



County of Surry Virginia Planning Commission Work Session Meeting Minutes December 11, 2023

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order on Monday, December 11, 2023, at 7:00 PM, 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, Chairperson
Ms. Judy S. Lyttle
Mr. Giron Wooden, Jr.
Mr. Theodore Lunsford
Mr. Earl Newby, Sr.
Mr. Stephen Berryman
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne Cheek
Ms. Carmen D. Judkins

Absent:

Mr. Thomas Hardy

Also present were Mr. Horace Wade, Director of Planning and Community Development, Ms. Regina Hilton, Administrative Assistant, Ms. Lola Perkins, County Attorney, and Ms. Anne Darby, Planning Department Manager for Summitt Design and Engineering.

PLEDGE OF ALLEGIANCE: All

DISCUSSION: Emerging Technologies Zoning District

Mr. Wade:

- The purpose of tonight's discussion is to establish a new Emerging Technologies Zoning District.
- An application has been received and is being reviewed. The Technologies Zoning District is separate from the project.

- The previous Planning Commission meeting held was to share the creation of a new district. Staff looked at other districts that could be used for new uses. We did not to create unintended consequences, but to see the best situation and protect the County by creating a new district.

Ms. Anne Darby Discussion:

- The Emerging Technologies Zoning District, if approved by the County, would create a district that gives flexibility for emerging technology and give the Planning Commission and the Board of Supervisors enough oversight of the project to ensure what the project would look like.
- The initial conversation was to do a rezoning and make an amendment to the M1 or the M2 districts.
- The discussion is to draft a district that would permit master plan developments consisting of a combination of commercial, industrial utility technology-focused and related uses in a campus-like environment.
- The flexible nature and the goal of the County is to encourage and accommodate innovative development.
- The ET district is intended to be implemented as a conditional zoning district.
- The district is intended to be applied only to large contiguous areas of the County that are near strategic and necessary resources such as high capacity, electric generation and transmission facilities, natural gas lines, and navigable waterways.
- Properties within, which this district is applied, should be located to minimize potential conflicts, with residential or other commercial uses and should be in locations where the use will minimally impact traffic and be adequately served by the existing roadway capacity.
- The district and its uses should not cause undue environmental impacts and should be consistent with the general location, character, and extent as described in the future land use map of the County's adopted plan.
- Any Applicants or property owners can create and develop the area because it is a permitted principal use. Utility service/minor, business and trade school, and educational facilities are currently in the zoning ordinance.
- Science and technology center, research experimental and technology center, construction temporary office, general office, and contractor's yard are new uses.
- **Industrial use:** Data warehouse center. Energy storage facility, flex industrial, laboratory, outdoor storage, construction material (temporary), renewable energy generation facility, warehousing and distribution, water storage tank (existing use).
- **Conditional Use:** Permitted if certain conditions are met and are not permitted for principal uses, such as utility service/ major, Electrical Component Manufacturing Facility, natural gas terminal, small-scale nuclear modular reactors, alternate discharge sewer system, and surface water withdrawal system.
- **Accessory uses:** Are clearly accessory to any of the permitted principal uses or the conditional uses would be allowed as accessory uses throughout the zoning ordinance.
- **The site development regulations:** The minimum district size should be 500 acres of contiguous land. It should be adjacent to utility lines or gas transmission lines, except for areas of the ET district adjacent to industrial uses or industrial zoning areas and all structures must be sufficiently screened.
- There are no setbacks but buffers. All structures must be sufficiently screened consistent with the master plan and to the administrator's satisfaction. The structures will not create a material

adverse visual impact on neighboring properties, the James River, historic sites in Surry, or other localities.

- The maximum height of any structure shall be 75 feet to ensure it is not visible. The structure must have a wide buffer of mature trees. Notwithstanding the maximum height of the structure, an exception may be granted by the Board of Supervisors for structures that are associated with an accessory use, provided that the applicant proves that the accessory use and associated structure will not create a materially adverse visual impact. The Board of Supervisors will consider the exception request and decide, as part of its decision, on the application and master plan.
- The Board of Supervisors may place reasonable conditions on any exception granted under the height exception by laying out requirements for the site development.
- A master plan must be approved by the Planning Commission and by the Board of Supervisors and would become part of the conditional zoning, where you have a combination of flexibility and control written into the district.
- The applicant and County Staff will meet and discuss, and the applicant will submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of the meeting.
- The ET district shall constitute an amendment to the zoning ordinance pursuant to section 1-510, which is currently in the zoning ordinance.
- If rezoned, it would be part of law and would be a change to the official County Zoning Map. It outlines the application process, the application packet, and outlines what is needed for the packet.
 1. A legal description and plat showing the same boundaries, existing street lines, lot lines, and easements.
 2. Existing zoning, land use, and ownership of each parcel proposed for the district.
 3. A general statement of planning objectives to be achieved by the district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives toward any specific manmade and natural characteristics located on the site.
 4. A description and analysis of existing site conditions, including information on topography, archeological and historic resources, natural water courses, floodplains, unique natural features, and tree cover areas.
 5. A land use plan designating specific uses for the district, including setback, height, building coverage, and lot coverage.
 6. A circulation plan, which are VDOT standards for any roads created and understanding of trip generation as in trucks coming in and trucks coming out or cars going in and cars coming out. Roads according to VDOT standards, whether they're public, they choose to be publicly or privately maintained, either created and given over to VDOT or to be created and remain with the property.
 7. A need for public utility services, an overview of open space, and a district plan and narrative about noise. The applicant or any applicant would need to create a narrative that would address noise.
 8. A view shed studies and visibility analysis from such sites is requested by the County and sufficient to demonstrate to the satisfaction of the Board of Supervisors that the proposed development within the district will not create a material adverse visual impact on neighboring properties, the James River or historic sites in Surry or other localities.

- The approval of preliminary and final site development plans and revision to the master plan:
 1. Any materially significant change between that master plan that's in the rezoning process, would constitute a new process.
 2. The site plans will require a noise study and noise reduction plan detailing the sources of any potential noise.
 3. A lighting plan, detailing sources of outdoor and exterior light, and providing sufficient evidence to prove that lighting on the site will not visibly impact neighboring properties.
 4. A hazard mitigation plan approved by Surry County's Chief of Emergency Management and coordination with the Virginia Department of Emergency Management prior to final site plan approval and impervious surface locations.
- After the preliminary and final site plan is submitted for review, it should comply with the final master plan prior to approval by the Board of Supervisors for any site plan that includes material deviations from the final master plan as determined by the Administrator.
- A revision to the final master plan must be reviewed and approved following the procedures and requirements which are outlined in section 3-1105.
- The Administrator shall periodically inspect the site and review all building permits.

Question: Mr. Seward asked, on page four which stated that there will be no minimum setbacks requirements but, in our ordinance, other uses have setbacks from the road. Mr. Wade stated that this conditional zoning district would require a master plan for creating their own setbacks. The developer buildings or set of buildings internally would meet certain setbacks according to the building code based on emergency management.

Question: Ms. Cheek asked to further explain the master plan creating their own setbacks. Ms. Darby stated the reason we have setbacks is when property owners develop a parcel, the setbacks are the Euclidean code. Giving the neighbors the ability to fix their windows, maintenance on their homes or walk between the two homes. Also, a setback is creating a public realm. This process is to give maximum flexibility to the applicant. The process gives the Planning Commission and the Board of Supervisors the ability to look at the draft master and determine what is acceptable. When an applicant creates a large campus-like environment, the property lines will change. Setbacks are relevant to a property line and when removed, the property lines become an arbitrary distinction.

Question: Mr. Brock asked if you have a 500-acre site, would multiple uses be allowed? Mr. Wade stated that their plan would have to include anything under the conditional use permits.

Question: Ms. Cheek asked if the applicant wanted to have a park but is unsure of what they would have in the park, would the applicant have to come before the Planning Commission for each new element. Mr. Wade said if the uses are identified up front in the master plan, no.

Question: Mr. Seward asked is it one property owner for the 500-acre site. Mr. Wade stated that you may have two property owners applying for continuous acreage if it is a joint application.

Question: Mr. Brock asked if an applicant could sell within the 500-acres track. Mr. Wade stated that it could happen. Ms. Darby stated that it would be same as in any other rezoning. If you brought property and developed an industrial park and the uses were allotted in the M2, then rezoned, you could then sell. Mr. Brock asked if for a renewable energy generation facility, would a solar farm be allowed, and if the energy produced from that site be sold. Ms. Darby stated that solar energy generation is not a permitted use and that energy that is being created is only for use on the site.

Question: Mr. Newby asked if there could be ET districts throughout the County. Ms. Darby stated that only if there were another piece of property that was 500 acres or more within the transmission lines.

Mr. Coggins stated that large industrial would have to operate near the transmission lines because of the magnitude of our infrastructure. It could not handle it and the cost would be millions to have infrastructure in other locations.

Question: Mr. Lunsford asked if the 500-acre, could approval be requested from the forestry department to have egress or access in case of a fire or an emergency. Ms. Darby stated the site plan requires a hazard mitigation plan that is approved by the Surry County Department of Emergency Management as well as VDEM.

Question: Ms. Cheek asked if this process was done in other Counties. Mr. Wade stated there are overlay districts that are in place, but the overlay districts are different. The process for this County is set up where the applicant must apply, and other localities have districts that named properties that may have been M2. Surry's overlay district is like our historic district. No locality is the same when it comes to zoning. Ms. Darby mentioned that other localities are dealing with data centers.

Question: Ms. Cheek asked about the square footage and width of the structure, and it stated that the structure could be five to six stories. Ms. Darby said that Data Centers are very large, and most are not 75 feet. Most are one-story but are as tall as a two-story house. They are massive buildings.

Question: Mr. Newby asked would all the information be in the site plan. Ms. Darby answered yes and there is an application and the plan presented will create its own process.

Question: Ms. Lyttle asked if 500 acres is the minimum for this district and what is the maximum. Mr. Wade answered that there is not a maximum. Ms. Lyttle also asked if it could be approved, and Mr. Wade said yes through the master plan process.

Mr. Wooden stated that it seems that Surry is leading the way for other localities. Mr. Wade said that other localities are looking at Surry's comp amendment to see what has been done with energy. Surry is looking for quality development, jobs, and positives for our community.

Question: Ms. Cheek asked about the reference to navigable waterways. Ms. Darby stated that some of the new uses in the district are water-dependent and speculating. The water would be a surface body of water and not an aquifer. Mr. Coggin asked if the main function was to keep the building cool. Ms.

Darby said it would basically be for cooling data centers and with the new technology, they are using less water but historically they have been very water dependent.

Mr. Brock said in the meeting with the data entry personnel, that they did not know how they would cool the facility. There were three options. Aqua filter water, the James River or air. Mr. Brock's comment to them was Dominion has pulled as much water in this area under ground. If they were permitted, it would lower the water table to houses four miles away. There is also a group that would not want another drop from the James River to go anywhere but up and down the river.

Mr. Wooden stated, if he is correct in saying, "the decision or option of how the facility will be cooled would be made by DEQ and the Federal Agencies." Mr. Wade said that DEQ would have to review and approve permits that are issued and approved by the EPA.

Ms. Cheek stated, "if I was coming to live in Surry, it's always so nice and green and that's why a lot of people come here, then all of a sudden, I've got my dream home all built and now all of a sudden, the Planning Commission and the Board of Supervisors approved this mega thing that's going to be just down the street from me." Mr. Wade said the purpose of this district is to be located away from housing. The key points are to have a campus-like environment, to minimizing the potential conflicts with residential and other commercial uses. The project will be evaluated on its own merit.

In response to Ms. Cheek, Mr. Wooden said "as a person who's born and raised here, whether you're born and raised or you moved here, we can't continue to stifle growth for the County because if we continue to stifle growth for the County, the County will die, and people that are moving here are moving here because they have lived their life somewhere else. They come here to enjoy the nature of the scenery and everything else that the County has to offer. It's our job as Planning Commissioners and for the Board of Supervisor members, to direct where that growth is going to happen. But to stifle all types of growth, again, will cause the County to perish, we must keep that in mind. Whether you moved here or grew up here, we all feel the pain of taxes and tax increases. If we don't look at some type of business or development that will come like Dominion did in the '70s, then we are going to have to bear the brunt of running the County with personal property and real estate taxes. If there is a project that is on the doorstep or at the forefront that can do like Dominion, I think we need to seriously look at it and as Planning Commissioners, we decide where that development takes place, not stifle development altogether."

Ms. Cheek agreed, and her question is not about stifling but about planning. When the solar process was done, the Planning Commission did not know the mindset of the Board of Supervisors. The Commission's recommendation was to deny and for whatever reason, the Board would make a different recommendation. Could the identification of where the new zoning will be shown so that potential buyers would know which part of the County would be suitable for them?

Question: Ms. Check asked what happens in the process after the public hearing and a recommendation is made. Ms. Perkins said after the public hearing, the Planning Commission would make a recommendation and then it would go to the Board of Supervisors. There will be another public hearing on the Board of Supervisors level, and it is just for the Emerging Technology District. When the application is ready for prime time, it would go through all the processes and then it would be time for the Planning Commission to consider the application on its merits. Ms. Cheek asked if the Board would have the same opportunity as tonight's discussion. Ms. Perkins said the Board of Supervisors will receive a briefing at their December 7th meeting, like that of the Commission.

Question: Mr. Berryman asked, after the public hearing, how long the Commission has before making a recommendation. Ms. Perkins said it would be after the public hearing closes tonight and the Commission, from a legal standpoint, would then decide or decline. If the Commission needs more time, you must act within 90 days. If you don't act within 90 days, then the Board of Supervisors may consider it at that point in time. Staff would request a decision so that the process would continue. Ms. Perkins said before us is an application for use in the ET district and asked if the decision could be made tonight. Staff does not have the authority to require the Planning Commission to make that decision, but it's simply a request. Mr. Wade said that the applicant will be having a community meeting scheduled for Tuesday the 19th at 7 PM, at the Community Center, and the Commission could come to see what the project is all about.

Question: Mr. Brock asked if the project would go in the M1 or M2 district. Mr. Wade said no and at this time they are just receiving a ticket input for the project. Staff is reviewing the application. Ms. Perkins stated that the notice of the Community Meeting was sent to everyone living within a mile of the project including citizens on Hog Island Road. Ms. Perkins said that the property for the application which is adjacent to the Nuclear Power Plant has been vacant for 20-plus years.

ADJOURNMENT:

Chair Brock entertained a motion to adjourn at 8:20. It was moved by Mr. Wooden and seconded by Mr. Newby. It was moved and properly seconded that the meeting be adjourned. All those in favor signify by saying Aye.

Commissioners: Aye