



**County of Surry Virginia
Planning Commission Meeting Minutes
November 21, 2022**

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7 PM on Monday, November 21, 2022, in the Surry County General District Court, 45 School Street, Surry, VA by Mr. Eddie Brock, Chairperson.

ATTENDANCE: The following members respond to Roll Call Present:

Mr. Eddie Brock, Chairperson
Mr. Giron Wooden, Jr., Vice-Chairperson
Mr. Theodore Lunsford
Mr. Stephen Berryman
Mr. David Coggin
Ms. Dianne Cheek

Absent:

Ms. Carmen D. Judkins
Ms. Judy S. Lyttle
Mr. Earl Newby, Sr.
Mr. Thomas Hardy
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; Anne Darby, Consultant for Summit Design and Engineering Service; Noah Holmes Foster, Consultant for Summit Design and Engineering Service.

Mr. Brock asked the public to use the sign-in sheet placed in the back of the meeting room so that their name could be called to speak before the Commission.

PLEDGE OF ALLEGIANCE: All

ADOPTING OF AGENDA:

Chair Brock entertained a motion to adopt the meeting's Agenda. Ms. Cheek asked if the public notification on public hearings can be added to the agenda. It was moved by Mr. Berryman and seconded by Mr. Lunsford with the noted added agenda items.

In favor: (6) Brock, Berryman, Lunsford, Cheek, Coggin, Wooden
Opposed: 0
Abstain: 0

APPROVAL OF CONSENT ITEMS:

Chair Brock asked the Commissioners for the disposition of the minutes for October 24, 2022. A motion to approve was made by Mr. Wooden and seconded by Mr. Berryman.

In favor: (6) Brock, Berryman, Lunsford, Cheek, Coggin, Wooden
Opposed: 0
Abstain: 0

OLD BUSINESS: None

NEW BUSINESS:

1. Surry County Comprehensive Plan Update

The Surry County Comprehensive Plan Amendment, if recommended by the Planning Commission, will replace the existing Comprehensive Plan (adopted in 2020). The Surry County 2040 Comprehensive Plan ("Plan") is used by County citizens, staff, the Planning Commission, and the Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions related to future land use, road networks, and zoning case actions. The Plan encompasses all of Surry County. The Plan does not rezone land, but it suggests ordinance amendments and other actions that will facilitate the implementation of the Plan after adoption by the Board of Supervisors.

Plan recommendations are to update the Future Land Use text to include data, information, mapping, policy analysis, and implementation measures concerning the future location of energy projects within the county.

Ms. Anne Darby of Summit Design and Engineering Services presented to the Commissioners, Staff, and the members of public the following:

- The project was started in April of this year with two focus groups and a public open house. A survey was conducted and closed in May. The consultants spoke with the Board of Supervisors in August. Another presentation with the Planning Commission and the subcommittee members gave the provided consensus to do more GIS analysis. Another open house was held in October for the draft amendment and tonight's public hearing for edits to the amendment for the December meeting.
- Utility-scale solar is what the community thinks about when discussing energy projects. Distributed solar is widely accepted and solar panels on homes and buildings are highly acceptable.

- Community solar under five megawatts is better accepted. Seventy percent (70%) of the survey respondents believe that energy projects should be limited.
- Across the board, the community is concerned about wildlife displacement, farmland, and timberland loss, the loss of historic and agricultural characteristics, the terms of revenue sharing, and the ability to control the development of projects.
- Presented was the GIS analysis of towns, Residential Investment Areas, residential corridors, existing Dominion Nuclear Facility, and wetlands. GIS calculations were based on developable land. Spring Grove and Cavalier approved sites, historic sites, and parcels, which are about 9,000 acres.
- The Planning Commission asked the consultant to compose language that states historic sites should be buffered by half a mile, and that energy facilities be located within a mile of transmission lines.
- Utility-scale solar or other utility-scale energy projects will be considered for approval if they meet the geographic criteria. The middle of the energy-producing machinery should be within one mile of the transmission line. Projects must be screened from residential corridors and the Residential Investment Areas and towns. The developer will need to provide a view shed analysis to ensure that the project cannot be seen from historic sites or traveling to a historic site.
- Facility cannot be within 750 feet of any place of worship or cemetery. Facilities need to have contiguous unfenced wildlife corridors so that wildlife can pass through. Large sites should be segmented with vegetative screening in terms of the types of plants used to prevent being seen from commercial and residential mixed-use areas.
- Noise-generating elements – the sound must be dampened so that it is not heard and cannot be located within 750 feet of residential, commercial, or mixed-use areas. They must be separated from existing utility-scale or community-scale projects. The policy also supports the use of agrivoltaics, and the county should consider or continue to use advocates, especially at a state level for increased benefit from solar facilities.
- There are strengths and requirements for solar facilities decommissioning.
- The amendment recommends significantly reducing the number of public hearings so that it narrows down to a determination that the project is in substantial accord with a comprehensive plan and then a conditional use permit.

Mr. Brock asked if there were any questions from the Commission. Ms. Cheek asked for clarification on the proposed change to public hearings. Ms. Darby stated that you would have a public hearing but not three for the Planning Commission. There is now a public hearing for the Planning Commission and the Board for a comprehensive plan amendment, then a set of hearing for rezoning, and a separate set of hearings for a conditional use permit.

Mr. Wade stated that it would be one public hearing collapsing the application into one and there would not be a rezoning case. The comprehensive plan amendment is done before a zoning ordinance amendment which will lead to a zoning ordinance amendment. Presently the comprehensive plan is a guide. It would then be a substantial accord and if the Planning Commission agreed, you would then have a public hearing for the conditional use permit. If the Planning Commission does not agree it is a substantial accord, the public hearing would not happen, and the applicant could appeal to the Board of

Supervisors. Ms. Cheek asked if we would eliminate the other hearings. Mr. Wade stated that he was trying to make it simpler.

Ms. Cheek asked about the view shed within a mile of historic sites. Ms. Darby stated the language now states, “no part of the facility site is within a half mile of historic sites and a view shed analysis will be submitted by the developer at the cost of the developer for any proposed utility-scale energy project to ensure that no equipment, structures or fencing are visible from any historic site entrance or structure.” Ms. Cheek asked if there could be a clarification of the wording.

Mr. Berryman asked if it is a minimum of half a mile between any two facilities edge to edge. Ms. Darby stated that it would be and would not be centroid to centroid. Mr. Berryman asked how they came up with the 10% figure. Ms. Darby stated it was a straw figure which occurred out of a conversation with the Planning Commission and subcommittee. It could be changed to be greater or smaller and we are now at 5%. Three scenarios were given to the Board, no parameters and continue to grow, a cap on the 5% and no more, and then permitting additional projects but setting a limit. The Board indicated option C.

Mr. Coggin asked about the citizens’ complaints concerning water runoff. DEQ will hold off until 2025 and maybe that could be adopted in our amendment. The water runoff by the solar panels and not the beams. Ms. Darby stated that it could be addressed.

Mr. Wade stated that since we are not an MS4 community, we do not do our own stormwater run-off analysis. It would have to be reviewed by the state. We need our own stormwater policy. Ms. Cheek asked how we can have our own policy and Mr. Wade stated that we do not have the capability.

Mr. Coggin asked if we could require the developer to submit information concerning stormwater runoff based on the size of the panel and not the beam. Mr. Wade stated that he did not have a legal answer to his question and that he would research and find the correct answer. If it could be done, it would be through a CUP condition to see what the state allows. Ms. Darby also stated “rather than saying the definition of whether the panels are or aren't impervious surface and regardless of how that's classified, it may be that there is something within the localities control, anonymous border localities control, to ensure that you're mitigating runoff regardless of how it's calculated. I don't know, but we could investigate.” Mr. Coggin felt that it would be important and that maybe the developer could build a retention pond big enough to hold the rainwater. He also believes that other localities are having the same problem.

Ms. Cheek asked about the view shed and the mile and she agreed it should be r all projects. Ms. Cheek thought that the wording doesn't project because it states visible from any historic site, and it should be for all sites. Ms. Darby stated that the way she read it was “view shed analysis will be submitted by the developer at the developer's cost for any proposed utility-scale energy project to ensure that no equipment structures or fencing are visible from any historic site entrance or structure.” Mr. Wooden stated that the amendment should ask for a view shed analysis of any project. It is not a concern whether it's near a church or a historic site. Ms. Darby agreed and would replace the phrase with something other than view shed analysis.

PUBLIC COMMENTS:

- Mr. Sam Edwards of the Surry District gave thanks to everyone for their hard work. His first concern was for the landowner's right to use their own tax property as they see fit if it does not endanger the public and welfare or reduced property values. His opinion is that the energy plan steps on those rights but is okay with buffering and the size of the farm. He is confused about the half mile, one mile, 700 rule versus the 750 for a church. Half a mile from a historical site is quite a distance. Restriction of residential corridors, and historic sites, and the desire to maintain agriculture and timberland policies will eliminate most acres of land acceptable for solar, including the current land zone for manufacturing. "Everyone's concerned about the rising taxes and the need for economic development, yet there are some that are against clean, quiet industry like solar that comes to the county." The solar economic development option will increase income for the county and relieve pressure on the tax-paying residents. He needs clarification for land that is designated as manufacturing and if you can't put solar there. Also, if it's a light manufacturing or industrial or business park, are you out of compliance? In strategy one, the potential updated language should also include community-scale energy facilities. Surry County needs to have the ability for variations to the regulation of the surrounding landowners' signs. The survey of the 181 people was very limited, less than 3% of the population. In summary, solar will bring more tax dollars than agriculture and timber.
- Ms. Cheryl Allen of the Surry District. Mr. Edwards covered some of her concerns. Everything was improved from the previous comprehensive plan updates. She would like to see a master chart overlaid with all the requirements for what is viable land. The material presented should be tightened and confusing.
- Ms. Susan Corvello of the Claremont District. There wasn't a lot of publication, and she did not know if the public hearing was advertised like the Board of Supervisors. Ms. Corvello did not know where to find it and didn't see it advertised in the bulletin and on the webpage. She was lost on what is available for build and thought the 10% should be lowered. Agrees on the viewshed but not for only historic sites and churches. Sites should have pine trees as buffers.
- Mr. Blake Cox, founder of a non-profit, Energy Rights founded to encourage and educate energy develop the right way on the local level with people on property rights and conservative ideals. Commended everyone for their diligent work. There is a preservation of approximate areas, buffers, setbacks, and decommissioning rules. Minor edits suggested using the exact language such as historic sites. "It says no part of the facility site is within half a mile of historic sites". And based on the language, the goal of that is to block visibility from historic sites. His technical edit would be to propose the changing of the language to a facility that should not be closer than half a mile unless adequate visual screening is provided to shield a project from view. That would allow your underlying goal to shield the solar projects from historical sites while still allowing the county the flexibility to site a great project that may be 0.45 miles away from historic sites. Secondly, regarding how project size is being measured, the language or the definition for a project site is defined and the entirety of the parcels on which an energy facility will be installed. He would just suggest that project size should be measured by the fenced area where solar panels or other infrastructure would be located and this would accomplish the goal of keeping a reasonable number of acres used in solar projects, but not additionally counting land that is preserved within these projects.

PUBLIC HEARING CLOSED:

COMMITTEE UPDATES:

Mr. Wade asked the commissioners what type of items they would like to see for the next meeting. What items they would like to address and what questions to the staff and the consultant and what is wanted after hearing from the public. Mr. Wooden asked for research on the comments made. Ms. Cheek asked if Mr. Wade could work with the subcommittee before the next meeting to address changes that would be applied. Ms. Darby asked for more specific directives on which changes.

Mr. Wade stated that research on the comments needs some type of direction and asked if they were seeking recommendations based on the comments. Mr. Wooden stated that is what he suggests, and that the subcommittee could meet for recommendations that the staff provides. Ms. Darby stated the comments to research would be, stormwater requirements, changing the viewshed analysis or figure wording so it is clearer to see what the site would look like from any direction, rather than only from historic sites.

Mr. Wooden stated the comment made by Mr. Edwards, whether something would comply based upon the re-zoning information that was presented and Ms. Corvello made comments and asked if the information could be given to staff and have those comments listened to and researched, I think it would be a great idea to bring that information back to the subcommittee.

Mr. Brock entertained a motion to defer until the next meeting on December 19th. A move to defer until the December 19th meeting was made by Mr. Wooden and second by Mr. Berryman.

In favor: (6) Brock, Berryman, Lunsford, Cheek, Coggin, Wooden

Opposed: 0

Abstain: 0

2. Rezoning Application No. 2022-03

Request of Pigeon Swamp Farm, Corp to conditionally rezone ±2.36 acres at the southwest corner of Blackwater Road (Route 614) and Clubhouse Road (Route 643) from Agricultural Rural District (A-R) to Local Business (B-1) to permit certain uses. The subject property is located at 1807 Clubhouse Road and the parcel is identified as Tax Map 49-3A. The Surry County 2040 Comprehensive Plan Future Land Use Map designates the future land use as "Rural Preservation", which includes provisions for "single commercial establishments."

Mr. Wade stated, tonight before the committees, is the Pigeon Swamp Farm. The applicant, along with his engineer for the project to re-zone 2.36 acres from AR to B1, a proposed restaurant. A new entrance will need to meet standards. A culvert will be needed, the ditch re-established along the frontage, and a new parking area, warrants that a turn lane is provided, and an assessment of the existing septic system. The applicant will need a food establishment permit. Utilities will be private, well and septic and HVAC units would be screened by landscaping or low-maintenance material. The concrete masonry units will remain, will be cleaned, and painted using the color reviewed by and approved by the Planning Staff. Access is limited to one single commercial entrance on Clubhouse Road and has no connections to Blackwater Road. A Lighted parking lot and security lighting and a one-monument type sign. Not

permitted is an accessory apartment, hotel/motel, bed and breakfast, commercial kennel, laundry, pawn shop, and parking facility. Staff recommend approval of the project and would like the Planning Commission to consider future uses in the stakes of the property.

Mr. Wooden asked if the applicant have concerns with any conditions that were proposed. Mr. Wade answered, initially.

PUBLIC COMMENTS:

- Ms. Donna Slade and her husband Paul are interested in the proposal regarding Blackwater Sportsman's Club. On page one under the property heading, the previous use is listed as hunt club. It was never a hunt club, but Blackwater Sportsman's Club was used for dances, family reunions, wedding receptions, birthday parties, baby showers, covered dish suppers with friends, and in the summer, the club itself held an annual fish fry. Page five and item five list the average daily traffic counts for Clubhouse House Road as 80 and Blackwater Road as 20. How much are farm equipment and related vehicles? The building was built in 1957 given by her parents. The department listed the Alliance Farms Incorporated property and the Herman T. Burgess property as adjacent property and her farm is adjacent to both, 700 feet from the clubhouse property. Her great-great-grandfather, Joseph Cephas Faison born in 1844 and married Mary Lucetta Seward in 1868, owned the farm on which she lives on. They had six children all girls and finally one boy who lived only for 13 months. The eighth child was born December 19, 1855, Everett Dudley Faison and in later years many call him Uncle Dud who farmed the land until he died in 1909. His son Dudley farmed the same land and married a Slade. They had no children of their own but raised her father from an infant. In 1938, after graduating from High School, married a Dendron girl named Armistead Ingram and made their home in the same farmhouse and remodeled it. Ms. Slade was born in 1947 and grew up an only child in the same farmhouse. She had an idyllic childhood, a big bedroom, enough toys but not too many, a dollhouse built by her father, and wood building blocks in graduated sizes made by her father. Outside was a real log playhouse made by her father and mother, completed with an old faucet from the kitchen with no running water. A big sandbox. Her father had a small John Deere tractor that pulled a manure spreader. She rode the tractor with her father for hours. In the summer, a plastic swimming pool with water was placed at the foot of the sliding board. Homemade ice cream, hand-churned under a big tree near the swing set which she cranked and turned over to daddy or Uncle Dud to finish the job. She had a cocker spaniel named Rusty and a constant companion when she was outside. She is recounting some of her childhood memories because those memories and experiences make her who she is today. The ancestors before her worked hard and left something of themselves. Her farm is very precious to her, and she wants to preserve the rural nature of the county, including the beautiful farms and timberland. Blackwater Road comes into Spratly Mill Road, and both have lovely farmland in Surry County, the quiet rural back roads seem to be few and far between. It saddens her that the natural beauty and quiet of the county are being lost along with more of the agricultural rural district designations. Put the commercial businesses in a commercial area. "Thank you for your patience."

Mr. Berryman noted that he would abstain from discussion and voting, as he is a parcel landowner adjacent to Blackwater Road.

- Mr. Lane Hargroder, a Chesterfield County resident, representing the applicant, noted that the facility is not a McDonald's or Burger King. This is not a spender looking to turn a profit and convert land that would otherwise be rural or preserved. The applicant is a retiree who has taken his hard-earned money here in the county and is looking to reinvest in property that has been setting for a long term. The commercialization of the site is coming directly from the county ordinance. The applicant desire to leave the property essentially in the as-is condition. The expansive parking is of code, and the curb and guttering, the signage, and the lighting is all driven by a property that currently sits halfway over the finish line of what could be a family-oriented restaurant for the greater of the community. The intent is not to flip burgers for a quick buck, it is to preserve the county and a structure that exists today in keeping with the design intent of the area.

Ms. Cheek asked about the distance of the facility to Dendron and is trying to better understand the surrounding area. Mr. Wade said about two miles.

Mr. Brock stated if there were no more questions, we have seen the staff report and heard from the citizens. The staff recommends approval to the Board of Supervisors for rezoning. Mr. Wooden moved to recommend approval to the Board of Supervisors for rezoning application 2022-03 and was seconded by Mr. Coggin.

In favor: (5) Brock, Lunsford, Cheek, Coggin, Wooden

Opposed: 0

Abstain: 1 Berryman

Mr. Brock stated that Ms. Cheek requested an additional agenda item. Ms. Cheek stated that in the class that Mr. Coggin and she attended, notice to the public for public hearings was discussed. Other counties are using very standard ways to notify the public. Such as posting a sign at the site that the public hearing will pertain to, notification on the county's calendar of events or its newsfeed, flyers in the post office, county notification in letter forms to the surrounding landowners, and posting in the newspaper that covers the entire county. That the use of electronic signs could broaden our options for contacting the public by adopting some of these standard ways.

Mr. Brock asked Mr. Wade what the staff procedure for advertising is. He knew of the two newspapers that serve the county, and the website which you must constantly visit. Mr. Wade said the property tonight was posted with signage.

Mr. Brock stated that most localities have bigger and broader advertising. Mr. Wade stated that the point of government is to be transparent. We do have our website and occasionally items are posted on Facebook, which tonight's meeting was not. As far as newspapers, it was in the Sussex-Surry Dispatch. It advertised both public hearings of the comprehensive plan and the rezoning case. As far as Ms. Cheek had mentioned, signposting, notification on the calendar, and events on the website, it was on the calendar. Flyers were not put out, but if that was something the Planning Commission would like to see, it can be done.

Mr. Brock asked what the deadline was for posting to the newspaper. Mr. Wade said two weeks. It is posted twice in the newspaper, and it is required by the Virginia code. Ms. Perkins stated, "just to clarify from a legal perspective, the only requirements are that it be advertised in the newspaper and that the

newspaper contains a reference to where the physical documents can be physically located, which that is the Planning Department of the county. In terms of any additional legal requirements of posting the property or even putting it on our website, that is not currently something that is required by the Virginia Code. Every year, there's legislation that talks about removing the newspaper requirement, and putting in other types of requirements, especially now that we're so electronically focused. But none of those amendments have gone through.

I fully anticipate that there will be something in the 2023 General Assembly.” The Board does bulletins for their meeting items and that can be done for Planning Commission public hearings as well.

Mr. Berryman asked about mailing. He knew of the adjacent property owners but maybe doing a radius around. Mr. Wade stated what would be the threshold of where to stop the radius. The county does follow the state code and county ordinance concerning adjacent property owners. The policy states 200 feet, but the code says adjacent. The applicant is responsible for the cost of the notification in the newspaper.

Mr. Wooden stated, “I guess to Ms. Perkins’ point, maybe we can as a Planning Commission or Staff, look at what's being done for the Board of Supervisors public hearings and try to have some consistency between the two entities, so citizens are not confused about public hearings are advertised.” Mr. Wooden added the posting of the property was a great idea.

PUBLIC COMMENTS:

- Susan Corvello, Claremont District. The newspaper used; the Sussex Surry costs \$2.50. There is the Smithfield Times which cost 75 cents and most likely gets more coverage in Surry than the Sussex-Surry’s paper. Most of the time you get more news in the Smithfield Times. Could the staff investigate which newspaper is being used? It doesn’t cost anything to put out front of where the other public hearings are posted. She doesn’t know which calendar is mentioned and it’s not on the website. Maybe put the advertising on the community billboard which is free. The Daily Press is not offered on the west side of Surry.

Mr. Wade commended Mr. Coggin and Ms. Cheek for completing the Certified Planning Commissioners program and now are graduates and Mr. Brock and Ms. Lyttle earlier with the Planning Commission certification. Mr. Coggin stated that it was a good program. There was a lot of interaction, and we were able to get feedback from other localities. What most intrigued Mr. Coggin is how the larger cities have natural trees around shopping centers with smaller signs. The trees are not being bulldozed to the streets.

Ms. Cheek noticed that counties across the state have challenges with energy projects. Mr. Brock was interested in how the state changes its mandates yearly, and which new codes are how the county can base its decisions. Mr. Wade stated that there will be summer training from the APA available to the Planning Commissioners.

ADJOURNMENT:

Chair Brock entertained a motion to adjourn at 8:36 until the December 19th meeting. It was moved by Mr. Berryman and second by Mr. Wooden. Properly moved and second. All those in favor signify by saying, Aye. Commissioners: Aye