



**County of Surry Virginia
Planning Commission Meeting Minutes
September 23, 2024**

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7 PM on Monday, September 23, 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. Stephen Berryman
Mr. David Coggin
Ms. Dianne Cheek
Ms. Carmen D. Judkins

Absent:

Mr. Theodore Lunsford
Mr. Thomas Hardy
Mr. William Seward, IV

Staff Presents

Mr. Horace Wade, III, Director of Planning and Community Development
Ms. Regina Hilton, Administrative Assistant
Mr. Lorenzo Turner, Planner I
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: (9) Brock, Wooden, Newby, Berryman, Cheek, Judkins, Coggin, Seward, Pierce
Opposed: 0
Abstain: 0

APPROVAL OF CONSENT ITEMS: Chair Brock asked the Commissioners for the disposition of the minutes for the January 29, 2024, meeting. Mr. Wade said that the January 29th minutes were not

ready. The May 20th and the August 26th minutes were ready with noted corrections from Ms. Cheek. A motion to defer the January 29, 2024, minutes and accept the May 20th and August 26, 2024, minutes, with the noted correction, was made by Mr. Wooden and seconded by Mr. Newby. Ms. Cheek said that she did not say aye because she did not agree with what was said in the August 26th minutes found on page eight. Mr. Wade presented the transcript to Ms. Cheek, showing what she stated, and the transcript was then summarized by staff. Ms. Cheek did not mention Dominion Energy in the statement. Ms. Cheek agreed with the changes made by staff.

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

OLD BUSINESS:

1. Draft Solar Ordinance Amendment

a. Motion to bring forth ordinance.

Chair Brock entertained a motion to bring forth the ordinance. Mr. Wade said prior to bringing forth the ordinance, the added elements to the ordinance amendment were the topic of distributed solar. Also, Ms. Cheek had concerns that needed to be addressed in the text prior to going to the Planning Commission Public Hearing.

MR. WADE:

- Distributed solar was taken from solar farms.
- All the different uses were added on page 20. Permitted uses will be added to the M1 and M2 District. On page 20, civic uses for the General Industrial District should read M2. What we are proposing here are civic uses. M1 and M2 conditional use, permits will be required for community scale, solar facilities, energy facilities, and utility scale solar energy facilities. The two uses are consistent with what we do now but have changed to a different section of our ordinance and are incorporated with the rest of our zoning ordinance.
- Distributed solar is placed as an accessory use because that is its intended use. A home, industrial, or commercial business that is in conjunction with your business and not being sent as utility-scale solar should be able to have solar.
- The information under the new red text under Section 4-204 is not new. It is new to the section but not new to Surry County. It is being placed in a different location in the Surry ordinance, now under the zoning ordinance as an accessory use for distributed solar.
- Forestall lands are on the first page. The more conversive topic would be the timing of decommissioning. Under this code section that was drafted, it says 12 months. There may be a consideration for less time, maybe six months.

Mrs. Perkins said that the zoning subcommittee had asked whether 12 months was a legal requirement. The Virginia code does not dictate 12 or 6 months. This would allow us to keep it at 12 months or amend it.

Chair Brock asked Mrs. Perkins if she could explain why the subcommittee wanted to return to six months.

Mrs. Perkins said it was referring to the discussion at the last meeting about taking out a bond and having an additional layer of surety. When you call a bond, you would not just get that money. It is a

long-drawn-out process. Even if we were at a point of 12 months, and we decided to call the bond, which is a tool in our toolbox, we would not be able to potentially see that money until several months afterward. So, if we lessen the timetable to six months, we could call the bond quicker and receive the funds quicker.

Mrs. Perkins said that the subcommittee also asked, "If a project is not producing, and she believes it was 10% of the energy, for a certain number of months, how would we know?" Mrs. Perkins did not know if the Commission wished to discuss that further.

Chair Brock said that the concerns go back to the amount of money the project is paying the County. If they are producing less energy, we should know that. If they say that they are not paying the County tax revenue because they're producing less energy, that wouldn't involve the Planning Commission. The concern would be whether they are doing what they say they are doing and whether the county gets its tax revenue. The problem, he thought, is if they say that they are not producing at 100%, we should know that the County will get X dollars.

Chair Brock said we need something in the ordinance to protect the County. It should specify, "If you are paying less revenue because you're generating less energy, you are going to pay the full amount; we don't care if you're doing one megawatt or 350 megawatts."

Mrs. Perkins said that could be addressed through the siting agreement, and some siting agreements are not just about tax revenue. There is also an additional lump sum payment made to the County. She hasn't personally seen it addressed through an ordinance.

Ms. Cheek said it says 3A if the facility ceases to generate electricity for more than 12 consecutive months. Originally, when she drew up her questions and reasons, it was for three consecutive months, and then maybe it was in the subcommittee that we kicked it up to six. Her question tonight is, how many months?

Mr. Wade said that the subcommittee brought up some very valid points. If a project is decommissioning, how many additional months are needed to get things done? The Commission's concern is ensuring we can get to the project, clean up, or decommission it as soon as possible. Maybe there is a need for some other language for acts of God or a shutdown because of a fire or something of that matter. Mr. Wade said that maybe he and Mrs. Perkins can investigate having a piece saying six months but have a caveat in there about acts of God.

Mr. Wooden asked for clarity, "Are we talking about inactivity during the lifespan of a project? Or are we talking about decommissioning at the end of maybe a 25-year project or both?" Mr. Wade said he thought we may be looking at both situations, to be flexible if a project is inoperable and address if a project is abandoned or if there is no activity.

Mr. Wooden asked, "If a project comes to the County, and let's say it's supposed to last for 30 years, but at year 12, it becomes inoperable, are we now going from 12 months to six months, giving them a six-month timeframe to decommission or are we talking about the end of the 30-year project?" They're supposed to decommission are we giving them six months instead of 12 months? Mr. Wade said that if it is intended to be a 30-year project, but after 12 years, they are no longer using it, then it becomes a 12-year project.

Ms. Cheek was curious and asked Mr. Wooden why he would not want it to be six months on the 30-year project. Mr. Wooden said that he was asking because he wasn't a part of the subcommittee when discussing decommissioning. Mr. Wooden asked, "Was it after the project ended, or are we simply trying to safeguard the county?" If a project was up and running and suddenly, let's say, the company went bankrupt, and they're not able to continue to fund or operate the project, "Are we speaking primarily of decommissioning and giving them a timeframe in that scenario versus the end of a project?" Mr. Wade said it was both. Mr. Berryman asked if it doesn't or wouldn't operate at any time. Mr. Wade said that it was both.

Mr. Berryman said that when reading about revenue sharing and what it would pay to the County, under the Virginia code, it says, "it pays on nameplate capacity." Mr. Berryman thought it didn't matter if it produced 10 megawatts; if the nameplate was 250 or 300, it would pay based on what was produced. Mr. Wade said that the payments usually come from the site agreement and that we can do a siting agreement or choose M&T.

Mr. Coggin asked if, with the evolving technology, a project could say that it could make three times the money on another project and just walk off. If the project sits for a year, it will cost more to decommission, especially now that we know that we are the decommissioning agent. There's no value, and he would be more in favor of going back to six months versus a year.

Ms. Cheek said we may change the item under decommissioning within 12 to six months. It says, "The project shall be deconstructed and removed within 12 months." On 3A, it says, "If the facility ceases to generate electricity for more than 12 consecutive months, the responsible party will provide for its decommissioning." Ms. Cheek asked if that was correct and if we would also have them remove it all within six months. Mr. Wade said yes to having everything match.

Mr. Coggin asked if the ordinance would now go before the Board of Supervisors. Mr. Wade said that first, it would be a motion to have the ordinance brought forward to go before the Planning Commission and then have a public hearing based on the State and County code. Chair Brock asked for a motion to bring forth the ordinance. Mr. Coggin made a motion "to bring forth an ordinance with Virginia code section 15.2-2286 (A) (7), a motion that public necessity, convenience, general welfare, and good zoning practice require that amendments to the Surry County Solar Energy Ordinance and the Surry County zoning ordinance be brought forth to the Planning Commission for public hearing consideration and such action on such amendments following the public hearing." Mr. Newby seconded it.

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

NEW BUSINESS:

1. Event Center Ordinance Amendment

- a. Motion to bring forth ordinance

MR. WADE:

- The ordinance amendment proposed tonight concerns the event center. When reviewing our ordinances, we found that they are not categorized or associated with an agricultural type of business. Most uses in the county that have these types of uses are associated with agriculture, agritourism, or agrotourism of business or may be involved with a club.
- Define a use before the Planning Commission and, ultimately, the Board of Supervisors as an Event Center. This would be a multi-purpose facility with flexible indoor-outdoor space, typically used for activities such as weddings, conventions, job meetings, job fairs, and trade shows.
- Our current ordinance has outdoor gatherings for use. However, this would not address outdoor gatherings. This would only address an Event Center. Change the language, "to be included, but not limited to weddings, convention meetings, job fairs, and trade shows."
- We would propose the uses in four different districts, B1 and B2. By conditional use, they would be in the (AL) Agricultural Limited District and the (AR) Agricultural Rural District.
- Tonight, bring forth this ordinance and a draft of the Ordinance to be placed on the docket. This will allow the applicant tonight to move forward. To bring forth a project to the County to be heard. The project will more than likely be AR, which is the location of their property.

Mr. Brock entertained a motion to bring forth the Center Amendment. Mr. Wooden said, "In accordance with Virginia code section 15.2-2286 (a) (7), I make a motion that public necessity, convenience, general welfare, and good zoning practice require that amendments to the Surry County Zoning Ordinance, specifically relating to a new use Event Center, be brought forth to the Planning Commission for public hearing, consideration, and action on such amendments following the public hearing." Mr. Berryman seconded it.

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

PUBLIC COMMENTS: None

PC SECRETARY COMMUNICATIONS:

Mr. Wade said that he attended an Energy Meeting in Williamsburg. They reviewed different stats about energy to see how much we will need in the future. With the advent of data centers and artificial intelligence (AI), there is an abundance of energy needed. The use of cell phones, electric vehicles, and tablets generates a need for data centers. Mr. Wade stated that Virginia has 70% of the world's internet traffic.

Mr. Wade said the aging infrastructure and transmission lines are not designed for all of today's uses. We eventually must build new lines for cars. We also have more housing and businesses that need the infrastructure. The advent of artificial intelligence is now said to require six times more energy than normal data. They talked about all forms of energy, not just electricity, but gas, and diversifying your energy. There are 13 states that are part of PJM. They invited a lot of localities, including economic development staff, county administrators, and people from industry.

Ms. Cheek said that she had citizens call her concerning Route 10, where Strata is starting to work on their new phase near VDOT. They are asking about a left-hand center turn lane so that the trucks aren't pulling over into the oncoming traffic when turning into the entry. Mr. Wade said there is no plan for a

left turn lane. Mr. Newby asked if the information would come from VDOT and if a turn lane would be installed. Mr. Wade said they would have that information, but staff would have to review the plan prior as part of the traffic plan.

Mr. Berryman asked if there was an update on the Sycamore Cross project and if they are still planning to appeal the Commission's decision. Mrs. Perkins said it was on the agenda for the October 3rd Board meeting and that Isle of Wight approved the project last Thursday evening.

ADJOURNMENT:

At 7:45 PM, Mr. Berryman made a motion to adjourn, which Mr. Wooden seconded. It was moved and properly seconded that the meeting be adjourned until the next meeting on October 28th. All those in favor signify by saying "aye."

Commissioners: Aye