



County of Surry Virginia Planning Commission Meeting Minutes August 22, 2022

MEETING CONVENED: The meeting of the Surry County Commission was called to order at 7 PM on Monday, August 22, 2022, in the Surry County General District Court, 45 School Street, Surry, Virginia by Mr. Giron Wooden, Jr., Vice Chair.

ATTENDANCE: The following members respond to Roll Call Present:

Mr. Giron Wooden, Jr.
Mr. Theodore Lunsford
Mr. Earl Newby, Sr.
Mr. Thomas Hardy
Mr. Stephen Berryman
Mr. David Coggin
Mr. William Seward, IV
Ms. Dianne cheek

ABSENT:

Mr. Eddie Brock, Chairperson
Ms. Judy S. Lyttle
Ms. Carmen D. Judkins

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, Mr. Noah Holmes Foster, Planner I Consultants for Summit Design & Engineering Services. Mr. Michael Stapor Planner II for Summit Design & Engineering Services.

PLEDGE OF ALLEGIANCE: All

ADOPTING OF AGENDA:

Vice Chair Wooden requested a motion to adopt the meeting agenda as written. Moved to approved by Mr. Newby and seconded by Mr. Lunsford.

In favor: (8) Wooden, Lunsford, Newby, Hardy, Berryman, Cheek, Coggin, Seward
Opposed: (0)
Abstain: (0)

APPROVAL OF CONSENT ITEMS:

Mr. Wooden asked the Commissioners for the disposition of the minutes for March 28th as well as June 27, 2022. He asked if there were any corrections for either and would like to start with March 28th.

Ms. Cheek questioned the information that Ms. Rollins presented in the March meeting referencing the CIP. Ms. Cheek asked whether the \$300,000 funding that was set aside to plan for economic development initiatives would be presented to the Planning Commission. Mr. Wooden requested that questions asked would be those only related to the minutes at hand and Ms. Cheek stated that it was in the minutes and the minutes could be approved without an answer to her question.

Ms. Cheek then asked about the statement made by Mr. Brock relating to the need for a better or upgraded facility for the boat launching. Mr. Wooden stated that the question about the disposition of minutes would be minutes corrections as they are presented. Any question asked in the meeting should be directed to staff and then if needed, bring the presentation to Planning so that they could answer those questions.

Mr. Wade stated it was a statement by Mr. Brock as to how future projects are supported by the CIP, and he used the Marina as an example. Ms. Cheek stated that her concern was Commission is approving minutes that are not documenting things that can be a record of what was discussed in their true meaning such that they are a good representation of the meeting. Mr. Wade stated that the minutes are also verbatim in the Planning office. Mr. Coggins moved to accept the consented item for the disposition of the minutes for March 28th and then seconded by Mr. Hardy.

In favor: (8) Wooden, Lunsford, Newby, Hardy, Berryman, Cheek, Coggin, Seward
Opposed: (0)
Abstain: (0)

Next, were the minutes for June 27, 2022. Mr. Wooden asked if there were any corrections. Ms. Cheek stated the June minutes have the topics but have considerable errors, such as sentence structure and grammar. She felt that another reread by staff should be done before the Commission approves. Ms. Cheek agreed to meet with Mr. Wade to go over the minutes. Mr. Wooden entertained a motion to table the June 27th meeting minutes until the next meeting. Mr. Newby made the motion to table the June 27th meeting minutes until the next meeting and was seconded by Mr. Lunsford.

In favor: (8) Wooden, Lunsford, Newby, Hardy, Berryman, Cheek, Coggin, Seward
Opposed: (0)
Abstain: (0)

OLD BUSINESS: None

NEW BUSINESS

1. Energy Projects Comprehensive Plan Update & Discussion
 - a. Presentation by Summit Design & Engineering Services (Consultants)

- b. Discussion
- c. Next Steps

Mr. Wade stated that tonight we have Mr. Noah Holmes Foster of Summit Design and Engineering Services, who has been working very diligently with staff and the subcommittee on drafting maps to present for discussing the next steps.

Mr. Holmes Foster presented to the Commission the following objectives:

- To briefly review previous information, starting with the base map, discussing existing conditions, projects that had come before the Planning Commission, and projects that continue to come. Mr. Foster was able to show mapping, research precedent regulation, what other localities in Virginia are addressing energy projects, etc.
- Mr. Holmes Foster was able to spend the day with Mr. Wade and conducted community engagement, conducted a survey over several weeks, held two focus groups, and held an open house. Feedback was taken from the members of the community as well as from members of the Planning Commission, and members of the Board of Supervisors.
- Presently, we are at a point to start assessing potential regulations and implications. Mr. Holmes Foster stated the consultants met with the sub-committee for discussion and took feedback and are now coming before the Planning Commission with draft language for the Comprehensive Plan amendment.
- Reiterating from the last meeting, the Commission discussion of a few scenarios that spoke broadly of whether to restrict the limit of state statute, utility-scale solar and other energy projects in the county, provide clear limits with some allowance and conditions, or not put in any new regulations.
- The commission decided to go with scenario two, with conditions and policies that can be put forth.
- The county is a little under 200,000 acres, which is implicated by different policies. Much of it is wetlands, which are areas where projects are inappropriate: Water and wetlands (18,689 acres and 37,567 acres); Towns and key residential (28,713 acres); Historic Sites (8,611 acres); Historic Parcels 0.5 mile and 1-Mile Buffers (32,741 acres and 62,974 acres).
- Combine areas inappropriate for development – 84,190 acres. Areas Not Inappropriate for energy projects – 113,860 acres.
- Land within 1 mile of transmission lines – 54,498 acres. The land where energy projects might be appropriate – is 35,227 acres.

Mr. Holmes Foster asked to hear from the Commission whether the policies are too restrictive, or not restrictive enough and if there were any factors the Commission would like the consultant to consider. They are still working on how to define significant residential areas and clusters of the population outside of what has already been done to contribute to serious historic sites. What is acceptable for the distance of buffer and what should be the screening requirement in terms of trees, landscaping, wildlife passage, and viewshed analyses, especially for historic sites. Also, Mr. Holmes Foster mentioned the conversion of farmland and timberland for energy projects.

Mr. Holmes Foster asked what the threshold should be in terms of power capacity or land area for projects that have been addressed. Would small solar projects be addressed by the amendment and what about community solar facilities between 20 kilowatts to 2 megawatts and home rooftop solar generally 10 kilowatts. Mr. Holmes Foster stated that most of the conversation is about solar, but can it be applicable whether it is battery storage or small nuclear reactors. The next step would be to work on the amendment text, presenting it to the public, and eventually go forward with the recommendations.

Mr. Wade stated that with the current comprehensive plan, not every project is requiring an easement to get to the transmission line. The smaller projects can connect directly to the grid and maybe the County can approve smaller projects. Projects now will be much clearer, so there is no question of what is on the developer or the Commission's minds to whether the plan meets the Comprehensive Plan's objectives.

Mr. Wooden asked for any comments from the subcommittee. Ms. Cheek stated that the talk of a cluster of residents, was probably what tripped the methane project. Mr. Wade responded by saying maybe the Comprehensive Plan text should address and analyze the density of residential development in several areas.

Ms. Cheek stated that there was no mention of churches and that should be considered. Mr. Wade commented that Loblolly and Pine Gate both had a church located around the project. Ms. Cheek mentioned conservation easements and any intel on finding in them. Mr. Holmes Foster stated that they were on the maps. Also, Mr. Wade stated that Mr. Judkins provided staff with a list of parcels with conservation easements.

Mr. Holmes Foster asked the Commission to let him know if anything was missing or if there were any corrections to the maps. Mr. Coggin suggested that a different shading on the map, along the transmission lines, would suggest where solar farms could be. Mr. Wade stated especially for the ones that required connection to the transmission lines versus those hooked directly to the grid. The projects that would connect directly to the grid should be the ones that should have a different map.

Mr. Wooden asked Mr. Wade, "when we say hooked directly to the grid, would that be a large project or substation". Mr. Wade commented that the smaller project would serve the community more so than larger projects. Mr. Wooden then stated that it would be important that projects are defined and to come up with a definition and parameters around what a large-scale facility solar and community facility would be. Mr. Newby stated what caught his attention was when we adopt (the Comprehensive Plan), not to make it so strict that good projects would not be accepted in the future.

Mr. Berryman stated the Comprehensive Plan speaks of ecological resources and large contiguous areas of natural vegetation, which should be considered, especially when it comes to solar farms. It stated also that a third of Surry has been scored very high or high value of ecosystem value.

Mr. Seward stated most of the land is gone when looking at the map of where energy projects might be and with the existing projects. That would be a lot of land used and putting another solar farm from the edge of Prince George and Surry line to the highway department on 10. Mr. Wade stated, that at this

point we would probably be looking at smaller projects. To have some type of cap on the type of acreage limitation, but it does give an upper limit for the County to see.

Mr. Wooden stated that this goes back to the point of having definitions. Mr. Wade thinks a large part of what is being defined would be in the Comprehensive Plan. What is in the plan will be what is policy, not law. The policy will be flexible and keep in mind what is approved for the Substantial Accord Determination. And at some point, the Commission will start looking at what you would like to see versus what is going to be required to be seen. Mr. Wade stated the first task is to get the Comprehensive Plan approved, and then move to amend any necessary ordinances. Also, for the Commission to help make those policy decisions and make recommendations to the Board of Supervisors, the policy is in order with the maps, the text, and the direction that we are going. We will see if the policy recommendation is to provide an ordinance amendment that could change the current ordinance. And if one of the policy recommendations is to provide an ordinance amendment that needs changes, there are some things you do not want to be flexible about. For example, if you change the ordinance that says you must be within a mile of a transmission line, it will no longer be a public policy form of discretion, but a requirement.

Mr. Coggin asked if an ordinance supersede site plans. Mr. Coggin's concern was for the locality to go beyond the minimum standards for solar projects. Mr. Wade stated it is a legal question and it must be abided by the state code. Mr. Wade stated that Virginia is a Dillon rule state and unless the Code of Virginia allows you to do it, you can't do it.

Mr. Lunsford was concerned about cemeteries, as well as churches, and heard that there may be a least 60 churches in the County. There should be a distance that you stay off churches, whether it is a mile or half of a mile. Mr. Wade stated that should be stated textually instead of through a map. The new County Attorney will be starting at the end of next month, and the attorney will be able to review everything the Commission is working on.

Mr. Wooden agreed about the text restrictions. He also stated that there may be roughly 300 cemeteries in the county. Mr. Wooden asked for any other comments. He thanked Mr. Holmes Foster and liked the maps that were presented, especially with the choice between a half-mile buffer between the historical sites. And agreed that something should be done for churches and cemeteries.

Mr. Wade suggested the next step would be to bring a draft for consideration, but first submit it to the subcommittee before it goes to the rest of the body. It is anticipated that the draft would be presented to the Planning Commission next month.

Mr. Coggin asked do you approve the amendment and then add ordinances to the amendment. Mr. Wade answered yes. To do a draft comp plan amendment. Then have a public meeting and show this would be a final draft before it goes back to the Commission before you have a public hearing, but you do want the public to see it before it goes out. You want the public to see that you are listening, you saw the 181 responses, and this is what the Planning Commission came up with.

Mr. Wooden asked Mr. Wade about having badges to identify the Planning Commissioners. To be able to visit the projects that come before the Commission, and to visit the solar farms as they progress. Mr. Wooden questioned Mr. Wade, would that constitute a meeting and would you have to just advertise? Mr. Wade responds that anything gathering of three or more Commissioners would constitute a meeting. A meeting could be scheduled and posted. The Commission could choose to conduct a field trip to other localities, to see their conditions and imitate those conditions they loved.

Mr. Coggin asked about any new projects. Mr. Wade said yes, but he has been prolonging the conversation until the completion of the Comprehensive Plan amendment. He would like to ask some of the Commissioners to attend meetings depending on their district. There are some potential projects that engineers and attorneys are now calling to discuss. Some of the projects are in Bacon's Castle and some are on the outskirts of the town limits.

Mr. Coggin asked about the Conditional Use Permit for solar that is located by VDOT that expired in July. Mr. Wade stated that they did extend their time by doing a site plan and will be coming back to do a second phase. It was done to essentially meet the conditional use permit approval but had offsite improvements to make. Mr. Coggin asked the question, "because it was surrounded by water, was additional approval needed?" Mr. Wade stated that anything over an acre must be approved by DEQ for stormwater. So, if you do not have your project in by a certain date, you fall under the 2024 rule.

PUBLIC COMMENTS: None

PUBLIC HEARING CLOSED:

COMMITTEE UPDATES:

Mr. Wade stated that there are upcoming ordinance updates and a new Attorney. Also, Ms. Seward is working on an agritourism ordinance brought up by Mr. Calhoun, and they will be working with the zoning subcommittee. Mr. Wade and Mr. Turner previously spoke to the commission about support amendments as it relates to BZA or variances. After meeting with the Attorney, Mr. Wade will bring the different ordinance amendments that are necessary and the amendments will be instrumental not only to legal requirements but helpful to the citizens facing issues where you must go before the BZA but may be more helpful to be administered by staff to get administrative approval under special circumstances.

Ms. Cheek questioned the 100 acres of land that Cavalier Solar wanted to donate to the County. Mr. Wade answered by stating that it is one of the conditions for approval for Cavalier Solar. It was for public green space and/or recreation area. At the last Board of Supervisors work session, the Board wanted the citizens to decide what to do with the 100 acres, to keep it as a habitat, or to have a third-party nonprofit and the County have an easement over it.

Ms. Cheek then stated that it was not in the site plan. To look closely at a project that comes forth in the future. That the County seems to ask the company to have green space and the project wants to give

the land to the County. She stated that she wondered how these (projects) evolved. As Planning Commissioners we should think about that in the ordinance.

Mr. Berryman asked, “does the land have to be rezoned?” Mr. Wade stated no, and if the county takes ownership or someone else owns the property other than the current company, a subdivision process would have to take place.

ADJOURNMENT:

Vice Chair Mr. Wooden entertained a motion for adjournment at 8:20 PM until the September 26th meeting. So moved and second by Mr. Berryman. All in favor signal by saying, Aye.

Commissioners: Aye