



County of Surry Virginia Planning Commission Meeting Minutes January 29, 2024

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7 PM on Monday, January 29, 2024, in the Surry County General District Court, 45 School Street, Surry, VA, by Mr. Horace Wade, Planning Director.

ATTENDANCE: The following members responded present to Roll Call:

Mr. Eddie Brock
Mr. Breyon Pierce
Mr. Theodore Lunsford
Mr. Earl Newby, Sr.
Mr. Thomas Hardy
Mr. Stephen Berryman
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne Cheek

Absent:

Ms. Carmen D. Judkins

Staff Present:

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. Renee Chapline, Economic Development

Others Present:

Ms. Anne Darby, Summit Design and Engineering
Mr. Greg Davis, Attorney for Green Energy Partners
Mr. Bill Puckett, COO of Green Energy Partners
Mr. Jordan Dimoff, Development Manager for Viridian Consulting
Mr. Benny Zhang, Attorney for Green Energy Partners
Mr. John Zaszewski, Chief Engineer for Timmons Group
Mr. Dave Taylor, Landscaping Consultant for Timmons Group
Mr. Steve Schmidt, Traffic Engineer for Timmons Group

ADOPTING OF AGENDA: Mr. Wade asked for a motion to adopt the current meeting's agenda. Mr. Brock made a motion to adopt the meeting's agenda and it was seconded by Mr. Newby.

In favor: (9) Brock, Pierce, Newby, Hardy, Berryman, Lunsford, Cheek, Coggin, Seward

Opposed: 0

Abstain: 0

Mr. Wade clarified that Mr. Wooden has requested to participate in tonight's meeting electronically but, procedurally we need to handle one more item before he can participate.

ADOPTING OF BYLAWS:

Ms. Perkins suggested that the following changes to be made the bylaws. They are being recommended by herself and Mr. Wade:

- The first change on page two states that language being added, "Vacancies shall be filled by appointment of the Board of Supervisors for the unexpired term only." This is law and the recommendation is for it to be added to the bylaws.
- The next change is under article two paragraph two. It is being recommended that the meeting time, of the Planning Commission, be changed to 6:00 PM, which is consistent with the Board of Supervisors, and if there is any issue, it can remain at seven.
- The next change is to change in the wording from at such location as designated by the Commission. The recommendation is to remove Commission and instead change it to Secretary and approved by the Chair. Meetings are usually held in the general district courtroom. If, for some reason, the courtroom isn't available and you must change the location, for the Commission to approve, you would have to convene a meeting to get the approval of the new location. The recommendation would be that the secretary, who is Mr. Wade, make the decision in consultation with the Chair.
- The second paragraph, number two, concerning inclement weather, the recommendation is to add new language. In reviewing the Virginia code section that permits for canceling of meetings for inclement weather, there was language that needed to be tweaked in how the bylaws' paragraph originally read.
- The Fourth paragraph discusses work sessions. The language change would update in compliance with the Code of Virginia which has very specific posting requirements that include posting on the county website, and also, posting in additional locations.
- Page three under paragraph number five, under the order of new business, is a reference to the election of officers occurring in January of each year. One of the first lines of business should be the election of officers. Removing that reference would be the practices consistent with what the bylaws states.
- The next change is under page four, and it is under the lower-case E, under the section that discusses the responsibilities of the Chair. "The Chair signs all communications of the Commission and recommendations to the Board of Supervisors of Surry County, unless otherwise authorized by," and the existing language says Chair and it should be Commission.
- On page five of the bylaws, under paragraph number six, again a change to reference Code of Virginia 2.2-3707, which is where the notice and posting requirements are housed.
- Under Article six elections. Ms. Perkins recommended changing appointments to designation. The Commission is to designate that Mr. Wade will serve as the secretary of this Commission.

- Paragraph number five, page five, that reflects that it's a designation, not an appointment, of Mr. Wade as the secretary.
- Page six, Article seven, Order of Business, added new business, it is something that is typically on the agenda, but it was not set out in the order of business section of the bylaws.
- Under Article nine, paragraph two, the update of the second sentence, previously stated, "Final revised proffer shall be submitted seven days prior to the Planning Commission meeting on which the matter is to be on the agenda." The recommendation is to add for public hearing, instead of on the agenda. Matters could be discussed during work sessions when we are still reviewing the project so it would not be appropriate to have proffers submitted at that point. Ms. Perkins further recommendation is to remove the reference to final revised proffers, because the Virginia code and the County ordinances specify that the final signed proffers must be received before the matter goes to the governing body. The objective is for matters would come before the Planning Commission and an opportunity for the Planning Commission is to have a public hearing and for the Planning Commission and the applicant to take that information from the public hearing and potentially make revisions to the proffers based on what they are hearing from the public.
- Page seven, Article 10, paragraph five, "Any matter that comes before the Commission orally, except secretary reports." Ms. Perkins added requests by the County Attorney.
- Article 11, paragraph 1 change is to reflect that the alternate location for meetings is determined by the Secretary and approved by the Chair.
- Page eight, the Commission adopted an electronic participation policy which allows Commissioners dealing with a medical issue or the medical issue of a family member, a personal matter, or on vacation, but still wish to participate, allowing them to participate via electronic means. The requirements, as set out in the bylaws currently, mirror what is in Virginia Code 2.2-3708.2. The General Assembly in around 2022 made a change to place all provisions having to do with electronic participation in its own section. The code section is now that 2.2-3708.3 and the bylaws need to be updated to reflect that change.
- Page nine, paragraph four, is when the General Assembly made the switch to make electronic participation a standalone Virginia code section they also added language. It has always been required that the minutes identify the remote location of the person who's participating electronically but, they clarified that it may be identified as a general location versus 123 Sycamore Street. We want to make sure our language and bylaws reflect what is in Virginia Code.

Ms. Cheek questioned the changing of the meeting time from seven to six. It would be better for her at seven, giving time for everyone to get from work and giving farmers as much daylight as possible.

Mr. Berryman stated that 7:00 is better for him as well. Mr. Seward stated it was better for him as well.

Ms. Cheek asked if a motion is needed. Ms. Perkins said when a motion is made to approve and adopt the revised bylaws, just minus the change to the time.

Ms. Cheek said the statement in Article four E', the Chair signs all communications and recommendations to the Board of Supervisors for Surry County, unless otherwise authorized by the Commission. And then says, "The Chair may authorize the secretary to sign the official Commission communications." Ms. Cheek asked for an example of "unless otherwise authorized by the Commission?"

Ms. Perkins said that the only example she could think of would be if the news media or a state organization were to contact the Planning Commission about a project, or request information, or something along those lines. And, as a Commission, you decided, after discussion with the County Attorney and the Planning Director, that it would be appropriate for a response letter to be drafted and for it to be signed by the Chair. Ms. Perkins further commented that we can assess the need for this language over the next year and remove it.

Ms. Cheek made a motion to adopt the bylaws, except for changing the meeting time back to seven, and it was seconded by Mr. Newby.

In favor: (9) Brock, Pierce, Newby, Hardy, Berryman, Lunsford, Cheek, Coggin, Seward

Opposed: 0

Abstain: 0

Mr. Wade said that the motion has been carried and at this point the new bylaws have been approved.

Ms. Perkins stated that upon the adoption of an electronic participation policy, it permits a Commission member who meets certain requirements, to participate electronically if there is a quorum physically present, and if those physically present agree to have the Planning Commissioner participate electronically. Mr. Wooden will participate electronically in tonight's meeting due to a medical issue. Ms. Perkins asked to entertain a motion to approve his electronic participation, from a legal standpoint, Mr. Wooden has met the requirements.

Mr. Newby made a motion that the Commission allow Mr. Wooden to participate in tonight's meeting electronically and it was seconded by Mr. Brock.

In favor: (9) Brock, Pierce, Newby, Hardy, Berryman, Lunsford, Cheek, Coggin, Seward

Opposed: 0

Abstain: 0

ATTENDANCE:

Mr. Eddie Brock

Mr. Breyon Pierce

Mr. Theodore Lunsford

Mr. Earl Newby, Sr.

Mr. Thomas Hardy

Mr. Stephen Berryman

Mr. David Coggin

Mr. William Seward, IV

Ms. Dianne Cheek

Mr. Giron Wooden Jr.

ELECTION OF CHAIR AND VICE-CHAIR:

Mr. Wade asked for a motion for the election of Chair and Vice Chair. Mr. Newby made to motion to nominate Mr. Brock for Chair. It was seconded by Mr. Berryman.

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

Opposed: 0

Abstain: 0

The meeting was then turned over to Chair Brock who asked the Commissioners for a nomination for Vice Chair. Mr. Hardy nominated Mr. Wooden and it was seconded by Mr. Newby.

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

Opposed: 0

Abstain: 0

2024 PLANNING COMMISSION MEETING SCHEDULE:

Chair Brock asked the Commissioners for a motion to adopt the 2024 Planning Commission meeting schedule. A motion to approve was made by Mr. Berryman and it was second by Mr. Seward.

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

Opposed: 0

Abstain: 0

APPROVAL OF CONSENT ITEMS: Chair Brock asked the Commissioners for the disposition of the minutes for December 11, 2023 meeting. A motion to approved was made by Mr. Newby and seconded by Mr. Wooden

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

Opposed: 0

Abstain: 0

Chair Brock asked the Commissioners for the disposition of the minutes for December 18, 2023. A motion to approved was made by Mr. Hardy and seconded by Mr. Newby.

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

Opposed: 0

Abstain: 0

OLD BUSINESS: None

NEW BUSINESS:

Public Hearing

1. **Comprehensive Plan Map Amendment No. 2023-01** The Applicant, Green Energy Partners, LLC, seeks a map amendment to the Future Land Use Map of the Surry County Comprehensive Plan to reflect that the property is suitable for Industrial Employment. The property consists of +599 acres and is located at the northern end of Hog Island Road/SR 650, south of the Dominion Surry

Power Station. The property consists of Tax Maps 31-1A, 31-32, 31-33, and 31-22. The property is the subject of Rezoning Application No. 2023-01.

2. **Rezoning Application No. 2023-01** The Applicant, Green Energy Partners, LLC, seeks to conditionally rezone +599 acres from Agricultural Rural District (A-R) to Emerging Technologies (ET) to permit a combination of commercial, industrial, utility, technology-focused, and related uses such as carbon free energy generation and data centers in a campus-like environment. The Rezoning Application involves Tax Maps 31-1A, 31-32, 31-33, and 31-22. This Rezoning Application is a companion application to Comprehensive Plan Map Amendment No. 2023-01.

Mr. Wade stated that in tonight's meeting, there will be a presentation by staff and by the applicant. There is a request for two items: an amendment to the future land use map of the comprehensive plan to employment and there is also a conditional rezoning request from agricultural rural to Emerging Technologies zoning district.

Background:

The applicant is requesting a rezoning to the ET zoning district. The purpose of that district is to have master plan developments, provide a combination of commercial, industrial, utility, technology focused and related uses, in a campus like environment.

- The conditional zoning district is to provide a flexible nature to encourage and accommodate innovative development. The intent of the applicant, is to proffer uses that have large continuous areas of the County near strategic resources.
- The intent is to minimize potential conflicts with residential and other commercial projects, to minimally impact traffic, and to also be consistent with a comprehensive plan. The uses in this district are to commit a variety of existing innovative uses, either as permitted or conditional uses.
- This ET zoning district is a balance between innovation by the applicant, but also controlled by the County. The minimum acreage that is required is 500 acres. When talking of strategic and necessary resources, the items are referring to high-capacity transmission facilities, natural gas lines and navigable waterways.
- The emphasis in the district when screening is to minimize impact, are historic properties, adjacent properties, and the James River. Step one is to submit the initial requirements for application approval. Followed by, after approval of the application by the Board of Supervisors, a site plan to be reviewed by Staff, that was recommended by Planning Commission and adopted by the Board of Supervisors. Step three is any conditional use is its own CUP process, which requires a separate process from the Planning Commission and at the Board of Supervisors level. Any substantial deviation from the initial submitted application, would trigger a process, which would requires the applicant to come before Planning Commission and then to the Board of Supervisors.
- The general development plan or master plan for Green Energy Partners and their application is presented. The primary use is to have data centers with the overall future goal to have these data centers powered by small modular reactors and hydrogen. Data centers are a permitted use in this district. Small modular reactors are not a permitted use. They are listed as a conditional use, which at some point, in the future, if the applicant wanted to apply for it, is a separate process and the County would work with the applicant to set up appropriate conditions for that use. The general development plan sets out the access points with

landscaping at the access points. The conceptual plan gives you an idea of where the buildings would be developed, this layout is not binding and could change.

- Transportation related proffers include the intersection of Route 10 and Hog Island Road, the intersection of Burnt Mill Road and Hog Island Road and the intersection of Bacon Castle Trail and Hog Island Road. These are areas that are identified by the state as needing improvements now. The applicant has proffered to assist the County in that direction. There are state funds that can assist the County. The applicant has offered a total of \$950,000 to address those intersections. These funds can be used to leverage our applications with the state so that we can get those improvements.
- There were two community meetings, one on December 19th and one on January 9th. The attendees' questions were of the one way in and out route, potable water used for processing, construction traffic planning, the use of Bacon's Castle Trail to Burnt Mill Road, VDOT requests for turn lanes, evacuation plan for Surry Power Station, and information about protected species. A general question about an educational facility, the timing and technology of small module reactors, the HRSD sewer line extension, and internet service being available throughout the County.
- Some of the notable proffer conditions include: a requirement for a construction management plan, it requires for contact personnel for neighbors and citizens, and a dust and smoke mitigation plan. If there will be an offsite construction traffic management plan, site security plan, a smoke containment plan for onsite motor vehicles, fire and emergency first responders to be employed by the owners. In addition to the \$950,000 for transportation, there is a commitment to repair road damage that is caused by construction. Also proffered are an archeological study for the property, the public use of an educational center and training facility, the creation of a property owners association, and employment opportunities within the County.

Applicant has much more to share about the details of the project. In developing the proffers, we shared the concerns of the community such as, the issues with solar development.

Mr. Davis presented on behalf of the applicant:

- The vision that Green Energy Partners developed for the Surry Green Energy Center is to have data centers at the right location with carbon free power. Data centers are basically warehouses filled with computer servers and equipment. The computer servers and equipment are what operate the cloud, the artificial intelligence, the functions of your iPhone, the data management for big corporations, colleges, universities, and the big institutions of our society.
- The proposal for the Surry Green Energy Center is that the data centers would be powered by carbon free energy. Today, 80% of the energy generated in the US is generated by coal, natural gas, or power generation that has a carbon footprint.
- Small modular nuclear reactors are the vision for this site. These nuclear reactors have been used on ships and submarines without incident since the 1950s. The technology is evolving in such a way that the modular nuclear reactors can be built at a factory, put on a truck, and brought to a site. Then after their useful life, the modular reactors are put back on the truck and carried back to the factory for decommissioning. There is no storage of spent nuclear material on site, the way it may be with a current vision of a nuclear power plant.
- The modular reactors will provide power not only for the data centers, but with modular nuclear reactors comes, high temperature steam, which can be used then to produce hydrogen.

Hydrogen will fuel the backup generators for the data center. Hydrogen has several uses and the green energy vision for the center is that hydrogen will allow us to replace diesel fuel or natural gas, which today is used to power generators to make certain that those data centers are up and running 24/7, 365 days a year.

- On the general development plan to the west of the property is Hog Island Road. East is the James River and north of the site is the Surry Nuclear Power Plant. South is the Department of Wildlife Resources property of about 1100 undeveloped acres. The entrance proposed for the Surry Green Energy Center fronts on the Hog Island Road.
- The project is to be developed in land bays. The goal is that data center users will come in and buy part of a land bay, a whole land bay, or maybe multiple land bays.
- There will be an education and training building, which has been proffered by the applicant. There will be a 4,500 square foot facility where training for the high-tech jobs in the data centers takes place, the SMR facilities, and the hydrogen plant could take place. There will also be space for public use in this education and training facility.
- The nuclear reactors as well as the data centers are supposed to be cooled by treated water from the James River, which involves both a state and federal permitting processes, which is intricate. The blue dots (see powerpoint presentation) indicate proposed location of a withdrawal facility from the river and a water treatment plant would purify that water to the degree necessary to allow it to be used in the data center and air conditioning systems, as well as, in the SMRs, and the hydrogen plant. The silver dots (see powerpoint presentation) represent the proposed location of the SMRs. Last use of hydrogen plant, possible only if the SMR high temperature steam is available, is proposed where the purple dot is located (see powerpoint).
- There were a series of public meetings attended by members of the Planning Commission and the Board of Supervisors. One of the questions asked was what happens if we get the data centers and we're hoping for the modular nuclear reactors, and that technology is not available since right now it is seven to ten years away? The answer is that the small modular nuclear reactors and the hydrogen facility wouldn't be built. Those spaces would be developed into data centers. The project would still generate an overwhelmingly positive benefit to Surry County, about 900 jobs and doubling your current tax revenue from last year, about \$27 million worth of tax revenue will come to the County even without the modular reactors and the hydrogen plant.
- Examples in the powerpoint of what data centers can look like.
- For the Surry Green Energy Center, both the new ordinance and the proffers from the applicant limit building heights to 75 feet on the project.
- Along Hog Island Road, a 75-foot buffer of existing trees supplemented as deemed necessary by the County, would be preserved.
- Along the James River the proffers call for a river protection zone, plantings, use of existing trees, making sure the users of the river do not have a view of the Surry Green Energy Center.
- The nuclear power plant to the north is another industrial facility. The ordinance does not require buffering of an adjacent industrial use. And in discussions with staff, it was determined that it was not a necessary buffering to undertake.
- On the south, the ravine systems on Honeycutt Creek provides extensive setbacks in buffering from users of the Department of Wildlife Resources land.
- This location is particularly appropriate. The comp plan speak of the goals of generating business and opportunities for citizens of Surry and talks about employment centers. This is the sort of operation this project would generate after construction is finished, 1300 jobs in the data centers, the modular nuclear reactors, and the hydrogen plant.

- The site is isolated and is bounded by the nuclear plant, the river, the wide buffer on Hog Island Road, and the 1100-acre Department of Wildlife resources land.
- Along Hog Island Road are preserved existing trees and the goal is to limit the visibility. The Timmons Group has come up with this entrance landscaping plan (see powerpoint), which must be approved by the County, and which is enforceable by the County. It is heavily landscaped with 25-foot landscape buffers on both sides of this boulevard style entrance designed to not have a view of the data center project.
- Some questions from the public meetings about what will be seen from the river and Hog Island Road. In this viewshed graphic, Timmons created landscaping where a small boat cannot view the project from the river. A binding proffered buffer, of existing trees, with supplemental plantings as deemed necessary by the county blocks the view of the water treatment facilities and even a data center that might be 75 feet tall, well to the west. The graphic shows perspective, from a vehicle on Hog Island Road, looking at a data center located most closely to Hog Island Road. The height of the trees and the buffer would limit the visibility of those data centers to users of Hog Island Road.
- The 1300 workers and all data centers shown as green bubbles on the powerpoint would not all appear at once, it would be phased approach. The projection is for the first data to center be built, and a prerequisite of that is to have the water withdrawal and the water treatment facility in place. Then, the second data center user would come along, buy a site, get a site plan approved and then the educational building would accompany that.
- At each phase, a separate site plan is required under the way we've proffered and structured the master plan. At each of the projects, the County reviews, adjusts, and approves the site plan. A vote recommending in favor of the project tonight is not a vote in favor of immediate unlimited construction, it is a phased approach.
- If there's a lesson learned from the first data center, the County can build conditions into the second site plan approval that protects citizens from any impacts of use. After the data centers come in, the SMRs would come in phases. And finally, the hydrogen plant would come in as the final use within the land base.
- The phases mean that there is a site plan at every construction project and there is a long list of protections proffered by the applicant that the County would review and approve at each site plan approval.
- Some of the key concerns from our public meetings and from the Planning Commission work session were that citizens were concerned about construction traffic; specifically, parking on the side of the road and idling trucks blocking the road waiting to deliver materials to the site. To address, there will be a construction traffic management plan. That plan would include signage and other measures to keep construction traffic off Bacon's Castle Trail.
- The landscaping plans would be reviewed with every site plan. Lighting, dust mitigation, and site security are critical. The data centers are highly sensitive. The data centers developers that come in and build and rent space for institutions and corporations, typically have fencing, security plans, and armed guards. The security for these facilities is quite extensive.
- Also heard comments that there needs to be someone from Surry Green Energy Center that gets the call if there is a problem – who do citizens call?
- Data centers and the SMRs, typically provide training for the fire departments. The SMRs would have their own firefighting crew on site. They are highly trained.
- Construction traffic management plans were key because of citizen concerns, many stemming from their experience with solar. In meeting with Charles Canady, VDOT's maintenance supervisor, he said, "You don't need a special permit from VDOT to fix the road. If the County

site plan approval says you will fix shoulder damage, potholes, or damage to the road, go out and fix it.” Surry Green Energy will have a contract person for citizen and County concerns. Mr. Canaday’s concerns were to avoid mud on the roads, work to make sure speed limits are observed, and check your site distances. Mr. Canaday said Hog Island Road is a good road. It’s built to take the weight that’s necessary to construct an industrial facility.

- Mr. Wade outlined the cash proffers totaling almost 1 million dollars, indexed for inflation, to make improvements along Hog Island Road and corridors to the Surry Green Energy site.
- One of the concerns from citizens was the project would draw well water to produce hydrogen for cooling of the data centers. A proffer was added that makes it clear that well water will not be used for processing. That means the cooling of SMRs and data centers or producing hydrogen. Well water will only be used for the employees, the bathroom, and the break room. Probably use as much water as 20 houses. If public water or sewer becomes available to the site, the applicant has agreed to connect.
- Concerns expressed about impacts on natural resources. The proffers require a study of protected species and archeology sites. Preliminary work has been done and there are no significant archeological sites on the property but will be studied and addressed if they’re found.
- The fiscal impact of the build would be 2036. The tax revenue to Surry County from real estate taxes, machine and tool tax, and personal property tax would be 74.1 million per year. The fiscal impact study talks about construction jobs, the ripple effect of \$6 billion of expenditure in Surry County but, the question we heard from Planning Commissioners and citizens was how many permanent jobs in the County. That number is 1365 permanent jobs.

Ms. Cheek said it was previously stated that the wastewater plant would be built first and asked how it would relate to the water being drawn from the river. Mr. Davis said that the water will be drawn from the river and treated at the plant before it is pumped into the data centers or SMRs for cooling. Ms. Cheek followed up to clarify that the plant is built first and will come into operation when needed by the first data center, whether there is a SMR or not? Mr. Davis said correct, and it is a closed system. It is not a constant draw on the river or discharge to the river. Water would be pumped in, treated, and circulated. There may be a loss to steam but draw the on the river is minimal.

Ms. Cheek asked, how far is the closest residence to the site. Mr. Wade said staff had done an analysis and the closest residential use property is 1,750 feet south of the property and 2,200 feet west of the property.

Mr. Berryman asked would the land be subdivided and whoever builds the data center will own that parcel of land. Mr. Davis said yes, and the data centers will have their own security protocols and designs. The centers want their own separate parcel that they can fence and secure. Mr. Berryman asked if the divisions be subject to the county rules and laws. Mr. Davis stated that it would be subject to the County’s subdivision ordinance.

Mr. Brock asked if each phase would come back before the Planning Commission and the Board of Supervisors for approval. Mr. Davis clarified that a site plan approval does not require the Board of Supervisors action. The site plan is Administrative and that in many counties, the Planning Commission is consulted at the site plan level but he is not sure what the process is in Surry.

Mr. Wade stated for clarification to Mr. Brock’s question of saying each time, “that the only time you must come back to the Planning Commission is if there is a substantial change to the general development plan, if there is a new conditional use permit, there is some type of revision on the master

plan, or if they wanted to amend the proffers.” The conceptual layout plan is what you are reviewing for approval tonight. What you see as the general development plan is essentially the Planning Commission’s review of a site plan location to make sure it meets the intent of the district and will again be reviewed by the Board of Supervisors for their approval. All of this is encompassing of the re-zoning, the general development plan. The actual site plans for each bay in the general development plan is reviewed administratively under the requirements in the Emerging Technologies zoning district. The project will have to follow all the requirements in the district as well as any proffers that they put in place with the proffer statement.

Mr. Brock asked if the conditional use isn’t met, would it come back for approval. Mr. Wade said correct because the applicant has not applied for any conditional use permits. Anything listed in the Emerging Technologies District as a conditional use permit, would have to come back before the Planning Commission and the Board of Supervisors for their approval.

Mr. Brock said there should be many checkpoints. Mr. Wade said according to their plan of development, there will be considerable times that they would come back before the Commission. When looking at SMRs, you’re looking at the utility scale, a substation that requires a conditional use permit.

Mr. Berryman asked, “If the project passes and a data center is built next year, you will not come back before the Commission?” Mr. Wade said a data center would not necessarily have to come back before the Commission, but as part of the development, you would need a substation. Mr. Davis said you would need a substation which requires a conditional use permit. SMRs require a conditional use permit, and the water withdrawal and treatment plants require a conditional use permit.

Ms. Cheek asked, “Any of the data centers that get built, we do not hear anything else about?” Mr. Davis said that is correct and that would be a site plan approval process. The proffers require that the site plan be reviewed by independent engineer or planners at the expense of the applicant. Mr. Wade’s staff, plus assistance as needed, is included.

Ms. Cheek said to Mr. Davis that he described the data center as racks of computer and storage. Not making chips, battery packs or anything like that. Mr. Davis answered correct. Ms. Cheek further asked, that if otherwise it would be so different that it would require another review by the Commission? Mr. Davis said yes, a conditional use permit.

Mr. Coggin shared he had been contacted about what would occur if someone wanted to change the project from a data center to a storage yard which are allowed in the ET District but not in accordance with what is being voted on tonight. Mr. Davis said uses like storage yards or warehousing are intended to be connected to the Surry Green Energy Center, not a standalone use. The proffer is not the intent that data center fall out of fashion and we build warehouses, the uses would be connected to Green Energy Center.

Mr. Wade stated that after consulting with Ms. Darby “the outdoor storage construction material, that is intended to be a temporary use, actually states in the ordinance, in parentheses, ‘temporary’, is

intended to be temporary in nature not to be a continuous outdoor storage facility.” Mr. Coggin followed up by asking if it is for when they are doing construction and Mr. Wade agreed.

Mr. Brock opened the public hearing for comprehensive plan map amendment 2023-01 and rezoning application 2023-01. Mr. Wade clarified that the public hearing is for both; however, the Planning Commission will need to vote for each one separately.

PUBLIC COMMENTS:

Ms. Susan Corvello (Claremont District):

- Under the rezoning application, there is a noted difference on what was posted on the screen versus what was on the printout received tonight. It went from to permit a combination of commercial industrial, on the screen, it said technology focused, and on the printout, it has utility. Was utility taken out or is an addition and does that include solar?
- It will be great for the County to get something that will offer many opportunities and good paying jobs.
- It's great that the project is offering road improvements. Knows there are benefits to CIP projects but is there something else that Incoming companies like this project could improve that would benefit all and not just the residents on Hog Island Road. For example, walking trails, parks, and bike trails, community parks that would benefit the the whole community quicker.
- Signs on the highway that say no through trucks before the designated turn in order to allow for enforcement.
- Asked for clarification on whether each business that comes in needs Planning Commission approval or if it is just staff approval, found that confusing.

Dr. Daniel Shaye (Surry District):

- Hearing big numbers that tempting but what does it mean for the future of Surry County.
- “This opportunity means for the future of Surry County, 1,300 jobs, a built-in boom, not just commercial but also residential,” We are considering permanently changing our county's character and that's what concerns me.”
- Didn't move here for what Williamsburg and James City County had to offer or even Northern Virginia. Concerned about carts and horses in the order of this thing. “If I wanted to purchase a property and say later, I want to use it for commercial, I'd make sure it was zoned commercial before I purchased it. It's a very strange process when someone purchases 641 acres, then gets a new zoning district passed and then says let's make it zoned for the intended use. It's a strange order of things. Maybe larger entities can do this, I know the little guy can't do that, but if they can leverage that, what comes next?”
- The bridge is being pushed in Richmond. “How much pull does an outside company like this have and who do we want to be? That's the question I'm asking.”

Mr. Earnest Thompson (Property Owner Laurel Creek Road):

- Property is in close proximity to project and attended prior community meeting.

- Concerns of a large company coming in and offering employment, or contracts being awarded to local citizens. “They import their big boys in here to sign the contracts whether its facility management, construction and then the only thing that we are left to do is to be the worker bees.”
- The presenter said they will build the infrastructure but other companies that we do not know anything about will come in, will they be held to the same accountability as the requester? Will the citizens of this County reap the benefits when it comes to signing a contract for facilities management?
- Development is welcome if we maintain control and our citizens are the beneficiaries and hope in deep consideration that it's mandated before it is sent to the Board of Supervisors to get more clarity.

Mr. David Pugh (Chippoke Cheek):

- Being an owner of a small RV Park and mobile home park with Ted Christian for the workforce ordinance, campground for mainly the outage workers associated with Dominion Power. Looks at the project as God sent. Surry was once a town that had a drugstore, grocery store, hardware store and a car dealership. Surry currently has none. Surry needs industry and this will be a great for the younger generation with job opportunities.
- Surry is losing population, and he is favorable of the project.

Mr. John R. Stokes (Bacon Castle District):

- Is the owner of the property that is directly across from the project and the road into this project runs straight into the road to his cabin. As an attorney, he has done zoning work, and has reviewed what's being done very carefully, and wants to share concerns about the project.
- Not opposed to this project as it's advertised or what's being planned but against the zoning amendment allowing many uses, by right, that weren't mentioned. Mr. Coggin pointed out when he asked the question, “Will these guys have to come back for any more approvals for other uses?”
- There are many uses that were not discussed and if the Board approves this, by right, they don't have to come back and ask for a conditional use permit.
- He heard Mr. Davis state that if the Planning Commission recommends these uses not be allowed, the applicant would make an amendment. That is what he is suggesting that the Planning Commission consider making a recommendation that these uses not be used. If for future uses, let them come back and talk about it.
- The way the storage yard is written is ambiguous and as a lawyer, I can tell it is not clear what that means. It looks a little bit like it's temporary, but there's a comma in there. They might have the right to do a storage yard. Shipping containers stack seven and a half stories tall as a by right use, no tax revenue that's associated with that of any significance, that should not be allowed.
- Warehouse distribution as a by right use. Think of 18 wheelers tracking in 24/7, day in, day out. These uses are in high demand because of the port and I work with several people who are looking for land that allows these uses. The uses will be snapped up, they're not favored by other localities for obvious reasons. There is high traffic damage to the road congestion and low return to the County. Very little taxes on that.

- Contractor's yard, that is about the lowest use you could see. Having contractors come in and put their junk down, in a fenced in yard. There're no taxes that are generated from a contractor's yard of any significance.
- Flex industrial is wanted as a permitted use. Flex industrial allows every manufacturing use known to man, even though it's not yet imagined, if contained in a building. Every noxious, terrible use that you can imagine would be able to go, by right, and pollute the County and poison the groundwater. That should not be allowed by right. They should come in and say what it is that they want to do, and should be examined on a case-by-case basis to see if this is good for the County or not? In his opinion, should not be by right.
- It's possible that they could put in a silicon chip plant. Silicon chip plants sound like they are just great little things if you haven't researched it. Hearing of a silicon chip plant, the thought would be of a super clean industry with people in bunny suits and in fact one of the dirtiest industries in the world. The World Bank has prepared a sheet that was send to countries, so that countries understand, here are the problems with silicon chip plants and this should not be a by right use. Chemicals are used in the chips that causes a high incidence of miscarriages, birth defects, and organ damage.
- Solar can be done. They could put almost a hundred percent of that property in solar and just have one building, that would be a by right use. There is an ordinance for solar, and that is what they should have to use to put solar on that property.

Mr. Zion Charity (Bacon Castle District):

- The presentation done by Green Energy will bring jobs to the County and being a resident, much of his life on Hog Island Road, believes that it is a good thing. Jobs are needed and will be great for the future of the County. As Ms. Corvello stated earlier, one question and concern are the immediate impact that it can have as far as beneficial things for the residents, from construction, is how long it will take before we see benefits.
- Security concerns and potential threats of terrorism, how can that be addressed.
- Traffic is not a problem for him because he hears trucks go up and down that road all the time.

Mr. Brock indicated those were all the people signed up to speak and closed the public hearing. Mr. Davis invited to respond on behalf of the applicant and he focused on concerns that had not previously come up in meetings.

Comments from Mr. Davis:

- Ms. Corvelo mentioned the fact that she was concerned about construction traffic because of the current experience with a project and trucks turning on Bacons Castle Trail before they see the no through truck sign. That might be a perfect example of the workability of phasing this plan. If that problem came up at Green Energy Center when the next phase or the next site plan comes, they would know you would have to move the no truck sign so that the truck drivers can see it before they turn down the road. What may not be known is in this high-tech industry, contracts with the builders can be structured so that the GPS systems on the delivery trucks will

not allow the truck drivers to come down Bacon's Castle Trail or Burnt Mill Road and be routed to Hog Island Road.

- Mr. Shaye's question about the order of the process, suggesting you buy a piece of land first and then rezone it. In most commercial industrial development settings, the buyer, like Green Energy Partners, puts a contract on the land that's contingent upon the rezoning and that is very similar to the model at work here. So, if the Commission and the Board did not recommend rezoning, the contract would fail. The client has not bought the property and then come before you.
- Mr. Thompson's comment was, he liked what he heard, but what about the next guy that shows up? That is the essence of proffers. Proffers are a legally binding obligation of the applicant that is reviewed by the Planning Commission and then approved by the Board and can't be varied without the Board's approval. When the site plan approval process comes forward and new users are buying the parcels and dealing with the County, they're bound by the proffers of Green Energy Partners brought before the public and the Board at this juncture.
- Thanked Mr. Pugh for his support.
- Mr. Stokes was articulate on a couple of points and had forwarded a letter late this afternoon, which was reviewed briefly. His comments were that some of the uses that are being permitted by right, in the ET district, could be undertaken at the Surry Green Energy Center instead of the more attractive uses that we've talked about. It has been discussed with the client. "We're happy to change the proffers to say, look, contractor's yards, for example, would be only those contractor yards established in conjunction with building the project. It would not have a contractor at the Surry Green Energy Center who was working on a project in Windsor or somewhere else in Surry County." Warehousing and distribution, general office uses and outdoor storage, we are willing to link those to the data center uses. The flex industrial, if looking at the language in the new ordinances, is non-threatening, light industrial.
- There is not a plan for flex industrial and it could fit in a high-tech setting, but data centers are the focus. Chip manufacturing is not a focus of Green Energy Partners and that is a use that requires a CUP, which is required under Surry's ordinance. They could not be built without the additional scrutiny that Mr. Stokes suggested. Mr. Stokes final point was that the proffers were written to allow solar. We're actually trying to write the proffers to specifically prohibit solar. We may need a solar panel that lights up a sign but, we can work with Ms. Perkins and Mr. Wade, if that concerns the Commission, to make it doubly clear that there will not be a utility scale solar facility on this property.
- Mr. Charity thanked for support and regarding security, the security efforts undertaken in these data centers are an intense focus. We have institutions like Microsoft and Google that build and develop these centers. These are not low budget operations and the security planning around them is quite extensive and would receive County scrutiny at each site plan.

Comments from Mr. Wade:

- To address the concerns about solar, the County's solar ordinance only allows solar utility-scale development as a CUP under the M1, M2 district. This district is neither. That is a reassuring fact that, if the applicant did want to present that solar development, they must rezone the property to M1 and have a CUP process as well. In addition, the way the current ordinance is written, silicone chip manufacturing does require CUP. There are several uses that are listed within the district that do require CUPs. Staff went through the ET ordinance and what was presented to

the Planning Commission and voted on included that for the higher intense uses a CUP was required.

- The applicant is tied to the proffers presented and to the general development plan. The development plan, at the time of site plan, if not consistent with the general development plan, the applicant must bring it back to the Planning Commission and the Board of Supervisors as an amendment.
- Several things that may trigger certain things to come back to the Planning Commission. There are several processes that, as part of the development plan, even if the projects are just data centers, they will still come back for some conditional use permits. Several objects will come back before the Planning Commission and community since this is a phased project.
- Concern of the community regarding solar traffic were shared with the applicants. You will see proffers before you reflect and were a result of talking to the public and staff about community concerns. Believes the applicant has listened to the public and community. There may be ways of improving, if Planning Commission asked, we can look at the proffers again and work with Ms. Perkins, myself, and the applicant prior to going to the Board of Supervisors on some any concerns with the current proffers.

Ms. Cheek stated that she does not think it is clear what is in this project and what could be in it by right and believes that needs to be clear before the commission can proceed. There was discussion about of how you could work together and willingness to be more definitive of what would be at this campus and feels that work needs to be done so the Commission has a better understanding. You heard Mr. Stokes bring up questions about the by-right. Ms. Cheek stated that because it was discussed as a phased project, she believed that every time a data center was going in, this Commission would be reviewing but, that now it seems that only staff will review and the Commission only sees again if there is a CUP it is new to the County, and we should proceed with caution to see how the phase is going and the Commission is involved.

Mr. Wade stated respectfully, "the uses that are permitted are spelled out in their general development plan. The uses that are permitted are also in the ET zoning district. The uses that are allowed by conditional use permit are under conditional use permit. Those are permitted uses and those are the conditionally permitted uses." Mr. Wade further explained that the items that the applicant has placed on the general development plan are the spelled-out locations of where these permitted uses are located in the general development plan. Those items that the applicant may intend in the future to apply for conditional use permit are included in the general development plan at this time. "If it is outside of that scope, they will be back, whether it's a CUP or if they are changing the development plan."

Ms. Cheek asked if the presentation on the board in front is the general development plan. Mr. Wade answered no, it is a map. The Planning Commission was shown the general development plan.

Mr. Hardy expressed that he understood what was being allowed in the general development plan based on the applicant's presentation tonight and the presentation at their prior meeting.

Ms. Cheek asked about what by-rights can happen because some are allowed in the zone but that this project is not planning to do all the by-right things. Ms. Cheek believes which by right uses this project intends to do, doesn't intend to do needs to be spelled out, for example, silicon chip development that was referenced earlier.

Mr. Brock said that he believes silicon chips are not a by-right thing to do. If someone wanted to do that, they would have to come before the Planning Commission to get a conditional use permit.

Mr. Wade said there are several pieces that are required to come before the Planning Commission, list of nine items in the district. First part this project would be rezoned to Emerging Technologies District. At that point what uses are permitted and where are those uses permitted – that is spelled out in the general development plan. Section 3-1106(B) talks about deviations and required revision to the final master plan. Situations which are required to come back per the ordinance include, substantial changes in location, classification or mixture of land uses or buildings shown in the master plan. Ms. Cheek stated she understood that but needed clarification on what is by-right and would not deviate so much that they would have to come back.

Mr. Wade said there are several by-right uses listed under Section 3-1102. Under civic type uses are utility service minor, commercial use types, business or trade school, educational facility, science and technology center, research and experimental and technology center, construction, construction office temporary, office general, contractor's yard, industrial use types, data warehouse center, energy storage facility, flex industrial, laboratory, outdoor storage, construction material temporary, renewable energy generation facility, warehousing distribution, and water storage tank. That is all that's permitted by-right.

Ms. Cheek said for example laboratory, could they have a laboratory without coming back before the Planning Commission. Mr. Wade explained, and we can ask the applicant, if they have a location for a laboratory on the general development plan, it is allowed without further consideration of the Planning Commission. If there isn't anything on the map, they would have to come back to the Planning Commission and the Board of Supervisors.

Ms. Perkins clarified because it's by-right, "doesn't mean they can just wake up one morning and decide, we're going to put in a laboratory because they've already committed to this [the general development plan] and if they woke up one morning and said I would like a laboratory, then that's a substantial change."

Mr. Brock asked if Ms. Cheek's question had been answered. Ms. Cheek asked about additional work on proffers as discussed.

Ms. Cheek asked if the email asking about noise that is generated by the data centers to the surrounding community, has been addressed. Mr. Davis explained that data center noise generation comes from the hum of cooling fans and the proffers requiring that any equipment that's generate 75 decibels at the property line, must have a noise plan. The conversation tonight is probably 50 to 65 decibels. A library, about 40 decibels, a quiet office building about 50 or 60 decibels, a garbage disposal or city traffic, about

80 decibels. A chainsaw, 110 decibels, a farm tractor, 98 decibels. The data centers will have a hum as opposed to the pounding of a pile driver or a dog barking or a rifle range.

Ms. Cheek said with conversation, there is a break in noise. When there is a study humming, it seems to be a problem that concerns other communities that have data centers. Mr. Davis respectfully said that when you talk about siting, and what is essentially an industrial use in the county, it is an employment initiative, a business, a jobs initiative that comes with some sound. Staff had the opportunity to review the sound standards that were proposed in the application and the proffers and recommended approval. Applicant is comfortable that they can meet ordinance and proffered standards and would then ask the Commission for recommend approval without further study.

Ms. Cheek asked how it could factor into stages. What if during the first setup of a data center finds that the noise is a problem in the County. Mr. Davis said that then the proffers would allow the County to address it again in the second phase or the fifth phase. It would not need to be added in because the proffers are written as such today.

Mr. Hardy said that it was mentioned that the cooler would be to the north facing the Nuclear Power Station. Mr. Davis said yes, and the idea is that the equipment that generates noise would be oriented way from Hog Island Road and any neighbors. Mr. Brock said that you have a 1100-acre buffer from this facility through the Department of Game and Inland Fisheries except for across the road from Mr. Stokes and probably two cabins. Mr. Davis indicated that's why the proffer was written to orient sound away from Hog Island Road because that is where the applicant felt would be the impact.

Mr. Brock stated that those people will likely have more issues with the gate tronics at the power plant than this facility for noise.

Mr. Wade stated, in a having zoning district established, as part of the site plan review, there's a noise study and noise reduction plan that sets out to find mitigation for noise. That is a study at each site plan that is presented. That is a requirement and was intentionally put in place to make sure that we do address that concern in addition to lighting, hazard mitigation, and impervious surface locations. Those are outside the norm for site plans. Those concerns are met each time you go through the site plan review.

Mr. Brock entertained a motion for Comprehensive Plan Map Amendment 2023-01. Mr. Hardy made a motion to recommend approval of the Comprehensive Plan Map Amendment 2023-01. It was seconded by Mr. Newby.

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

Chair Brock asked for a motion for the Rezoning of Application No. 2023-01. Mr. Newby made a motion to recommend approval of Rezoning Application No. 2023-01 and it was seconded by Mr. Wooden.

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

Opposed: 0
Abstain: 0

PUBLIC COMMENTS:

A member of the public who did not identify themselves asked how they could get a copy of the proffers. Mr. Wade indicated he would respond during his comments.

Mr. Daniel Shaye thanked the attorney for clarifying that the contract was contingent.

Mr. John Stokes said that the concerns that Ms. Cheek raised and the concerns that were not clearly addressed, are listed in the proffers. The uses that he outlined has nothing to do with the general development plan or with the data center. Mr. Davis had said that they did not intend to do those uses and would be happy to say that we are not going to do those uses unless it's ancillary. It was suggested that the uses were not allowed by-right, but they are, and Mr. Davis said that he was willing to remedy that problem and that would have been a big set of potential problems that would come back to the Commission if it was approved. Mr. Stokes said that Mr. Davis was willing to clarify certain uses would not occur through the proffers and that he was sad to see Mr. Davis's offer not seized or acted upon. Hoping that could be discussed with staff and acted upon.

Mr. Brock asked Ms. Perkins to clarify. Ms. Perkins said even if a use is by-right, in the Emerging Technologies district, if it is not coming before us on this plan today, and this is what the Commission is approving when you're approving the Comprehensive Plan Amendment, you are approving the rezoning to the ET district. It will go together with the recommended approval of the comp plan. And, if there is a use that is technically by-right in the ET district but is not being set forth as part of this application, that would be a substantive change that would require any future individual, whether it's Green Energy or whether it's a subsequent individual, who come in to build a data center, it would require them to come to the Commission to get that approval.

Mr. Stokes stated the only point was that the uses shown on this plan and what Mr. Davis said is he was willing to alter to show that the uses will only be done if they are ancillary uses, they are shown on the plan, and have nothing to do with the data center. They are appropriate as an accessory use but not appropriate as an independent use. Mr. Davis offered to do that; it would seem to protect everybody including everyone reputations in the County.

Ms. Perkins said as a reminder about proffers, that the County can't force Green Energy to proffer anything. That's actually very clear in the law. There was a case that went to the Supreme Court of Virginia and James City County of the exact issue. So, proffers are voluntary. If Mr. Davis and Green Energy would like to proffer that limitation, that would be consistent with the discussions that we have had with them about it being temporary and being accessory and that County staff would happily accept that proffer. The same extends to several speakers that talked about benefits and having more widespread county-wide benefits such as a walking trails or other types of uses. We are completely limited in what we can ask, if Green Energy would like to proffer, they can; however, proffers must be related to the project per Virginia law.

Mr. Brock closed public comments.

COMMITTEE UPDATES:

Mr. Wade said that he and Ms. Perkins are working with AES on a project call Sycamore Cross. There is not a public hearing scheduled for February, and maybe we will meet with the applicant, AES and the subcommittees.

Ms. Cheek asked what the status of the methane gas project is. Ms. Perkins said that matter is in active litigation and is very limited in what updates she could provide. The project is proceeding in line with the approvals but it is in litigation.

Ms. Perkins reminded Commission members about Conflicts of Interest forms are due February 1st.

ADJOURNMENT:

Chair Brock entertained a motion to adjourn at 9:16 PM until the February 26th meeting. It was moved Mr. Newby and second by Mr. Wooden. It was moved and properly seconded that the meeting be adjourned. All those in favor signify by saying Aye.

Commissioners: Aye