

Charlotte County Planning Commission
March 4, 2021 –Monthly Meeting (Postponed from February 23rd)
Charlotte County Administration Office

Present:

James Benn	W.V. Nichols
Andrew Carwile	Gladys Reid
Cornell Goldman	David Watkins, II
Deborah Haskins	Eugene Wells
Kenny Howard	Kay Pierantoni*
Kerwin Kunath	

Absent:

Clark Poindexter

*Board of Supervisors Representative (non-voting)

Staff Present: Daniel Witt, County Administrator & Monica Elder, Assistant County Administrator

Chairman Andrew Carwile called the meeting to order at 7:00 pm and Deborah Haskins gave the invocation.

Kenny Howard made the motion to approve the agenda as presented. Gladys Reid seconded the motion and the motion carried with all members present voting yes.

Motion was made by Cornell Goldman to approve the January 26, 2021, minutes with a correction to the list of members present. Eugene Wells seconded the motion and the motion carried with all members present voting yes.

Public Comments:

Lauren McCarty, Development Associate with solar developer SolUnesco, addressed the Commission. Ms. McCarty stated that SolUnesco was nearing completion of their development plan for Randolph Solar and requested careful consideration of changes to the ordinance and their potential consequences. Ms. McCarty also expressed SolUnesco's interest in having the opportunity to share their thoughts on changes being considered.

Citizen *P.K. Pettus* addressed the Commission, referencing recent information she had provided the Board of Supervisors regarding Culpeper's Maroon solar project. Ms. Pettus noted the Maroon application was resubmitted after the applicant addressed concerns expressed by Culpeper's commissioners and citizens, some of which related to erosion & sediment control (E&S) and stormwater management. Ms. Pettus noted the potential for E&S and stormwater issues with Courthouse Solar, stressing the need for well-planned oversight with sufficient staffing and inspections.

Citizen *Kathryn Griffith* then addressed the Commission, stressing the need to put the interests of citizens as well as the value of natural habitat and natural resources above revenues and the interests of landowners that will benefit from proposed solar projects. She pointed out that Halifax's solar regulations required pollinator habitat as well as a community meeting and adjacent properties were assessed by a third-party assessor to determine impact on land values. Ms. Griffith provided staff with utility-scale solar ordinance recommendations established by the Alliance for the Shenandoah Valley & The Shenandoah Valley Battlefields Foundation.

Solar Ordinance Review Discussion

Staff presented a comparison of solar zoning regulations focused on setbacks, vegetative buffers and community meeting requirements. Staff explained the large, asymmetrical shape of solar projects usually resulted in frontage on several roads with a required 125' front setback along roadways and the 50' side yard setback applying to remaining external boundaries.

Commissioners discussed current regulations and variations in locality size and population. They noted the importance of providing adequate screening and providing more specific requirements for the vegetative buffer plantings.

David Watkins recommended a 150' setback on all external property boundaries for solar. Chairman Carwile noted that there may need to be some flexibility as a wide buffer could prevent use of areas where parcel width was narrower.

Commissioners discussed the benefits of using existing vegetation for buffer and the need to encourage landowners to leave existing vegetation in buffer areas when they timber the property prior to the project.

Cornell Goldman expressed concerns about the amount of land that would be needed to accommodate larger setbacks. After further discussion, Supervisor Pierantoni stressed the importance of protecting adjacent landowner rights and property values through the ordinance and recommended at least a 100' setback with increased screening widths and specific screening requirements.

Chairman Carwile inquired if adjacent properties could be leased to meet setback and/or buffer requirements. Citizen P.K. Pettus requested input from Jon Hillis, President of SolUnesco on the issue. Chairman Carwile then called on Mr. Hillis for input and he stated that applicants could include adjacent properties located beyond the project area to accomplish this. He questioned the need for large vegetative buffer requirements when adjacent parcels were timberland and suggested the conditional use permit process be used to allow applicants to work with adjacent landowners to address this. Commissioners pointed out that addressing setbacks for all adjacent parcels through the conditional use permit process would be problematic and lot uses could change in the future.

Chairman Carwile called on Supervisor Will Garnett for input. Supervisor Garnett stated his support for a 150' setback or a 200' setback and suggested increasing the vegetative buffer to one half of the setback distance to provide screening and wildlife protection. He also recommended setback protections for waterways.

Cornell Goldman addressed E&S issues, stating that with clearing such large amounts of land, E&S issues would exist as with timbering, farming and other projects. He noted that oversight was required and, in the long-term, the vegetation would provide stabilization.

Community Meeting Requirement for Solar

David Watkins made the motion to recommend that Charlotte County formally consider a zoning amendment to include the same verbiage that Halifax County used for their community meeting requirement. Kenny Howard seconded the motion.

David Watkins then amended his motion to require the meeting to be held within 30 days of County staff finding the conditional use permit application complete.

Full text reads as follows:

Community meeting. Within 30 days of the zoning administrator providing an applicant notice that their utility-scale solar application is complete, a public meeting shall be held with the planning commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility. The meeting shall adhere to the following:

- (1)The applicant shall inform the zoning administrator and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date;*
- (2)The date, time and location of the meeting shall be advertised in a newspaper of record in the county by the applicant, at least seven but no more than 14 days, in advance of the meeting date;*
- (3)The meeting shall be held within the county, at a location open to the general public with adequate parking and seating facilities that will accommodate persons with disabilities;*
- (4)The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback; and*
- (5)The applicant shall provide to the zoning administrator a summary of any input received from members of the public at the meeting.*

Kenny Howard seconded the amended motion and the motion carried with all members present voting yes.

Additional Solar Ordinance Review Discussion

Citizen P.K. Pettus requested information from the County Administrator regarding the revenue share payments associated with Courthouse Solar. Administrator Witt explained the annual \$1400 per megawatt generated revenue share payment provided for by Virginia Code. He stated that the Board had adopted a Revenue Share Ordinance and had also included an annual escalator as part of their siting agreement with Courthouse Solar.

David Watkins reaffirmed his support of the 150' buffer for all boundaries on utility-scale solar projects with a clause that would allow the Board of Supervisors to make exceptions. After further discussion, Commissioners discussed means of encouraging landowners to retain existing vegetation for buffer. Chairman Carwile asked Mr. Hillis if vegetative buffer requirements could be used to encourage landowners not to timber their entire property prior to project construction. Mr. Hillis stated that it was likely developers would work harder to get landowners to retain existing vegetative buffer to avoid the cost of planting new vegetation.

Kenny Howard then made the motion to table discussion on solar zoning regulations until the next Planning Commission meeting. Eugene Wells seconded the motion and the motion carried with all members present voting Yes.

Staff Report

Staff then presented the 2020 Planning Commission Annual Report.

Commissioner's Time

Kay Pierantoni requested an update on applications for utility-scale solar projects under five megawatts. Staff reported that three preliminary applications were received in January but did not meet all application requirements. The applicant was notified of the deficiencies, but had not resubmitted the applications.

Adjournment

David Watkins made the motion to adjourn, Cornell Goldman seconded the motion and motion carried.