

**COUNTY OF SURRY  
PLANNING COMMISSION  
SURRY, VIRGINIA 23883  
BYLAWS AND RULES OF PROCEDURE FOR  
THE PLANNING COMMISSION OF THE  
COUNTY OF SURRY, VIRGINIA**

## **PREAMBLE**

The goals of the Planning Commission of Surry County are as follows:

- to improve public health, safety, convenience and the welfare of its citizens;
- to plan for the future development of communities, business districts, and industry, including transportation systems;
- that new community centers be developed with adequate transportation, utility, health, educational, and recreational facilities;
- that the need for mineral resources and the needs of agriculture, industry and business be recognized in future growth;
- that residential areas be provided with healthy surroundings for family life;
- that agricultural and forestal land be preserved; and
- that the growth of the community shall be consistent with the efficient and economical use of public funds.

## **ARTICLE I. OBJECTIVES**

The objectives, purposes, and authority of the Planning Commission of the County of Surry, Virginia are those set forth in the Code of Virginia (1950, as amended) Chapter 22, Article 2, and those powers and duties delegated to the Planning Commission by the Board of Supervisors of the County of Surry County as indicated in Part II, titled “Land Development Ordinances,” including Appendix A and Appendix B, of the County Code adopted in accordance with the enabling laws and all amendments and changes thereto.

The Commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, subdivision regulations, and land use. The Commission shall also be responsible for preparing and submitting annual capital improvement programs to the governing body, in accordance with applicable state codes.

## **ARTICLE II. MEMBERSHIP**

The Commission shall consist of eleven (11) members, two representatives from each district, appointed by the Board of Supervisors for a term of four years and one shall be a representative of the Board of Supervisors. Terms shall commence upon appointment by the Board of Supervisors. Vacancies shall be filled by appointment of the Board of Supervisors for the unexpired term only.

## **ARTICLE III. MEETINGS**

1. All meetings of the Commission shall be open to the public, and all persons shall be encouraged to attend any meeting of said Commission except as otherwise provided in these by-laws or by statute.
2. Regular meetings of the Commission are held on the fourth Monday of each month, when there is business for the Commission, at 6:00 p.m., with any public hearing beginning no earlier than 6:30 p.m., in the General District Courtroom of the Surry County Government Center, 45 School Street, Surry, Virginia or at such location as designated by the Secretary and approved by the Chair. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on a date as determined by the Commission. The Commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued.

If the Chair, or Vice Chair in the event the Chair is unavailable or unable to act, finds and declares that the weather or other conditions are such that it is hazardous for Commission members and the public to attend a regular meeting, the meeting shall be postponed to the following Monday, unless it is a County holiday in which case postponement is to the following Tuesday. Commission members and the news media will be notified as promptly as possible, and notice will be posted on the front door of the General District Court. All hearings and other matters previously advertised will be conducted at the rescheduled meeting, and no further advertisement is required.

Work sessions will be held prior to the regular meeting date as determined by the Commission. The Work sessions will be held at a location as determined by the Commission if deemed necessary by a subcommittee or Planning Commission. Notice of the date, time and location shall be provided at least three (3) working days prior to the meeting and in accordance with Code of Virginia § 2.2-3707 and the meeting shall be open to the public.

3. The Planning Commission may adjourn any meeting to a time and place specified.

4. Special meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall email to all members, at least three days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Notice of the date, time and location of the special meeting shall also be posted on the County's website.

Written notice to members of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice. No other business shall be considered at such special meetings unless all Commissioners are present.

5. The annual meeting for the election of officers for Chair and Vice-Chair shall be held on the regular meeting date in January of each year and the newly elected officers shall immediately preside upon election. Nominations shall be made from the Planning Commission Members. The officers may succeed themselves. When a vacancy occurs for the Chair or Vice-Chair, it shall be filled by a majority vote of the Commission at the next meeting after a vacancy has occurred.
6. A quorum is a majority of all members. A quorum must be physically present at all meetings to transact official business. A majority vote of those members present and voting is necessary to take any official action.

In case of a tie vote, or deadlock, the chair shall have the item of business placed on the next agenda of the Commission as a matter under old business for reconsideration and vote, but not for rehearing. If the returned matter again results in a tied vote, it will be forwarded to the Board of Supervisors with a report of the tie vote.

7. Meetings are recorded for the purpose of ensuring accuracy of minute composition. Minutes shall be a summary of discussion and decisions. Minutes taken during a previous meeting will be distributed to the members of the Commission with the Commission package for review prior to the meeting of the Commission at which approval is requested. Any member of the Commission may request an amendment or correction of the draft minutes. Minutes of prior Commission meetings, including any amendments or corrections, must be approved by vote of the Commission.

#### **ARTICLE IV. OFFICERS AND DUTIES**

The officers of the Commission shall consist of a Chair, a Vice-Chair and a Secretary.

1. Chair.

The Chair shall have the following duties:

- a. Preside at meetings and hearings of the Commission.
- b. Appoint all committees and subcommittees.
- c. General supervision of the conduct of the affairs of the Commission and shall instruct the Secretary in conducting Commission business.
- d. Perform such other duties as are usually exercised by the Chair of a Commission.
- e. Sign all communications of the Commission and all recommendations to the Board of Supervisors of Surry County unless otherwise authorized by the Commission. The Chair may authorize the Secretary to sign official Commission communications.
- f. Preserve order and decorum. The Chair shall be allowed to participate in all matters.

2. Vice-Chair.

The Vice-Chair shall perform the duties of the Chair during the Chair's absence or inability to act.

3. Temporary Chair.

In the absence or the inability of the Chair and Vice-Chair to perform their duties at any meeting where a quorum of the membership is present, the most senior member alphabetically shall preside at said meeting until the Chair or Vice-Chair is present.

4. Secretary.

The Secretary shall have the following duties:

- a. Attend all Commission meetings and ensure that minutes are taken.
- b. Send all notices of all meetings of the Commission required by state law or county ordinances.
- c. Have charge of all official books, papers, maps, and records of the Commission and shall conduct all official correspondence of the Commission.
- d. The Secretary shall prepare the agenda and staff reports for items of business on the Commission's agenda. The reports must contain factual background information and professional planning guidelines to guide the Commission in its actions.
- e. The Secretary shall notify the Vice-Chair when the Chair informs the Secretary that the Chair will not attend a Commission meeting.
- f. Forward Commission recommendations to the Board.

## **ARTICLE V. COMMITTEES**

1. The Chair at his discretion, or at the request of a majority of the Commission's members, shall appoint committees to assist the Commission in the discharge of its duties.
2. Each committee shall consist of no fewer than three (3) and no more than five (5) Commission members.
3. The Chair of the Commission shall appoint one (1) member of each committee as the Chair and the committee shall meet at such time and place as directed by the Chair of the committee. The Secretary shall serve as an ex-officio member of all committees.
4. The members of committees shall serve for the duration of the committee unless a reassignment is made of the committee personnel by the Commission Chair, in which case they shall serve until their successors are appointed. The Commission Chair shall fill any vacancy in committees.
5. All reports of committees shall be made at the direction of the Chair of the Commission; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chair of the Commission to report on the matter of business referred to such committee.
6. All committees shall give notice of the date, time and location of any committee meeting at least three (3) working days prior to the meeting and in accordance with Code of Virginia § 2.2-3707. The notice shall be emailed to the Commission members. The committees shall be required to take minutes of the meeting.

## **ARTICLE VI. ELECTIONS AND DESIGNATION**

1. The election of Chair and Vice-Chair of the Commission shall be elected by the members of the Commission at each annual meeting in January and shall hold office for one (1) year. Election of the Chair shall be made upon nomination of any member of the Commission, for which a second is not required.
2. The Secretary shall open the floor for nominations for the election of the Chair, and shall note the nominations in the order in which they are made. Nominations may be closed by the Secretary only after assuring that there are no further nominations to be made. The Secretary shall request that each Commission member state the name of the nominee he

or she is voting for. The Commission member recording a majority of votes shall be elected Chair.

3. The Chair shall conduct the election for Vice Chair in the same manner.
4. Any vacancy in the office of Chair or Vice-Chair of the Commission may be as prescribed in Article III, Section 5 of these bylaws.
5. The Commission shall designate the Director of Planning and Community Development or his or her authorized designee or the person acting in this capacity to serve, in addition to their regular duties, as Secretary to the Commission.
6. No later than the next regular meeting after the January meeting, the Chair of the Commission, elected at the annual meeting in January, shall appoint members to committees and the Chair thereof. Such appointments may be made before this meeting if the Chair so desires.

## **ARTICLE VII. ORDER OF BUSINESS**

The order of business at regular meetings will generally include the following items:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Adoption of Meeting Agenda
5. Approval of Draft Minutes
6. Old Business
7. New Business
8. New Business – Public Hearings
9. Public Comments
10. Committee Updates
11. PC Secretary Communications
12. Adjournment

## **ARTICLE VIII. PUBLIC HEARINGS AND PUBLIC COMMENTS**

For public comment or public hearings, each speaker shall be permitted to speak for up to three minutes, unless extended by a majority of the Commission.

## **ARTICLE IX. MATTERS PENDING BEFORE THE COMMISSION**

1. Every matter on which the Commission is required to act shall be presented in writing or on forms provided by the Commission and shall include all information necessary for a clear understanding and informed action by the Commission. Such information, when requested by the Commission, shall include, but not limited to, maps, surveys, drawings, plans, charts, and descriptive information.
2. All matters for Commission consideration and recommendation shall be filed in the Department of Planning and Community with the Secretary at least twenty-one (21) days prior to a meeting of the Commission at which the item is to be on the agenda. Proffers shall be submitted seven (7) days prior to the Planning Commission Meeting on which the matter is to be on the agenda for Public Hearing. The time limits provided for in this section may be waived if the Commission, by unanimous vote of those present, suspends the application of this section for a specific case. All proffers must be signed by the owner, or a representative of the owner authorized by a valid power of attorney, and by a Notary Public prior to a public hearing before the Board of Supervisors. A proffer statement submitted by an attorney representing the owner is not sufficient. Deferral is appropriate to resolve late submittals and other inadequacies under this policy. The Secretary shall not accept presentations unless they are properly made, or on prescribed forms properly filled out and with all required information attached.
3. All findings of the Department of Planning for agenda items should be submitted to the Commission at least seven (7) days prior to the Planning Commission Meeting.

## **ARTICLE X. THE DOCKET AND AGENDA**

1. Each matter or presentation shall be filed under the proper heading and shall be placed upon the docket and remain upon the docket until placed upon the agenda or withdrawn by the applicant or other duly authorized agent or attorney.
2. All matters docketed at least ten (10) days prior to a meeting of the Commission shall appear on the agenda at that meeting unless regulations or requirements necessitate a greater length of time between the date of filing a matter and the date it appears on the agenda.
3. When all matters cannot be disposed of on the date set, the Commission may continue the meeting.

4. The agenda and accompanying information shall be published to each Commissioner at least five (5) days prior to the meeting except, in the case of special or emergency meetings when, an agenda and information will be provided as soon as practicable.
5. Any matter that comes before the Commission orally, except Secretary reports and requests by the County Attorney, which would not be shown on the posted agenda shall not be acted upon by the Commission until it is placed on the agenda of the next regular or special meeting.

## **ARTICLE XI. HEARINGS**

1. Hearings shall be held in the General District Courtroom in the Surry County Government Building, 45 School Street, Surry, Virginia or at such location as designated by the Secretary and approved by the Chair.
2. Only those cases set for hearing on a given date will be heard and they shall be heard in the order in which they appear on the agenda unless otherwise directed by the Chair.
3. When a matter is set for a public hearing pursuant to advertisement the matter shall be heard even though no one in favor of or in opposition to the application appears at the hearing.
4. Each person who speaks at the public hearing should furnish their name and address or district to the Commission.
5. At every public hearing, individuals who wish to speak shall sign in using a sheet made available by the Secretary or a designated staff member prior to the opening of the public hearing. Each matter in the public hearing shall be heard in the following order:
  - a. The Chair or the Secretary shall call and describe the item.
  - b. Comments and recommendations of Planning Staff.
  - c. Applicant's presentation (if necessary). The Chair shall determine the time allotted for the presentation by the applicant.
  - d. At the conclusion of the applicant's presentation, the members of the Commission shall be allowed to ask questions of the applicant and staff to clarify anything that has been presented.
  - e. The chair shall officially open the public hearing, and members of the public shall speak in the order in which they registered with the Secretary. After all registrants from the list have spoken, additional individuals may speak.

- f. Each member of the public may speak once at the hearing.
  - g. Chair closes the public hearing.
  - h. Applicant's rebuttal (if necessary) will be granted a period of time set by the Chair to respond to public comments. The applicant will use this time only to respond to comments which have been made during the public hearing.
  - i. Staff response (if necessary).
  - j. Commission discussion, questions, and action.
6. Any applicant may voluntarily submit restrictive covenants with respect to the use of land in question. The applicant may impose conditions on the use and effectiveness of said restrictive covenants. Any restrictive covenants or conditions must comport with the same requirements as to form, signature and timing of submission for proffers in Section VIII, paragraph 2 above.
7. The applicant may withdraw any matter pending before the Commission at any time prior to the Commission acting on such matter.
8. No Commissioner shall participate, as a Commissioner, in any discussion or voting if his participation would violate the Virginia Conflict of Interest Act.

## **ARTICLE XII. PARTICIPATION OF COMMISSION MEMBERS BY ELECTRONIC COMMUNICATION MEANS**

A Planning Commission member may, with the approval of a quorum that is physically assembled, participate in meetings of the Commission by electronic communication means as provided in Code of Virginia Section 2.2-3708.3 subject to the following requirements:

1. A member of the Commission must notify the Chairman that the member is unable to attend the meeting due to either (a) a temporary or permanent disability or other medical condition that prevents the member's physical attendance (medical condition or disability need not be identified); or a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance or (b) a personal matter and the member identifies with the specificity the nature of the personal matter. Participation by a member due to a personal matter is limited to three meetings per calendar year.
2. A quorum of the Commission must be physically assembled at one primary or central meeting location.

3. The Commission must make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
4. The Commission shall record in its minutes the remote location from which the member participated but the location does not have to be open to the public and may be identified in the minutes by a general location.
5. The Commission shall record in its minutes that the member participated through electronic communications due to either (a) a temporary or permanent disability or other medical condition, or due to a family member's medical condition that required the member to provide care for such family member, which prevented the member's physical attendance; or (b) a personal matter and the minutes shall include the specific nature of the personal matter.
6. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
7. The policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

### **ARTICLE XIII. AMENDMENT OF BYLAWS AND RULES OF PROCEDURE**

The foregoing bylaws and rules of procedure, or any part thereof, may be amended at any Meeting of the Commission after not less than twenty-four (24) hours' notice has been given to all members of the Commission and a copy of the proposed amendment sent with the notice; provided, however, it shall require the concurring vote of a majority of the entire membership.

*Last Revised: February 24, 2025*