



County of Surry Virginia Planning Commission Meeting Minutes October 24, 2022

MEETING CONVENED: The meeting of the Surry County Planning Commission was called to order at 7 PM on Monday, October 24, 2022, in the Surry County General District Court, 45 School Street, Surry, Virginia by Mr. Eddie Brock, Chair.

ATTENDANCE: The following members respond to Roll Call Present:

Mr. Eddie Brock, Chairperson
Ms. Judy S. Lyttle
Mr. Theodore Lunsford
Mr. Earl Newby, Sr.
Mr. Thomas Hardy
Mr. Stephen Berryman
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne cheek
Ms. Carmen D. Judkins

Absent:

Mr. Giron Wooden, Jr.

Also present were Mr. Horace Wade, Director of Planning and Community Development; Mr. Lorenzo Turner, Planner I; Ms. Regina Hilton, Administrative Assistant; Ms. Sarah Seward, Planning and Economic Development Specialist; 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. Berryman and seconded by Ms. Judkins.

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

APPROVAL OF CONSENT ITEMS: Chair Brock asked the Commissioners for the disposition of the minutes for September 26, 2022. A motion to approve was made by Mr. Hardy and seconded by Mr. Seward.

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

OLD BUSINESS:

1. Energy Projects Comprehensive Plan Update & Discussion
 - a. Review Draft Amendment
 - b. Discussion
 - c. Next Steps

Mr. Wade presented, to the Commissioners, the latest revision of the Comprehensive Plan Amendment. The consultants noted their changes in red and noted the Commissioners' comments. One change was the nonuse of herbicides; however, they would be allowed under certain instances overseen by certified professionals. A statement for the need of selective herbicides was made by the industry. Instead of banning herbicides, they could be used if applied by a certified professional. Mr. Wade said that a new email was sent to the previous citizens that sent in the previous surveys, to be reviewed before the public hearing scheduled for November 21, 2022. If a public hearing is needed and the ad for the public hearing has not been sent.

Ms. Cheek asked how many days before a public hearing would a notice be placed. Mr. Wade said two weeks and at this time there would be two separate notices for the paper. Ms. Cheek then asked will this meeting be on the website. Mr. Berryman answered by saying yes. Mr. Wade stated that the comprehensive plan is also on the website and could be viewed by the public.

Mr. Brock opened the floor for questions. Ms. Cheek asked about the reference to towns in strategy two. Are towns covered by the comprehensive plan or do towns have their own comprehensive plans and ordinances? Mr. Wade answered that towns do have their own comprehensive plan. Ms. Cheek asked if there would be a need to drop the word town from strategy two. Mr. Wade answered no because it basically precludes it from locating anywhere near towns.

Ms. Cheek asked about the community scale facility that reads, "it may be located anywhere in the county except residential corridors, investment area or towns. So, are we saying that towns can't have them?" Mr. Wade said that he would talk with the consultant. He believed the language should be changed to reflect that the intent of projects would be screened from the towns. Mr. Coggin asked if it was just for solar projects and Mr. Wade answered that it was not for just solar but energy projects. Ms. Cheek replied that she wanted to make sure because she had been contacted by someone concerning the wording.

Ms. Cheek stated to the Commissioners when reading strategy four, it felt as if it would be more in a solar ordinance as opposed to a comprehensive plan. The consultant stated, "they wanted to have it

there because the solar ordinance was about solar and not all energy projects. Maybe the commission should consider more detailed items which seem to fit more of an ordinance-like document. They could change our solar ordinance to be an energy project ordinance, and then move some of the detailed items to the ordinance.”

Mr. Wade answered the comprehensive plan gives guidance. If the comprehensive plan is amended, we would have the support to proceed and change the ordinance. Mr. Brock asked once that is adopted, can we change the ordinance to correspond. Mr. Wade answered yes that the comprehensive plan is a guiding document and doesn’t stand by itself. Your implementation would be like a conditional use permit “You have your ordinance that you use as your tools to get to the end product. If you see a need to change the ordinance for each project, and you want something to be consistent, you may want to change the ordinance. But if you say there are certain things that you want to have flexibility, you may want to play with your conditions here and there for different projects.

Mr. Wade reiterated that the comprehensive plan is a policy document. Everything isn’t needed in the ordinance but starts as a policy. If you choose not to do an ordinance, the next application will have guidance as to what is acceptable. Ms. Cheek asked does the distance of a half mile from historic sites comply because it is a guidance. Mr. Wade answered, if it is in the comprehensive plan, there would be additions that would make up the whole amendment. If the project isn’t a hundred percent of the comprehensive plan, it does not mean that it is not in substantial accord with the comprehensive plan. Mr. Wade stated that he would like to explore that with the County Attorney to know exactly what a substantial accord means.

Ms. Cheek stated that as a board, there is a need to know what would be in the ordinance and what would be in the guidance. If for example the historic sites would be guided and there would be strict requirements in the county. Mr. Hardy stated,” it would be before the Board and as a governing body, the Commission will vote in accordance with how we feel about distance. There was a lot of thought applied to setbacks because some solar companies would put their project next to the ditch line.”

Mr. Brock stated another example would be the one mile from the high voltage. Before, it was in proximity, which is why one project was voted down. Another is the half a mile from historical sites, which shows him how the commission is addressing what should be done for future projects.

Mr. Wade said that maybe exploring the possibility of the applicant doing a substantial accord. If the project is not in substantial accord, there would not be a need to hear other cases according to our state code. They would have time to appeal the decision of the Planning Commission to the Board of Supervisors. You may see a substantial accord first and then the other cases if the substantial accord is in determination, then you would proceed with the public hearing.

Mr. Brock asked would the commission vote or approve the project unless we received a substantial accord. Mr. Wade said if the project wants to appeal, they could appeal it to the Board of Supervisors. If the Board states the project is in substantial accord, then it would come back to the Planning Commission to do the right thing for the County and not have the projects lingering.

Mr. Berryman asked if there were any discussions concerning the distance between facilities for two individual projects and putting guidance of how close they could be or the concerns from residents. Mr. Wade said that it wasn't reflected in the comprehensive plan amendment. It appears that citizens do not want to be close to projects and do not want to see the project. Mr. Wade asked the Commission if they would like to view the surveys to see the raw comments. Mr. Berryman stated that he would like to have some sort of a number for distance.

Ms. Perkins stated that the question brought up concerning a cap or a limit could be placed on the percentage of land covered by projects. "There isn't a restriction according to Virginia code. So, it's my legal opinion that if the Commission would like to have a goal of only a certain percentage of land in the county covered by these projects, I think that would be something that would be legally permissible."

Mr. Coggin questioned the 10 % volume. Mr. Wade stated that there are two types of projects. The community scale and the ones that require a connection to the transmission lines. They would be located further out in the community, which are basically the ones that are 20 megawatts or less. The projects that are greater than that require hookups to the transmission lines are the ones that must be within a mile. A project of that magnitude could be anywhere in the county based on the current ordinance that is now in place. If the project must connect to a transmission line, it must be within a mile of the line. The feedback that was received from the public, smaller projects are acceptable but do not refer to the larger projects. The projects that cover 200 acres are okay but for the 2,000 to 5,000-acre projects, the county does not want the land resources to be dedicated to massive solar projects.

Mr. Lunsford stated the situation where there is a small project acquired by another small project. Then one buys out the other and the land in between which now becomes a massive solar farm.

The Planning Commission discussed how the County should address project size relative to the 10% cap on developable land. The Commission agreed that the 10% cap would need to be changed from project area to parcel area.

Mr. Berryman and the Commissioners agreed that the Solar projects should be ½ mile between projects.

NEW BUSINESS None

None

PUBLIC COMMENTS: None

None

COMMITTEE UPDATES:

Mr. Wade stated there are new cases coming before the Planning Commission in the next couple of months. There will be a rezoning for a restaurant located in the Dendron District. There will also be conditional use permits for a campground and a drone farm.

Chair Brock asked for the motion to adjourn at 8:20 PM until the next meeting November 21, 2022. All in favor signal by saying Aye.

Commissioners: Aye