



**County of Surry Virginia
Planning Commission Meeting Minutes
October 28, 2024**

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7 PM, Monday, October 28, 2024, in the Surry County General District Court, 45 School Street, Surry, VA by Mr. Eddie Brock, Chair.

ATTENDANCE: The following members responded present to Roll Call:

Mr. Eddie Brock, Chair

Mr. Giron Wooden, Jr., Vice Chair

Mr. Earl Newby, Sr.

Mr. Breyon Pierce

Mr. Thomas Hardy

Mr. Stephen Berryman

Mr. David Coggin

Mr. William Seward, IV

Ms. Dianne Cheek

Ms. Carmen D. Judkins

Absent:

Mr. Theodore Lunsford

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

PLEDGE OF ALLEGIANCE: All

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

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

Opposed: 0

Abstain: 0

APPROVAL OF CONSENT ITEMS: Chair Brock asked the Commissioners to disposition the September 24, 2024 minutes. A motion to approve was made by Mr. Wooden and seconded by Mr. Pierce.

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

OLD BUSINESS: None

NEW BUSINESS:

1. **PC Ordinance Amendment 2024-02:** The Planning Commission will consider and intends to take action on the adoption of amendments to the Solar Energy Ordinance adopted on December 6, 2018, but erroneously placed within Chapter 10, Environment, Article IV, of the Surry County General Ordinances, and codify the ordinance into the Surry County Zoning Ordinance by amending Article I, General Provisions, Article II – Definitions and Uses, Article III - Zoning Districts and Boundaries, and Article IV – Supplementary Regulations to incorporate and update language regarding application requirements, new use type descriptions, location requirements, and performance standards for solar energy facilities.

Mr. Wade stated that tonight’s meeting is to consider the Planning Commission’s intent to adopt an amendment to the Solar Energy Ordinance. The supplemental regulation includes performance standards for community skills, energy facilities or utility skills, and solar energy facilities, each with a project liaison, an independent engineer, and a construction bond.

- When an applicant for a project, applies for a land disturbance permit, the permit fees would be in the ordinance, along with visual impacts, national standards for solar panels and battery technologies, 300-foot setbacks, security fencing, maintenance of the facility, noise, and that all components of the facilities must be removed from the project parcels within six months of inoperability.
- The section from the previous ordinance concerns noise stringent on the underlying zoning district. Maybe the zoning districts should be amended to more stringent noise restrictions in the future.
- Signage is not new. The plan addresses vegetative buffers with a landscaping strip at least 300 feet wide surrounding the entire property perimeter. That in no case shall such buffers contain stormwater holding ponds. They may require increased setbacks if needed.
- Height of 18 feet, lighting, inspections, and airport proximity remains the same.
- Groundwater monitoring, number 18 was added.
- Waivers and modifications, conditions, and decommissioning were added.

Mrs. Perkins placed before the Commission an amendment of section 4-608, E,3(A), which addresses if facilities cease to generate electricity for more than 6 consecutive months because of an act of God or things of that nature. Mrs. Perkins said the discussion, which included some caveats for acts of God,

never made it to the final version of the draft ordinance. The concerns were, "If six months was too short of a time span, and because of supply chain issues, there is potential that a site would have to be down for longer than six months. And if the project is waiting for parts or some sort of replacement, the objective would be to continue reenergizing the project and continue the work of the project once that hurdle was overcome. Anything that was for 12 consecutive months, with no exceptions, would automatically go to decommissioning. This is not a legal requirement; this is something that staff is simply putting before the Commission."

Ms. Cheek asked if it could be addressed in the conditions. Mrs. Perkins said that it could not because the way the language is drafted, it's definitive." If the facility ceases operation for six months, ceases to generate electricity for a consecutive six months, the responsible party will provide for its decommissioning." Mrs. Perkins said that there is a section that discusses modification and waiving of requirements. She would not suggest that these types be dealt with under that option. That would open the door for, "you did it for one person, why won't you do it for the next person?" It would probably be better to draft an ordinance in a way that you wish to have it. "And if it's six months, then it's six months."

Question: Mr. Coggin asked if the destruction is an act of God, and in six months, they haven't notified us of that. Would they still have six additional months to get back online? Mr. Coggin asked "If they said that they are waiting for their insurance check and at 12 months, they are not online, do they lose their conditional use permit? Would they have to start decommissioning or would they be able to return with another conditional use permit at 12 months?" Mrs. Perkins said that she didn't believe they would lose their conditional use permit, but it may require an amendment. Mr. Wade said he could see instances in which you may have a partial decommission or partial power in certain sections.

Mr. Coggin asked if they're not making electricity and only half of the site is destroyed, they could cut off certain breakers and get half of the site generating electricity. "They may not want to, but they may want to keep it out of the decommissioning process. Is that something they could do?" Mrs. Perkins said yes.

Question: Ms. Cheek asked, "When does the CUP expire at the time of decommissioning?" Mr. Wade said that when the project ceases operating as a solar energy facility. Ms. Cheek asked if it was after they had cleaned up and the lands returned to farming. Mr. Wade said that it may or may before. He believes that the ordinance states that it expires after two years of not using the site. Mrs. Perkins said that the general section talks about conditional use.

Question: Chair Brock asked, "at the end of the 12 months, it could be another 12 months because of the legal ramification that you have to deal with?" Mr. Wade said that he thought it would be an administrative process and the County would determine if it would be between the Planning office or Mrs. Perkins office. Chair Brock said that he thought that was why it was moved six months: so that there would be less time for having no activity. The facility would start fixing the problem or decommissioning once they are notified at the end of the six months.

Mr. Wade said that this code section is currently in tonight's packet. If the facility ceases to generate electricity for more than six consecutive months, the responsible party will provide the process of decommissioning. We are saying, in these instances, it is six months. Unless it's an act of God or they are responsible for complying. It is determined by the staff that there are things that may be addressed

and that provide flexibility to work through. Mr. Wade said that he is trying to find a bigger grace period.

Mr. Hardy asked if it could be implemented that if six months pass, there be a biweekly or monthly process update. Mr. Wade said he believes we do have that. In the draft, the text says, “demonstrate that they're making substantial efforts as determined by the zoning administrator.”

Mr. Coggin said on page four, number four it says, “fire rescue and law enforcement requirements as compared to the existing capacities and facilities.” He thought we clearly nailed that down, wanting a maintained right-of-way around the entire property. The fire department would have access to fight fires before they reach adjoining land. Mr. Wade said that the supplemental regulations can add what’s that in this section.

Mr. Wade asked to be sure of what Mr. Coggins is asking: “buffer zone 300 feet, setback 300 feet, emergency access 25 feet, then fencing?” Mr. Coggin asked if it would go against the rules to have a buffer next to the road; if not, he is okay with it being in the buffer. Chair Brock said it should be in the buffer but not next to the fence. Mr. Coggin said the vegetation should be 50 feet off the fence.

Mr. Wade said that most times, when having a setback, for example, “if we have our setbacks and a buffer of 300 feet, you will not have anything until you pass 300 feet. That may be something we have in our ordinance regarding the modifications made within the project. Even if it’s 300 feet, you can allow some modifications and 25—or 50-foot access.

Mr. Coggin said on page 20 of the Storm Water Plan that he thought the County did not have qualified engineers to inspect the facility. And that he we would require the facility to pay for an Engineer to verify stormwater because of the complaints from citizens. At the Board of Supervisors’ meeting, one of the Board members brought up the issue of stormwater runoff. Mr. Coggin thought that we should have in place that they must adhere to the state, even though it's not mandated, to do storm water runoff based on the 8X8 foot panel, not the six-by-six post.

Mr. Wade said that the suggestion was in the Comprehensive Plan. Mr. Coggin asked if it was enforceable unless it was in the Ordinance. Mr. Wade noted that it is not enforceable if it is not in the CUP conditions. Mr. Wade thought that they were referring to stormwater. We would probably be looking to have a stormwater ordinance. We have an original sediment control ordinance, and you must meet certain state requirements.

Mr. Coggin asked if a facility must have a stormwater plan. Mr. Wade said correct, and DEQ enforces it. Mr. Coggin said that DEQ said that they will not enforce stormwater ordinance. If a facility is not in compliance, DEQ said “they said will give everybody a couple of years to catch up. They don't want to cause a financial burden. Mr. Coggin asked, “what we are saying, that if you are building a solar farm, we're not giving you a couple years, and in that time, half of Surry County is washed away, we want it now.”

Mr. Wade said he understood, “because what the state is saying, hey, listen, this should be the right way to do it. But if the project is filed after this certain date with PJM, the state will review it based on the earlier standard. If it was filed after the date, they will review it with the newest standard that they put in place.” Mr. Wade said to put in place having an engineer to review the CUP conditions and write it out in the comprehensive plan.

Mr. Wade said Strategy 4, water quality, quantity, and quality solar panels, would be considered unconnected impervious areas when performing post-development water quality calculations, and the same for water quality. Those are Virginia standards. Ms. Cheek said that she did not understand how the ordinances are necessary for them to use that in their calculations for stormwater management.

Mr. Wade said, "We didn't have a way to enforce stormwater. Stormwater goes to DEQ for review if it is over an acre. He suggests having it in our Comprehensive Plan that says, as Surry County, this is what we want to see. So, when a project is brought to us for review, we tell them upfront, "This is our ordinance."

Question: Mr. Wooden asked if he heard it correctly: " Surry County cannot enforce it, and it's not proper and legal to enforce it in the ordinance. It's better to enforce it in the CUP." Mrs. Perkins said, as Mr. Wade indicated, "We do not have a stormwater ordinance in Surry County. Virginia is a Dillon Rule state and can only do what they're specifically given permission to do by the General Assembly. The general assembly did give permission for localities to enact a stormwater ordinance. The state has certain requirements for whatever reason. The decision was made before her time."

"Surry County did not make the decision to enact a stormwater ordinance. And she could not speak as to what we would have to do to be able to meet the requirements to enact a Stormwater Ordinance. So, regarding enforcement, you must remember that CUP conditions are conditions that an applicant agrees to. Those conditions become enforceable through that agreement as opposed to what's in our Ordinance, which is what we can enforce. So, it may be a little bit of a nuance there, but if we were to put these requirements in a CUP condition, that would be the applicant agreeing to abide by these conditions, and that would be a legally binding agreement that can therefore be enforced as one of the conditions to the CUP with the absence of a stormwater ordinance."

Mrs. Perkins also said that you may want to do a future work session presentation and talk about what it would take to enact a stormwater ordinance. That may be a recommendation that the Commission would like to give to the Board of Supervisors. You could initiate that ordinance change. But today, "we do not have that tool available to us in our toolbox. Unfortunately, that does restrict what we can do through an ordinance."

Mr. Seward asked if we could ask them to get a stormwater runoff permit, even though the County does not have a stormwater plan. The sawmill has a stormwater runoff permit, which is not required, but they chose to get it to protect themselves and try to show that they are trying to do what is right. They are monitored three times a year, and it is permitted by DEQ. Mr. Seward asked why the county couldn't have someone to do stormwater run-offs. Mr. Wade said there is a stormwater plan where an independent third party would come out and check especially after a major water event. County Staff and DEQ staff go out to inspect. Depending on the site, they come regularly to evaluate the site to make sure that they're staying within their prescribed plan. If there are messed up areas, they note where those areas are and notify the County, the developer, and DEQ. This is a requirement in the CUP condition to have third-party inspections paid for by the developer.

Mr. Coggin said there is a need to have some verbiage for a facility to put up a bond. That "Surry County does not want to buy your solar panels at the end of 25 years. You brought them here; you've taken them back with you." Mr. Wade said that all decommissioning is on page 25 under 3E and page 25. Mr. Coggin said it led him to believe, "that it's something we'll figure out at the end of 25 years what it will cost to decommission, and the facility has probably been bought and sold by three or four different corporations."

Mr. Wade said that it also says in 3E that “the amount of the surety required shall be a hundred percent of the estimate, the decommissioning costs, plus 20% in administrative fees. Any solar panel, steel, aluminum, copper, post fencing, or other material removed from the facility as part of the decommission shall be removed from the County by the owner lease or a developer. None of the estimated salvage value or any of this material should be used to offset the decommissioning cost.”

PUBLIC COMMENTS:

TERRA PASCAROSA: A native of Hampton Roads, but lives in Virginia Beach. Her grandparents, Bernice and Chaffin Crockett, were from Surry. Her family roots have always been incorporated in rural Virginia, and she has a family farm outside of Blacksburg, Virginia, where they are looking to build a solar farm project. She and her family want to maintain that right and not have it trumped by counties.

Her parents bought their farm in rural Virginia to embrace the rural way of life, but they also kept their house in Norfolk because of the love of city and beach life. The balance she has been raised with is something she really embraces and has been blessed with. The balance includes inevitable sustainable growth in Virginia cities and rural areas. That growth must include clean and sustainable solar projects and should not be hindered by denying conditional use permits for solar projects.

“Surry County's Planning Commission and ultimately the Board of Supervisors have the authority to approve or deny CUPs applications and based on their merits as leaders of Surry County; she respects all of the Commission to the utmost and sure that you recognize and are aware of the fact that the United State Energy Information Administration recently highlighted that electricity demand has grown the most in Virginia.”

Ms. Pascaros said that Virginia is the data center capital, not just in Virginia but in the world. She feels we must incorporate clean, sustainable solar energy with the growth and electricity demand. If we want to keep up with our demand and remain a leader here in Virginia and in Surry County, where Virginia has recently created 94 new data centers, “we need to include solar and clean, sustainable energy. In rural Virginia, there seems to be a plethora of misinformation about solar development, concerns about the land or where the energy goes.”

Ms. Pascaros said solar projects developed, built, and operated in Surry County will benefit the community. It would provide long-term jobs, revenues, and short-term jobs and maintain the agricultural value of the land for future use. Ms. Pascaros said that “approving a solar cap does nothing to enhance or reinforce the powers that the Commission already has. The decision could inadvertently push projects through, and the designs and the feedback process are due to a race to fit under that cap. The best projects won't be approved, but the fastest ones that submit the permit. It's in the County's best interest to have well-planned, thoughtful applications sent and ultimately approved. Solar development and clean energy are inevitable in Virginia. It is safe, allows temporary land use, and allows landowners to secure long-term steady income. The county and state agendas should support and prioritize the development of clean energy and safe energy to meet our growing needs in Virginia, Surry County, and Hampton Roads.” Ms. Pascaros hopes that the Commission will choose not to lower the solar cap and continue to provide the authority to accept or reject projects on merits.

GREG CRESWELL: Senior Development Manager with AES owner of the Cavalier Solar Project and developing the Sycamore Cross Solar Project. A project that will primarily be in Isle of Wight, and they are currently seeking a conditional use permit in Surry County. Mr. Creswell said they support the County's efforts to draft a solar ordinance promoting responsible solar development while maintaining

Surry's rural character. However, he does have comments on the recently proposed solar amendment. Before addressing the specific provisions, AES has been actively engaged with the County on the Sycamore Cross project for over a year. It includes multiple rounds of responding to staff, third-party reviews, and appearances at work sessions with the Planning Commission. Recently appearing before the Board of Supervisors for final Substantial Accord Determination.

Mr. Creswell said, as a matter of basic fairness and as a common practice in many localities, "We believe that the new ordinance should clearly say that a project such as AES, which is substantially advanced through permitting and the public hearings requested of conditional use permit, remains subject to the ordinance currently in effect. Also, as to specific proposed amendments, AES offers the following comments.

- Section 4608 A7, concerning setbacks, suggests "the project area should be set back 300 feet from a budding public right of way and main buildings on adjoining parcels, from adjacent property lines."
- 300-foot setbacks, "unfairly limit smaller parcel owners from participating in the projects. These setbacks would leave too small of a buildable area to make a smaller project parcel usable and depending on topography as well as existing vegetation, lesser setbacks may be more than adequate to mitigate viewshed concerns effectively."
- Section 4608 E3 references that, "if a facility ceases to generate electricity for more than six consecutive months, the responsible party will provide for its decommissioning." Mr. Creswell agreed with the statement of having supply chain issues. But he would also suggest, "if the owner-operator responsible party is making efforts of maintaining the equipment, the grounds and vegetation compliant with the conditional use permits and making efforts to reenergize, there's no reason they should need to decommission the project."
- Section 4608 A4, erosion and settlement control, Mr. Creswell states, "Site clearing shall not exceed 100 acres for each phase of development. The applicant will obtain a report determining the stabilization of each phase of construction or this revision would likely have unintended consequences of requiring additional mobilization efforts throughout the construction period, thereby extending the construction period of a project." he believes is something the County is otherwise wanting to avoid clarity and what is meant by "stabilization would be beneficial."
- Section 4608 A3, the construction bond, "the applicant shall post a bond with the County sufficient to ensure compliance with construction requirements in the CUP. Given that the County may require specific bonds such as decommissioning bonds, set-up bonds for road condition, and bonds for vegetative buffers, he suggests that "clarifying this provision to define what the bond is specifically to cover and how that bonded amount would be determined, would also be beneficial."
- AES recognizes the importance of localities to promote responsible projects, that overly restrictive setbacks, buffers, citing limitations, increased costs, and threaten the viability of good projects, and striking the right balance is important. AES is a key stakeholder in Surry County with the expertise and experience to provide meaningful input on solar development.

SUSAN CORVELLO: Resides in Claremont and has one concern. With this last project, there were several complaints about things that were supposed to happen but didn't. The traffic flow was supposed to have been at one location and to route and spot trucks with rocks to a different one. It was told that the County could not enforce it. Ms. Corvello asked if there is anything in play or that can be

put in play that the County can step in if a project is not abiding by their agreements and say pause and fix the issue. She believes Isle of Wight did it.

BLAKE COX: One of the founders of a nonprofit company called Energy. Their goal is to help provide facts around clean energy here in the Commonwealth and help communities navigate this clean energy landscape. Mr. Cox commended the Commission for crafting a thoughtful ordinance and taking the time to amend the ordinance when they felt changes were needed. Surry's Ordinance has decommissioning language, preservation of growth areas, and strong environmental standards, and these are all great policies.

Mr. Cox said, "The current ordinance in place is a win for the rights of landowners, while it also addresses, he believes, the concerns of the Community. When the discussions are for the use of private land, the respect for landowner's rights must be at the forefront of the discussion. So, while he thinks the amended ordinance being presented tonight is largely good, one specific aspect of the amended ordinance may have an unattended consequence on landowners, particularly small landowners and that is the 300-foot setbacks."

Mr. Cox said, "he knows there's good intention behind this and that this could hurt the smaller landowner's ability to develop solar on their property. He thought almost everyone's goal when developing solar, whether you're a Developer, Commissioner, Supervisor, or a member of the Community, is to make big projects" out of sight, out of mind." The typical standard you see to accomplish this around the state is typically around 150 feet. The Commission has the liberty to raise it if they felt it necessary in certain places. Keeping the setbacks at 150 feet allows 50-acre solar projects to be able to construct their projects. A 300-foot setback would eliminate a farmer who owns one hundred acres of land and would like to put 50 into solar and continue to farm the other 50.

NATHANIEL LEE SMITH: Smithfield, Virginia. He had never given much thought to solar panels before, "but one day, when heading home, there was a big orange sign with a no left turn symbol. I thought, how am I supposed to get home?" Then he saw another sign that said local traffic only and calmed down. Then he thought, why local traffic only? Then he saw the sign that said solar site. He started researching and found out what was happening and is here tonight to speak his mind.

He acknowledges that the Sycamore Crossing Project is proposed across county lines. He came out tonight to let his neighboring county know what he thought. He thinks it is great to see some innovation in this County. It's much better than seeing houses, neighborhoods, and apartments going up. This innovation isn't the type to build the town, it is the perfect innovation to reserved Isle of Wight and Surry rural heritage culture and identity. He knows some critics are saying, "it's going to take a whole lot of land away," but he says this project isn't taking away the land, the lands still be there, it's just having solar panels on it. AES is not asking to flood the place as Dominion Energy did in Spotsylvania for The North Anna Nuclear Power Facility that is 13,000 acres of land gone."

He has heard skeptics say, "what if a hailstorm comes through and breaks the panels open and chemicals start oozing out and those chemicals get into well water? We've never once including the windshields; they've never been broken or cracked. And all the vehicles do sit outside." He is sure AES Corporation's solar panels have been built with quality glass.

Mr. Smith said for argument's sake, "if chemicals did ooze out, he does not see how that even compares to all the chemicals the farmers have been spraying on those very fields for decades and that has been

getting in the well waters. Filter it like he does, to protect himself from the farmer's chemicals.” His recommendation, if you are truly worried about water contamination, get a water filter.

Mr. Smith would like to speak on behalf of AES, which made this application. AES is headquartered in the Commonwealth. They're not some out-of-state company coming in for a money grab and then hightailing out and selling the site to Dominion Energy. AES intends to retain ownership of the site and operate and maintain it throughout its lifetime. I am sure they will have high standards because Virginia is their home, too.

He acknowledges there have been some mishaps during the Cavalier Project. Mistakes were made, and things could have been done differently, as with any project. He believes that these mishaps have been a good thing. “A lesson was learned.” AES has proven itself. He is sure the company will do everything possible to ensure these mistakes do not happen again. He supports the Sycamore Cross Solar Project and hopes the Commission does.

PUBLIC HEARING CLOSED:

COMMENTS BY COMMISSIONER:

With the upcoming updates, Chair Brock asked Mr. Wade if the Commission could legally table it until the next meeting. Mr. Wade said that the Commission can approve, deny or defer. It can be done if you would like to defer until the changes are made by staff.

Mrs. Perkins said if the decision is to defer this matter and to table it until your next meeting, it is her legal opinion that “given the changes that have been proposed, we would not have to re-advertise for a public hearing since the public hearing has been opened and closed. If the Commission wants another public hearing, that option is available. She and Mr. Wade would get the proper advertisements, and her legal opinion is that it is unnecessary.”

Mr. Hardy said that after Mr. Cox had stated about the 300-foot setbacks and the citizens' concerns about smaller farms causing hardships, would it still have to come before the Commission and the Board of Supervisors? Mr. Wade said yes. There are some exceptions found under waivers and modifications. Setback can be waived. For a 300-foot setback, you may have a buffer and, within that buffer, fire access.

Chair Brock stated there hasn't been a request for smaller solar projects that has come before the Commission for approval. Mr. Wade said we have zero smaller projects presented. Chair Brock noted that the decision to change was made because we were taking into consideration the surrounding landowner. A comment was made tonight about whether you have a hundred-acre farm put in a 50-acre solar project and continue to farm the other 50 acres. No, “he's not going to farm those 50 acres. He can't make a living on 50. He is a farmer and would put the whole hundred in solar panels.” Chair Brock said if there were a lot of small solar projects, which we have had zero, he would have a different opinion. Chair Brock said megawatts were addressed in our ordinance. Projects are asking for 350 megawatts and will use every inch of that land to get to 350. Then, they will use another project right beside it to do another 350 megawatts.

Ms. Cheek asked Mr. Wade to review number 11 on page 22, Noise, and where else it is addressed. Is there anything in the application that talks about noise? Since there aren't any noise requirements, noise is a real problem. Citizens are experiencing constant humming. She thought there was something about the background or at least some way of demonstrating the level of noise that would be generated at different distances. "Page two describes and provides renderings and plea, but not limited to 3d images, audio files, site visits, glare, and noise produced. They must give samples of noise that would be generated.

Mr. Wade said it would be in their project narrative at the application's state. Then, it is a part of the concept development plan, the same part of the application. For anything that produces noise, we would know the approximate location. Inverters are known to be big on noise. 3D images, audio files, and site visits of glare and noise produced with any equipment.

Ms. Cheek asked if there were any descriptions about mitigating noise. Mr. Wade said, not to his knowledge. There are ways to mitigate noise. There are certain pieces of equipment and types of inverters that a company can use instead of the one that produces a loud noise. Mr. Wade said that "one of the things you want to put in place, possibly in your CUP conditions, is to have a certain decimal level, at a certain distance away from your property lines. There is a way it says mitigating noise. It's not specifically. It's in the general design guidelines for development products. When doing a site plan, we would look for ways to mitigate the noise."

Mr. Wade said that when designing a site plan, the land use development stage is when you go through the CUP process and then to the site plan. When it gets to the Planning Office for the review process, we will look for it. The ordinance's language guides what is needed. If you need to show decimal readings, we need to show a graph. Mr. Wade said we would probably use that section of the ordinance, not the solar ordinance. Mrs. Perkins said it was section 5-1045-4.

Mr. Pierce said he would like to move to defer Planning Commission Ordinance Amendment 2024-02 to our next meeting to give staff enough time to make the recommended changes and then present it to the Commission to decide. It was seconded by Mr. Wooden.

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

2. PC Ordinance Amendment 2024-03: The Planning Commission will consider and intends to take action on the adoption of amendments to the Surry County Zoning Ordinance, Article I, by adding the use type description of Event Center, and 2 permitting the use type of Event Center by-right in the B-1 Local Business District (§§3-200, 3-202) and B-2 General Business District (§§3-300, 3-302), and by conditional use permit in the A-L Agricultural Limited District (§§3-700, 3-702) and A-R Agricultural Rural District (§§3-800, 3-802).

Mr. Wade said before the Commission that tonight is introduction language for a particular use. It is an Event Center. The language would be a multipurpose facility with flexible indoor-outdoor space to include, but not limited to, activities such as weddings, convention meetings, job fairs, and trade shows.

The new uses were proposed in the B1 and B2 uses as permitted by right, AL which is agricultural limit district and AR district, Agricultural Rural district, as conditional use permits.

Mr. Wade said that one of the things that led us to this is having reviewed a project with a potential business owner, evaluated the land use of their property, and looked for similar uses for properties that are just like theirs. There was no use for this particular use unless you had, or the state has, allowances for agricultural exemption of properties. Or, if you were a civic or Ruritan club. Mr. Wade said it is a way to introduce the type of use for this property and for these properties in an agricultural rural district, which makes up most of the County. The uses would have to go before the Board of Supervisors for approval and to be considered by the Planning Commission and The Board of Supervisors.

Mr. Coggin asked if there was a need for structure. That if somebody had a big open field and wanted to have a hot air balloon festival. Depending on the numbers and frequency, Mr. Wade said it may be considered an outdoor gathering use and may require an additional permit. This use would be like a wedding venue, family reunions, or something like that. Isle of Wight's ordinance is very similar to our ordinance. It wasn't very difficult for us to find in their ordinance that they have businesses that use it. Mr. Coggin asked if it would not affect anyone with that use in the County, and would they be grandfathered?

Mr. Wade said that he did not have a definitive answer but knows that many of the surrounding area have agricultural exemptions. There are certain things that the state of Virginia, through the Attorney General, allowed to have Agribusiness. Mr. Wade said that's something that we need to work on as a county, making sure what the Attorney General has in place is that agribusiness is codified within our ordinance. But whatever the state says they're allowed to do, "we can't tell the state no, they can't do that."

Mr. Wooden asked Mr. Wade if he said, "If this ordinance amendment was approved, would anybody seeking to use it still come before the Planning Commission and Board of Supervisors every time, or would it depend? Mr. Wade stated that it depends. B1 and B2 use zoning categories are by right uses. But if they're AL or AR, which is most of the County, they would need a conditional use permit from the Planning Commission and Board of Supervisors. Chair Brock asked about each event, and Mr. Wade said no.

PUBLIC HEARING OPEN:

PUBLIC HEARING CLOSED:

Mr. Hardy make the motion to approve PC Ordinance Amendment 2024-03. Ms. Judkins seconded it.

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

Opposed: 0

Abstain: 0

PUBLIC COMMENTS: None

COMMITTEE UPDATES:

Mr. Wade said there was a work session with the Board of Supervisors at the last meeting. He thought they had a good conversation.

- The next stage is to review a Siting Agreements Review, and then, with the Commission, a recommendation will be provided to the Board of Supervisors before the Board's public hearing.
- Prior to the work session, a review with the Board of Supervisors of items that would be coming before the Planning Commission. The Ordinance revisions with some significant revisions.
- A couple of Agritourism. There is a discussion about items that require signage and working on our sign ordinance. There are some challenges to the Supreme Court's ruling from 2015, such as the fact that there cannot be content-based type signs.
- The United States Supreme Court stated that any content-based sign ordinances violate the First Amendment rights. Look at our ordinance to make sure we're in compliance. "No one has discussed this matter, but it's best for us to do our internal review of it and then make recommendations from the Planning Commission to the Board of Supervisors, making those changes."
- A discussion about working with our Agribusinesses. Look for ways to advertise their businesses. To investigate what things the State allows us to do and incorporate that into our ordinance as well.
- Know what the Supreme Court says to amend your ordinances so that you can't be content-based and know what kind of needs we have for our community.
- Give a breakdown, probably at the next meeting, of the changes we need to start working on. Our consultant is working with us and giving us a thumbs up on those changes.
- There is a five-year update coming for our comprehensive plan. Several things in the Comprehensive Plan are outdated. For example, working with HRSD, who has completed their part in the Comprehensive Plan. They are working on new items and must go back to get permission via our Planning Commission or we can put it in our Comprehensive Plan.
- Recently, we received an application for a new zoning for battery energy in Surry County. We need to ensure that we have a specific ordinance in place to address it and protect the interest of Surry County. An ordinance has been proposed to Surry County for a public hearing at the December 16th meeting.
- To schedule a meeting with the Zoning Subcommittee to review the ordinance on battery energy storage, followed by a conditional use permit application and reviewed with a siting agreement.

Mr. Berryman asked if the project was tied to solar. Mr. Wade said it was separated and probably on 30 acres of land next to a transmission line. Mr. Berryman asked where the electricity was coming from. Mr. Wade said that he didn't know and that he needed to schedule a meeting with the Commission concerning the ordinance brought forth. The zoning subcommittee would have a chance to ask questions, making sure the applicant is ready to proceed. The project is coming at the tail end of having the ordinance and coming before the Planning Commission and ultimately to the Board of Supervisors. Mr. Wade said it is one of those projects with a siting agreement.

ADJOURNMENT:

Chair Brock entertained a motion to adjourn at 8:45 until the November 25th meeting, and Mr. Berryman seconded it. It was moved and properly seconded that the meeting be adjourned. All those in favor signify by saying, Aye.

Commissioners: Aye