

Charlotte County Planning Commission
March 23, 2021 – Regular Monthly Meeting
Charlotte County Administration Office

Present:

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

Absent:

**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 7:30 pm and Clark Poindexter gave the invocation.

Eugene Wells made the motion to approve the agenda as presented. David Watkins seconded the motion and the motion carried with all members present voting yes.

Chairman Carwile noted that Kay Pierantoni had provided a written request to add a discussion on conflict of interest and transparency to the agenda. Deborah Haskins made the motion to approve the agenda as amended. David Watkins seconded the motion and the motion carried with all members present voting yes.

Motion was made by Gladys Reid to approve the March 4, 2021, minutes as presented. Clark Poindexter seconded the motion and the motion carried with all members present voting yes.

Public Comments:

Kay Pierantoni read comments provided by citizen *Debbie Flynn* regarding solar development. Ms. Flynn noted that while large landowners benefitted financially from solar development, small landowners who had invested in property as a homesite had to rely upon the Board of Supervisors to protect their property value and surroundings. She requested careful consideration for the interests of small landowners when reviewing solar applications and recommended larger setbacks and thorough review of project entrance and central construction site locations.

Vegetative Buffers for Utility-Scale Solar

Chairman Carwile reported that he had provided the March 4th meeting packet to Jason Fisher, Senior District Extension Agent Forestry and Natural Resources with the Virginia Cooperative Extension Office through Virginia Tech. Mr. Fisher had agreed to provide screening buffer guidance for solar projects prior to the April Planning Commission meeting.

Conflict of Interest and Transparency

Kay Pierantoni referenced her request to add conflict of interest and transparency to the agenda, noting many local landowners were involved in solar negotiations. Supervisor Pierantoni requested commissioners involved in negotiations with solar developers disclose their current level of involvement in order to protect public trust. She stated that such negotiations were not a conflict of interest, but the public needed to be aware of the commissioners' involvement in solar projects to put their comments into proper context.

Chairman Carwile stated that he was not involved in conversations with solar developers regarding his property or property he managed for family. Kerwin Kunath reported that he had been approached by a developer regarding thirty-five or forty acres he owned, but nothing had been finalized. Cornell Goldman confirmed that he had been in conversations with a solar developer regarding leasing some of his property. W.V. Nichols stated he also had talked with a solar developer about some of his property.

Commissioners inquired about participation in the decisions on solar if they were involved in a potential project. Staff explained that conflict of interest normally was defined by associated financial benefit and Commissioners would need to abstain from voting on specific projects that would potentially provide such benefit.

Vegetative Buffers for Utility-Scale Solar (continued)

Staff presented an updated solar ordinance comparison report and noted changes related to buffers including amendments being considered in King William and the addition of Louisa County to the report at the request of a citizen.

Chairman Carwile provided additional information regarding input from Mr. Jason Fisher and recommended the Commission wait for Mr. Fisher's opinion. Commissioners then discussed the need to wait for forestry guidelines, advantages and disadvantages on some species frequently used in screenings, the importance of buffer density, and concerns with monoculture screening buffers. Supervisor Pierantoni stressed that buffer specifications were more important than setback distances and noted that she could provide pictures that illustrated this point.

Commissioners inquired about enforcement of buffer requirements. Staff explained buffer requirements in the conditions are applicable for the life of the project; enforcement is initially through the site inspection process and then in response to complaints. James Benn inquired about hiring an arborist to perform an annual inspection of solar buffers.

Kay Pierantoni expressed concerns regarding buffers observed at some of Mecklenburg County's solar facilities. After being recognized by the chairman, Mr. Hodsoll explained that Mecklenburg's screening requirements had changed over time and requirements for the first project were minimal.

Setbacks for Utility-Scale Solar

Staff reviewed changes in the solar ordinance comparison report regarding setbacks.

Commissioners then discussed setback requirements. Cornell Goldman noted the county's extensive forestry coverage meant many adjacent parcels would be timberland. He referenced

another report on regulations, stating current setbacks were in line with other localities and were sufficient. Kay Pierantoni stressed the need to protect all landowners, the importance of buffers, and the need to address setbacks and buffers at the same time. James Benn recommended a 150' setback, allowing for adjustments based on adjacent uses.

Chairman Carwile recognized Mr. Hodsoll who noted SolUnesco had reviewed local ordinances throughout the state and only four required buffers greater than 50'. He explained that a denser buffer is usually preferable to a wider buffer to retain useable land. Chairman Carwile expressed concern that larger buffer requirements would negatively impact smaller projects. David Watkins stated that setbacks were critical and 150' was the minimum needed to protect adjacent landowners.

Commissioners then discussed the use of land as buffer area and setback, the associated cost and the impact on a project; the need for dense screening; the ability to adjust buffers and setbacks in the conditions; and the potential of establishing different setbacks and buffers for smaller projects.

Chairman Carwile recognized citizen P.K. Pettus. Ms. Pettus emphasized the importance of considering the impact on adjacent properties and property landowners. She stated that the physical distance or setback was not wasted space but was necessary to protect adjacent properties. Ms. Pettus then expressed her support of the 150' setback and asked the commissioners to visit the Twitty's Creek Solar site to see how solar could impact an adjacent property.

Cornell Goldman made the motion to keep the same buffer width for utility-scale solar. There was no second to the motion.

David Watkins made the motion to recommend increasing the setback for utility-scale solar to 150' on all property sides. There was no second to the motion.

Kerwin Kunath made the motion to recommend a 125' setback for utility-scale solar along public roads, a 75' setback for the rest of the property excluding residences, and a 150' setback for residences. Clark Poindexter seconded the motion.

Commissioners discussed determining residential setbacks and the impact on properties that had not yet been developed.

James Benn then made a motion to amend the original motion to allow the Board of Supervisors to increase or decrease the setbacks when they deem appropriate as a condition of approval for a Conditional Use Permit. Cornell Goldman seconded the amendment.

After being recognized by the Chair, Francis Hodsoll noted that some ordinances base the residential setback on a home's location, requiring a setback of 500' between the home and the project, to better protect residential property owners.

James Benn made the motion to amend the motion further to read as follows:

To recommend setbacks for utility-scale solar as follows: a 125' setback along public roads; a 75' setback for the rest of the property excluding residences; and a 400' setback from residential structures or 75' from the property line of residential structures, whichever is greater, allowing the Board of Supervisors to increase or decrease the setbacks when they deem appropriate as a condition of approval for a Conditional Use Permit and allowing staff to provide final clarification of specific wording for the amendment.

Kerwin Kunath seconded the motion as amended and the motion carried with all members present voting yes.

Additional Solar Ordinance Discussion

By general consensus, commissioners tabled further discussion of solar amendments to their next regular meeting.

Staff Report

Staff reported the 2020 Planning Commission report had been distributed to the Board of Supervisors and the town offices; the Board was considering including funds in the upcoming budget to hire a consultant to perform the 2022 Comprehensive Plan update; and the joint public hearing for the Kunath's wedding and event venue had been scheduled for April 12th at 6:05 pm.

Special Called Meeting

Kenny Howard made the motion to schedule a special called meeting at the Administration Office on April 12th immediately following the joint public hearing for the purpose of considering a recommendation on the Kunath's application. Eugene Wells seconded the motion and the motion carried with all members present voting yes.

Commissioner's Time

Kay Pierantoni expressed concerns with the setback decision made by the Commission, stating that very little change had been made except to setbacks for existing homes.

Adjournment

David Watkins made the motion to adjourn, Eugene Wells seconded the motion and motion carried.