



County of Surry Virginia Planning Commission Meeting Minutes October 23, 2023

Planning Commission Work Session

MEETING CONVENED: The Surry County Planning Commission work session was called to order at 7 PM on Monday, October 23, 2023, in the Surry County General District Court, 45 School Street, Surry, VA by Mr. Eddie Brock, Chair.

AGENDA

Discussion:

1. Planning Application Process.
2. Approval process for utility-scale energy facilities – Strategy 7 of the Energy Projects Comprehensive Plan Amendment.

Mr. Wade:

- The Planning Application Process starts with a pre-application meeting with the Planning Director and two Planning Commissioners, preferably from the district in which the project is being proposed.
- The applicant shall provide a conceptual plan to staff and the Commissioners for review. The applicant will review the comprehensive plan objectives and gather input to complete the application process.
- Prior to the public meeting and prior to the Planning Commission public hearing, reviews will be conducted by the Zoning Subcommittee for rezoning and the conditional use permit.
- For the project, when a public hearing is deemed necessary by staff, a community meeting must occur prior to the formal application being submitted. The applicant will work with staff based on the project and may require that a community meeting be held prior to the public hearing.
- The Substantial Accord Determination is not just for civil projects but also for new streets, parks or other public areas, public buildings, public utility facility, public service, corporation facility, telecommunications facility, and solar energy facility.
- Public facility utilities would be substation and telecommunication are cell towers or some type of tower that is used for telecommunication.

Question: Ms. Cheek asked were the above the exceptions for the substantial accord. Mr. Wade said no but are required for certain projects.

- The Solar Energy Facility Application requires a M-1 or M-2 rezoning, Conditional Use Permit, Substantial Accord, and a Siting Agreement. You would see the Substantial Accord

Determination, and then have the first public hearing. In the Siting Agreement, you would work with the County Attorney and the Planning Director to provide feedback for the Board of Supervisors.

- A public hearing review by the Planning Commission is not required but if there is a public hearing or a segment, the Board of Supervisors is provided with the input.
- A siting agreement will supersede a substantial accord determination by the Planning Commission. If the Planning Commission says it is not in substantial accord, it can be heard by the Board of Supervisors, and they can supersede the Planning Commission's vote.
- For Future Land Use Maps, you must have a community meeting, review a preliminary application, and have a pre-application meeting.
- The flow chart shows the three processes. The Siting Agreement Process, the Substantial Accord, the Future Land Use Map, and the Conditional Use Permit Process which all is lumped together for a public hearing.
- The Siting Agreement starts with a negotiation with the County Attorney and Planning Director which is not the current process. This process does not meet the objectives of the Comp Plan. The County Attorney meets with the applicant's Attorney to review the project and negotiate.
- An indication in the flow chart is to have the Planning Commission review the Siting Agreement to determine if a public hearing is needed but it is ultimately up to the Board.

Question: Ms. Cheek asked if the Siting Agreement always includes the Conditional Use Permit or are they sometimes separate. Mr. Wade answered that he has seen other localities where siting agreements may have conditions where local counties have taken things that are in the conditional use permit and placed them in the siting agreement.

Question: Ms. Cheek asked if Cavalier's Siting Agreement has the CUP included. Mr. Wade said the CUP is included and the County has included their own conditions.

Mr. Wade:

- What is proposed in the Substantial Accord Determination is to have a Planning Commission public hearing approval. Currently, all public hearings are done on the same night and what is being proposed is not to continue that process. If the Substantial Accord Determination is not approved by the Planning Commission, the applicant must appeal to the Board of Supervisors within 10 days of the Planning Commission's decision. The Board of Supervisors can then choose to agree with the Planning Commission or override the case.
- After the Substantial Accord Determination process, there will be a public hearing and if it is not found to be following the comprehensive plan, the applicant can appeal to the Board of Supervisors. If not approved by the Board of Supervisors, then there are no additional public hearings, and if yes, then upheld to prevent or eliminate the various public hearings.

Ms. Perkins:

- With respect to the Substantial Accord, if the Planning Commission wishes to have a public hearing, they could. The Planning Commission is allowed by code to have a public hearing; however, the Board of Supervisors must approve the Planning Commission's decision to do a public hearing for substantial accord.

Question: Mr. Wooden asked if would it be a one-time approval or if would it have to be done for all projects. Ms. Perkins answered yes for a one-time approval for any time there's a substantial accord and the Planning Commission can have a public hearing.

Mr. Wade stated, "the suggestion would be not to have a public hearing on the same night." The Planning Commission will not be advertising until they receive the results of the substantial accord determination. The Zoning Committee makes the decision that a public hearing is needed for the Siting Agreement, which will streamline the process.

Question: Mr. Brock asked if the Commission had conditions that need to be in place and reviewed by the Board, would it go into the siting agreement under the Planning Commission to review. Then when it goes to the Board, the siting agreement is based on the negotiations between the County Attorney and the Planning Department.

Ms. Perkins said she could see it working if the negotiation of the siting agreement would begin with the County Attorney, the applicant's Attorney, and the input of Mr. Wade. The draft would be made and then brought to the Planning Commission for review. It would then be incorporated into the siting agreement and negotiated with the Developer's Attorney to include additional information.

Ms. Perkins said "if there were something that would work in the siting agreement but might work at a different stage further down the line, that would be their feedback. It would essentially be a work session to discuss the siting agreement. Her intention would be, that the feedback from the Commission that she provide would be incorporated into the siting agreement and then ultimately go to the Board of Supervisors for the public hearing. It is easier to implement that process if there isn't a public hearing at the Planning Commission level because then it truly is the Commission input and then incorporating that into the document, the final document that goes before the Board."

Question: Mr. Wooden asked if there would be a need for conditions because the information would be incorporated into the active document. Ms. Perkins answered yes whether it is worded as a condition or whether it is worded as, "This siting agreement is with the understanding that the conditional use permit conditions will include conditions to address X, Y, and Z." Again, it can make it more general, or it can make it more specific. They will work on all elements at the same time. This just parses out the way the process gets presented to you all, to the public, and to the Board. "Again, trying to create a better understanding of the different steps of this process while still giving ample opportunity for Planning Commission input and for public input."

Question: Ms. Cheek asked if the Siting Agreement kicks off the process and does the Substantial Accord review happen before the siting agreement process is completed.

Mr. Wade:

- The pre-application process is done before the public level.
- Before the pre-application stage of doing a technical review, you would get to a technical substantial accord determination, which has been reviewed technically with staff a by two Planning Commissioners.
- Input with the Developer.
- A pre-application conference, in which the application is submitted for review. The feedback on the application is reviewed before the final application is submitted.

Question: Mr. Wooden stated in response to Ms. Cheek, that he thought if the Planning Commission reviewed a siting agreement or a project that includes the siting agreement and recommended that it is not approved, he could not see how it would start this substantial accord conversation. Mr. Wooden stated, “if the developer goes to the Board for an appeal and a public hearing. It wouldn't be beneficial for the Commission the very next month to talk about the project being substantially in accord when it is known there’s an active appeal before the Board of Supervisors as well as the public hearing.” Mr. Wooden stated if the siting agreement is one month, and the substantial accord is the following month, then the rezoning could be the next month.

Ms. Perkins said for clarification, the Planning Commission does not have the authority to recommend or deny a siting agreement. One of the proposed changes is to give all input into that siting agreement. If the Commission doesn’t agree with the siting agreement, the process could not be stopped. She could share the input of the Planning Commission to the Board through the staff report or per a conversation with the Board members.

Question: Mr. Wooden asked if the Planning Commission does not have a favorable outlook on a project, looking at the Siting Agreement to provide a recommendation for the Board of Supervisors would move forward to the next month’s meeting with the Substantially Accord Determination. Ms. Perkins answered yes but could be deferred as an action.

Ms. Perkins said that if the Siting Agreement comes before the Board and is approved by the Board, that nullifies the need for the Planning Commission to make a substantial accord determination. If the Commission opposes a siting agreement, it will go to the Board to see if the Board approves it. Then that eliminates the step of proactively going to the Board but first going to the Planning Commission when it probably will not be a favorable outcome. Ms. Perkins said that the Commission would need to get the Board’s approval for a public hearing at the substantial accord level.

Work Session Closed

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at on Monday, October 23, 2023, in the Surry County General District Court, 45 School Street, Surry, VA by Mr. Eddie Brock, Chair.

ATTENDANCE: The following members respond to Roll Call present:

Mr. Eddie Brock, Chairperson
Ms. Judy S. Lyttle
Mr. Giron Wooden, Jr.
Mr. Theodore Lunsford
Mr. Earl Newby, Sr.
Ms. Dianne Cheek

Absent:

Ms. Carmen D. Judkins
Mr. Thomas Hardy
Mr. Stephen Berryman

Mr. David Coggin
Mr. William Seward, IV

Also present were Mr. Horace Wade, Director of Planning and Community Development, Ms. Regina Hilton, Administrative Assistant, Mr. Lorenzo Turner, Planner I, Ms. 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: (6) Brock, Lyttle, Newby, Lunsford, Cheek, Wooden
Opposed: 0
Abstain: 0

APPROVAL OF CONSENT ITEMS: Chair Brock asked the Commissioners for the disposition of the minutes for July 23, 2023. A motion to approved was made by Mr. Wooden with the noted corrections. Page 4, paragraph 2 of the spelling of Ms. Cheek's name and on page 6 should state the zoning committee and not the subcommittee. It was seconded by Mr. Newby.

In favor: (6) Brock, Lyttle, Newby, Wooden, Lunsford, Cheek
Opposed: 0
Abstain: 0

OLD BUSINESS: None

NEW BUSINESS: None

PUBLIC COMMENTS: None

COMMITTEE UPDATES: None

PC SECRETARY COMMUNICATION: Mr. Wade asked if the Planning Commission meeting would be moved to November 27th. It was moved by Mr. Wooden and seconded by Mr. Newby.

In favor: (6) Brock, Lyttle, Newby, Wooden, Lunsford, Cheek
Opposed: 0
Abstain: 0

ADJOURNMENT: Chair Brock entertained a motion to adjourn at 7:54 PM until the November 27th meeting. It was moved Mr. Wooden and second by Ms. Lyttle. It was properly moved and second. All those in favor signify by saying Aye.

Commissioners: Aye