who can complete the decommissioning.
- The County would still have the full value of the materials of the project, and Mr. Creswell understands the concerns that material may lose value over time or that decommissioning costs could increase. Sycamore Cross will use a third-party engineer to review the decommissioning costs every five years.
- If that value becomes positive and there is a decommissioning cost exceeding the proposed \$500,000, they will continue to increase their surety to match the decommissioning cost.

Question: Ms. Cheek asked why they included the less estimated salvage value. Mr. Creswell said that they were suggesting that in the current ordinance, which permits the use of salvage value, and on top of that, they are including a value of \$500,000 minimum surety. Even if a salvage value is included, as an example of a zero-decommissioning cost, they will include a surety of \$500,000. The thought of administrative costs or efforts with the County is that they would have to get a contractor involved and get them mobilized. It would cover any base costs. The contractor or the vendor could use the benefit of salvage value.

Ms. Cheek asked why the county should be concerned about salvage costs. She understands the \$500,000 surety that covers the decommissioning costs but wanted to know why they are adding salvage. Mr. Creswell said if you include, without the benefit of salvage value, which has real value, the material value that is the field comes back and is used against the cost of decommissioning, the physical cost to decommission. You could put a surety down to cover the total cost, but in essence, they are paying a bank to hold money for some future use.

Ms. Cheek asked about the property around Mr. Howell's farm. How would they access that? Mr. Creswell said they would access that at the end of Mullet Drive. An extension from Mullet Drive to the property is a shared access point, and we would use their access. Ms. Cheek asked if they had approval to use it. Mr. Creswell that they have legal rights to use that for the Sycamore Cross project. Ms. Cheek asked if they had that documented. Mr. Creswell didn't have anything on him to show, but they have rights and are entitled to it.

Mr. Coggin said his concern was still about decommissioning. He did not know of any other business that could come into the County and say, "We're going to build a big factory, and we would make a million

dollars in 35 years. In 35 years, you can have the factory tear it down and clean it up.” Mr. Coggin said, “The County is not in the business of salvage, and it should be a turnkey job. He thought that was the case as a citizen and before serving on the Planning Commission. They would put in solar panels and clean up when they left.

Mr. Coggin said, “But it's not.” “The county will try to get \$500,000 and the estimated salvage value. And if the county can't do it, the landowner is stuck with the biggest parking lot of mirrors.” The County should have a process where they are not involved at all.

Mr. Creswell said his two points are one; they are not saying that’s okay. We are responsible for decommissioning the project after 35 years. The surety only covers the locality if something happens to the company. They are the responsible party for decommissioning the project.

Second, they don’t know the cost to decommission in 35 years, but they do know that they are required to get decommissioning costs. Mr. Creswell believed it is part of the site plan approval process, not their determining the value. Sycamore Cross would have a third party verify the estimated value in 35 years to decommission the project.

Mrs. Perkins stated that decommissioning is set out in the Virginia code and its requirements. What Mr. Creswell said is based upon an estimate prepared by a professional engineer licensed in the Commonwealth who is experienced in preparing these types of decommissioning estimates.

Mrs. Perkins said, “Per the Code of Virginia, it may include the net salvage value of such equipment, facilities, or devices, plus any reasonable allowance for estimated administrative cost related to a default by the owner, lessee or developer, and an annual inflation factor. Mr. Creswell also stated that the \$500,000 was due to their commitment to increased costs.”

Mr. Wade believes that the Commission stated that they would like to have the gross value of decommissioning and not have the County burden to cover the entire cost regardless of the property owner. Mr. Wade said he understood that the Board of Supervisors had not passed the ordinance. As far as this being a condition, the Commission could make a recommendation to the Board of Supervisors.

Ms. Cheek motioned to deny the Conditional Use Permit 2024-01, and Mr. Newby seconded it. Vice Chair Wooden said it had been properly moved and seconded that Conditional Use Permit 2024-01 be denied and asked for a roll call vote.

In favor: (4) Newby, Cheek, Coggin, Seward
Opposed: (5) Wooden, Hardy, Judkins, Lunsford, Pierce
Abstain: (0)

Mr. Wade stated that the motion did not pass. Vice Chair Wooden asked for a second motion; if not, the motion died.

Mrs. Perkins said for clarification,” The motion that was put forth was to deny recommending approval, the motion did not carry because it did not have a majority. Then, the Vice Chair asked if there were any subsequent motions. There were no subsequent motions per Virginia code. The Planning Commission either needs to take an action to recommend approval, to deny approval, or to make no recommendation at all.” Mrs. Perkins said if there is no action, “Then after 100 days, per code, the inaction of the Planning Commission is deemed to be a recommendation for approval to the Board of

Supervisors and if there is a subsequent motion to deny approval did not carry, the other options are to recommend approval to the Board of Supervisors or to make no recommendation to the Board of Supervisors. It would check that box of an action by the Planning Commission and would not move into a hundred-day limbo.” Are there any questions about that?

Vice Chair Wooden asked if there were any other subsequent motions related to Conditional Use Permit 2024-01. Mr. Hardy made a motion to approve the Conditional Use Permit 2024.01. Mr. Pierce seconded it. Vice Chair Wooden said it was properly moved and seconded that Conditional Use Permit 2024-01 be approved and asked for a roll call vote.

In favor: (5) Wooden, Hardy, Judkins, Lunsford, Pierce

Opposed: (4) Newby, Cheek, Coggin, Seward

Abstain: (0)

NEW BUSINESS:

PC ORDINANCE AMENDMENT 2024-04: The Planning Commission will consider and intends to take action on the adoption of an ordinance amendment initiated by Clenera, LLC, and the Surry County Zoning Ordinance amend Article II - Definitions and Uses, Article III – Zoning Districts and Boundaries, and Article IV – Supplementary Regulations to incorporate and add language including a new Section 4-609, regarding definitions, use type descriptions, district requirements, application requirements, required plans, and performance standards for Battery Energy Storage Systems to allow this use by conditional use permit in Agricultural-Rural, M-1 and M-2 General Industrial.

Mr. Wade said what’s presented tonight is an Ordinance Amendment to be considered by the Planning Commission. It intends to act on adopting an ordinance to amend Surry County’s Zoning Ordinance, Article Two definitions and uses, Article Three zoning districts and boundaries, and Article Four Supplementary Regulations to incorporate. Also, to add language, including a new section 4-609, regarding definitions, use type descriptions, district requirements, application requirements, required plans, and performance standards for battery energy storage systems, and to allow this use by Conditional Use Permit in the AR, M1, and the M2 general district.

Tonight, the applicant, Clenera, has asked that the use be added after consultation with staff and our county attorney. That stated that this use was not in the ordinance, and the staff felt it should be addressed as a new use. Mr. Wade said that the subcommittee re-reviewed the information and asked that Mr. Judkins and Mr. Phelps be here tonight to answer any questions that the Planning Commission may have.

Scott Foster: Gentry Lock

- In other jurisdictions where permitted batteries are permitted, fitted uses for broad utility definitions like substations and switchyards exist.
- Energy storage is just like solar in Virginia. It is subject to the DEQ permit by-rule process, which is the state regulatory regime for projects 150 megawatts or less. Like solar, energy storage is generally close to substations and transmission lines.

- Like solar, the project is subject to siting agreements and revenue share legislation. It looks like a Conex trailer with HVAC equipment on top, sitting on some sort of gravel or concrete pad.
- A project that Mr. Foster worked on in Rockingham County has been transferred to Dominion. Also, a project in Middlesex located on the corner of Route 3 and 33 and a project in Indiana have been transferred.
- The project is related to the grid by pulling off energy at times of low demand and then putting energy back on the grid at times of peak demand. It is a huge reliability function because you can meet peak demand throughout the grid instead of overloading transmission to meet peak demand
- The projects can also be used when there's a grid failure to power small parts of the network. The grid control function is for that if you live near a large Industrial area, and when start in the morning, your lights dim. That is called bad power quality batteries. The Energy Storage can deploy energy from the flip of a switch and knock out some of that bad power quality.
- Natural gas plants that can ramp up quickly or a diesel fire generator that can ramp up quickly; this project will essentially replace those sources of power.
- Section 4-609 outlines the application requirements needed to file a permit application. Project description, concept development plans, technical review fees, and the zoning Administrator has wide authority to require additional studies and design work as necessary.
- Just like solar, you must have a community meeting and add a provision that could sync this meeting with the PBR application.
- NFPA 855 lays out the code that governs this use. Virginia has yet to adopt the codes, but the Commission can opt into them by ordinance.
- Section six concerns setbacks. In the AR district, we are proposing a 200-foot setback for M1 and M2, 75 feet from all property lines. Apart from permitted solar projects, the County has little M1 and M2 land.
- landscaping screening and buffering: The language for one hundred feet of existing vegetation was pulled from the county's solar ordinance. We added 20 feet to each side of the battery system. It must be cleared of combustible vegetation, and that was for safety best practices.
- Fencing: A minimum fence height of eight feet, if it is what the applicable code requires. The higher can be done.
- Signage: That's done so the project does not use things such as a billboard. Lighting is just for safety purposes. Minimal lighting, if any, is needed, and usually motion-activated emergency response lights are part of the plan.
- Mr. Phelps and staff will have the final say on the contents and details of the emergency response plan. The construction timeline for a battery project is nothing like a solar project. It's much smaller, about 20 to 50 acres. Each of those units comes in on a truck. The transportation and traffic control plan will govern that short traffic window.
- Once the project is built, weekly and monthly type inspections will occur.
- Bonding requirements: A bonder level of credit is provided to secure compliance with the use permit.
- Decommissioning: Decommissioning obligations for a battery project is the responsibility of the project's owner, which is at the end of the project's lifetime by the decommissioning agreement.

Derrick Post: Fire Protection Engineer for Risk Alliance and Firefighter in Prince George's County, Maryland

- Risk Alliance is an engineering firm that focuses on batteries. They fire testing for manufacturers. They work with developers on citing their battery energy storage projects. And work with the fire departments on generating emergency response planning and fire department training. There are instructors all over the Country that facilitate training fire departments where batteries are installed.
- The geometry of battery energy storage: If you have a lithium battery in your phone, it has different geometries. You can have a cylinder, which you would have in micro-mobility devices and electric vehicles. You can have a prismatic style, which looks like a car battery. The cells are each individual battery, just like an AA battery. When placed in an appliance, you might have four, which is a module.
- Within the module, you have a variety of cells tied together. The modules are put into racks, like a server rack in a data center. Ultimately, those units or racks are placed into a container, the final product at the facility.
- The highest-level container has features that manage the batteries. The cells module rack battery management system must be tested and comply with an underwriter laboratory standard.
- Energy storage existed in this Country and the world before regulation. It is now heavily regulated and tested.
- Cell module rack installation tests are a fire testing series done on the batteries. They start at the cell level, where they have one cell. They are placed in a pressure vessel and forced into a fire event, and that data is used to make an analysis and reports for an onsite location. After the cell test is done, they must go to the module level. The test is to illustrate or prove if a singular cell has an event, whether it propagates to adjacent cells inside of that module or not.
- The next level is the unit test, where the features of that whole container are applied. The testing is to see if the thermal management system dissipates heat appropriately if the fire alarm system inside of it works and detects it appropriately, and if the battery management system turns off the state of what the battery was doing. The battery management system looks at the state of the discharge rate.
- Virginia hasn't adopted a battery energy storage standard. The most applicable one today is NFPA 55, and it is the standard for stationary battery energy storage systems. The ordinance's language comes directly from the national standard that the National Fire Protection Association adopts. This is the second revision of NFPA 55. The first one came out in 2020. and it has all the site-level requirements that need to be upheld regarding fire department access, roads, water storage, emergency response planning, fire department training, and the existing fire protection systems.
- The levels of protection that exist from the preventive region are the batteries made by the Environmental System Control. Most of them are liquid-cooled and kept at a certain temperature. There's a battery management system that looks at the cell temperature, the state of charge, the state of discharge, and basic battery health. There's temperature monitoring for the container itself. There is smoke and gas detection. The gas detection is used on an exhaust system.
- If there was an event with the battery, the gas detector would sense it, and then it would open basically like a kitchen hood-type exhaust system where it would exhaust any gases that are produced. Depending on the manufacturer, some batteries may have a suppression system within. The larger one is the non-propagation style design, and the fire testing that must be done will illustrate how far apart the containers would be.

- The emergency response plan. Meeting with Chief of Emergency Management Services, to discuss the type of batteries, what the content are in them, and working with the fire department to make sure that they're comfortable with this use and that they understand if there is an incident, though statistically very low, what is it that would be expected of them as first responders.
- The facility is monitored remotely. There's a remote operations center like any substation. Substations are not staffed and are monitored remotely. The intent of the fire department is to intervene if there's a necessity. The necessity is either life safety or property protection, which may be cooling an adjacent cabinet rather than addressing the one that's having an effect. At the end of the construction phase, there will be a boot on the ground walk down with the fire department to show them the facility.

Question: Mr. Coggin asked Mr. Post, “How do you make money on the project? Is the battery system like a capacitor? Does it buffer up and down and help the grid, or only come on at certain times?” Mr. Post said that the grid operator will see the demand and the output in the grid. They can do that if it's necessary to turn it on, and it'll immediately supply power. It's unlike a peaker plant because they must turn it on and ramp up. The energy distribution is like the speed of light. It does have to go through an inverter and into a step-up transformer. It takes nanoseconds.

Mr. Coggin asked if it would be like Surry's 911 Center, which has a generator, giving some redundancy to critical areas like the police station, the 911 center, and the rescue squad. Can you select which parts of the grid it goes on to? Mr. Post said that it doesn't and goes immediately to the grid and then electrons, just like the path of least resistance, and will go to the location of the closest demand first. Unless you installed an energy storage cabin at the firehouse in place of the generator, that would be the only way you would be able to delineate that power specifically for that location.

Mr. Coggin said the only safety thing that should be addressed is seeing the gravel around the substation yard. It would be good if we had a catastrophe. He assumes that the fence is to keep people out. These are rural areas. If something did spark, the gravel only goes up to the fence. He would suggest that there would be a gravel buffer outside the fence, especially in the AR district. If it was in the M1 district or something where there may be more asphalt or something, it may not matter. Not a vegetation buffer but more of a gravel buffer. Mr. Wade said it could be addressed by ordinance, or it could, since this must be a conditional use, be project based on the project but based on the conceptual design.

Mr. Foster said that in Section Seven, Subsection Two says, “Areas within 20 feet of each side of the battery energy storage system shall be cleared of combustible vegetation by the combustible growth.” He didn't see any reason why it couldn't be 40. The AR district has a minimum 200-foot setback, with a hundred-foot buffer.

Question: Mr. Coggin's last question is, “Does the County make money just on the tax value of the equipment? Mr. Foster said the project is taxed just like a solar facility. You pay machinery and tools tax on the value of the equipment. It is a very revenue-dense land use. From the county's perspective, the county is eligible to adopt a revenue share ordinance of \$1,400 per megawatt per year, increasing by 10% a year, starting in 2026. For a variety of reasons, this project would be eligible for a siting agreement.

Question: Mr. Hardy asked if the plan was to put batteries between solar panels. Mr. Foster said that if an existing or approved solar project in Surry wanted to add a battery, they would have to get a separate use permit, and the answer would be no. Mr. Lunsford asked if the batteries were new or reconditioned. Mr. Foster said they would be like new battery technologies.

Mr. Lunsford asked if there were a variety of batteries. Mr. Post said if the question asked, “Is a sodium-based battery going to be next to a lithium iron phosphate battery? The answer is no. It would be one chemistry for the entire container, and likely, each container would be the same for a specific facility. Mr. Foster said the companies are contracted with Tesla, and whoever makes the battery will design the whole system. Mr. Seward asked how far you must be from a transmission line. Mr. Foster said, literally adjacent to the transmission line.

Mr. Ray Phelps said he had the opportunity to speak with Mr. Post and Mr. Foster. This system is a lot like the solar farms. If there is an issue, they refrain from spraying water directly on the unit. They mainly contain the brush fire. This project has a buffer, and he agrees with the idea that it may be larger. They also discussed the egress of having access to a box-type system.

Mr. Phelps said that they also discussed having a contact number placard on the front gate and some water source. The proposal is that the project will put in a water source, which could be used at any time, and in any incident, they could pull from that water. Mr. Phelps was also concerned about the buffer that they had in place and the dissipation of gases. Mr. Phelps feels comfortable with moving forward with the project. The County is fully equipped to handle this project from an emergency response aspect. Mr. Seward asked what the proposed water system was. Mr. Phelps said it would be a storage tank with its own well system.

Mr. Jonathan Judkins addressed the Commission. He stated that, at this point, the project is uncharted territory. He spoke with Don Thomas of Wingate Appraisal, who is conducting the County's reassessment. Mr. Judkins stated that regardless of the equipment assessment or the zoning, the land is being used for industrial use, and the assessment will increase. Battery storage is a more condensed area than solar facilities. When rezoning, it automatically triggers a value change and may not be the final value, because you may not have the industry located within. Mr. Judkins believes that battery storage will be treated the same as solar.

Question: Ms. Cheek asked, “If this is an ordinance and each project that comes and makes their proposal, our ordinance should say how close or where they will be located? “We have a similar solar ordinance of how close they will be to transmission lines. This ordinance doesn't say how close a battery storage area should be to a substation.” Mr. Wade said our Comprehensive Plan gives us a guide. Mr. Wade said that this ordinance does not say how close. As the applicant pointed out, “As close to the transmission line as possible.” Otherwise, you would lose revenue power. And to answer Ms. Cheek's question, “We do not speak to that in this ordinance section. It is addressed when the comprehensive plan as a guide is to have it within the energy policy document in the comprehensive plan.”

Ms. Cheek's next question was about noise. “The choice of 72 decibels, the dba for that, how did you arrive at that number? It is loud.” Mr. Foster said that when looking at the ordinance holistically and considering the setbacks, they proposed that the client's engineer said they could safely comply with 72 dba. Whichever number they arrive at with the DBA limit, there's a provision in nine two that submit a noise analysis by an acoustic engineer that demonstrates, with the selective technology, can comply with the applicable noise limit.

Ms. Cheek asked, "Would this noise run 24/7?" Mr. Post said that the thermal management system and the HVAC system run quietly. The loudest thing at the facility is the inverter, which is not inside the battery energy storage container. It is on a skid adjacent to the battery system and connected to a small step-up transformer, like the green boxes you see or pole transformers style. The 75 decibel is the same noise level as a vacuum cleaner.

Ms. Cheek asked, "How many batteries are placed on an acre of land?" Mr. Post said that it would depend on the selected battery technology. Tesla makes one container style, and Workzilla makes another style of container power. If the project uses Tesla and has a 200-megawatt facility, you have a hundred containers on about 30 acres. Mr. Post also stated that because the project is small, if a sound wall is necessary, it would be constructed outside of the facility. The way the ordinance is designed, once we decide what the appropriate number would be in the ordinance for DBA, that sound study at the end will demonstrate whether we can or can't comply without a sound wall.

Ms. Cheek asked, "What type of vehicles are used to transport the battery system?" Mr. Foster said that it would come in on an 18-wheeler. Ms. Cheek asked what the typical lifespan of the battery system is. Mr. Post said that it depends on the technology. Generally, 20 to 25 or maybe even 30 years. Within the units, you have the availability to weigh out individual components if one starts to be underperforming.

Ms. Cheek said that her next question was for Mr. Wade. "Is this a proposal from the applicant so that the County could come up with the ordinance?" Mr. Wade said yes. Ms. Cheek asked, "At some point, the county takes ownership of this ordinance, and we make changes. Is this where we could take over our ordinance and put it into the subcommittee discussion to tweak?" Mr. Wade said that it would be an opportunity to work with the applicants and take it to the subcommittee to bring back to the Planning Commission to say, "These are some of the changes we recommend before making an approval or recommendation to the Board of Supervisors."

Mrs. Perkins stated, "If the changes are substantive that the Planning Commission is recommending and are made after the close of the public hearing, it would require re-advertising the public hearing. It is a legal analysis that she would conduct based upon the recommended changes or any future discussions. If there is a subcommittee meeting and substantive amendments are recommended, then we would start the process again and have another public hearing. "

Mr. Coggin asked, "When would be the best time to make recommendations, before or after the public hearing?" Vice Chair Wooden stated that what he envisions is that "What was stated by Ms. Cheek and what Mr. Wade said is that we would go back to the subcommittee. We will open the public hearing, take the information from the public, and then make a recommendation for the subcommittee meeting that can be advertised. The subcommittee can bring their findings back to the full Planning Commission once they finish, probably next month."

Question: Mr. Lunsford asked, "If a 12-megawatt battery unit is placed in the County, and later an Industrial Project comes into the County and needs more megawatts, what is the process?" Would it have to come back to the Planning Commission?" Mr. Foster stated, "Let's say that they are approved for 50 megawatts this year or in 2025. And at some point, in the future, we could upsize to a hundred megawatts. If they had to alter the footprint of the project to add more batteries or space, it would be an expansive expansion of that use permit and would have to start the process again."

Mrs. Perkins said for the benefit of the public and for the record, "To clarify for the Planning Commissioners that are not on zoning subcommittee, this draft of the ordinance, was brought forth to the zoning subcommittee on November 25th. It is permitted by Virginia law that an applicant put forth an ordinance in a legally acceptable way and has the jurisdiction to consider an ordinance amendment.: Mrs. Perkins said that she did not want anyone in the room tonight to have the impression that this is the first time that anyone on the Planning Commission is looking at this ordinance.

PUBLIC HEARING OPEN:

PUBLIC HEARING CLOSED:

PUBLIC COMMENTS: None

COMMENTS BY COMMISSIONER:

Mr. Coggin said that regarding the technical review and fees, the county is not prepared and does not have qualified personnel to monitor a project of this type. He thought of having a consultant to monitor the progress of the project. Hire a qualified firm to come and inspect every four or five years. Mr. Wade said to keep in mind that this is the ordinance, which is the minimum requirement when looking at the CUP. Mr. Coggin said to figure it out and not leave the door open for not revenue sharing. Mrs. Perkins said we have the authority under the Virginia Code to pass a revenue-sharing ordinance. Mr. Coggin asked if we would draft our revenue-sharing ordinance, and Mrs. Perkins said that was correct and that it would come before the Planning Commission.

Vice Chair Wooden said it is the Commission's will to have a work session. He asked for a motion to table the Ordinance Amendment and have a work session. Mr. Newby made the motion, and Ms. Cheek seconded it.

In favor: (9) Wooden, Newby, Hardy, Lunsford, Cheek, Judkins, Coggin, Seward, Pierce
Opposed: 0
Abstain: 0

COMMITTEE UPDATES:

Mr. Wade said," We're looking at bylaws, typically at the first of the year, and ask that you, as commissioners, if you see any things that need to be changed or have any proposed amendments that you would like to include, send them to him or Mrs. Perkins to consider for the Planning Commission. Also, in January, there is a reorganization meeting.

Mrs. Perkins said that pursuant to the Virginia Conflict of Interest Act, all Planning Commissioners are required to fill out a Real Estate Disclosure Form annually. She will be sending those out on January 2nd and will be due back on February 1st. Since February 1st falls on a weekend, the deadline for 2025 is February 3rd. If you would like to email it to her, she will happily accept it. You can then place it in the mail, and she can check the box to see that you have fulfilled your requirements.

Ms. Cheek asked Mr. Wade if the County had inspected the roads around the Cavalier project. Mr. Wade said Staff will go out with VDOT to verify that they're complete. They had attempted to repair the roads earlier. However, the temperatures dropped. The requirements say not to put down paving when a temperature drops below a certain degree. You probably will not see repairs until March or April.

ADJOURNMENT:

Vice Chair Wooden entertained a motion to adjourn at 8:50 PM until the January 27th meeting. It was moved by Mr. Pierce and second by Mr. Newby. It was moved and properly seconded that the meeting be adjourned. All those in favor signify by saying Aye.

Commissioners: Aye