

Charlotte County Planning Commission  
April 27, 2021 – Regular Monthly Meeting  
Charlotte County Administration Office

Present:

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

Absent:

Kenny Howard  
Gladys Reid

*\*Board of Supervisors Representative (non-voting)*

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

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Chairman Andrew Carwile called the meeting to order at 7:30 pm and Cornell Goldman 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.

Motion was made by Deborah Haskins to approve the March 23, 2021, minutes as presented. David Watkins seconded the motion and the motion carried with all members present voting yes.

Motion was made by David Watkins to approve the April 12, 2021, minutes as presented. Deborah Haskins seconded the motion and the motion carried with all members present voting yes.

***Public Comments:***

*Francis Hodsoll*, CEO of solar developer SolUnesco, addressed the Commission, reporting SolUnesco's preparation of the Randolph Solar application continued to move forward. He stated that changing zoning requirements at this point was a concern for SolUnesco since significant investment had already been made in the project. Mr. Hodsoll also noted that SolUnesco was already making efforts to discuss the project with those who opposed it and stated the public hearing process was important for identifying and addressing concerns.

Citizen *P.K. Pettus* addressed the Commission, referencing Debbie Flynn's request for larger setbacks at the March 23<sup>rd</sup> Planning Commission meeting. Referring to Culpeper's Maroon Solar project, Ms. Pettus noted Culpeper denied their first application and the application was resubmitted after the applicant addressed concerns expressed by commissioners and citizens. She stated that the new application included extended setbacks of 100 to 200 feet and additional changes in response to input from Culpeper's citizens and local officials. Ms. Pettus stated that if Strata Solar, developer of Maroon Solar, found these setbacks reasonable, Charlotte County should not require less.

### ***Vegetative Buffers for Utility-Scale Solar***

Chairman Carwile reported that Jason Fisher, Senior District Extension Agent Forestry and Natural Resources with the Virginia Cooperative Extension Office had contacted several other agencies to assist with providing guidance on buffers for solar. Information from Mr. Fisher, Elizabeth Marshall with the UVA Weldon Cooper Center, and others had been provided to the commissioners and was included in the meeting packet. Chairman Carwile reviewed some of their recommendations for buffers including the use of using a variety of native plant species of varying mature heights to avoid the need for chemical maintenance, increase longevity, and improve opacity. A recommendation based on opacity was not provided since available data related to the density of the forest crown rather than horizontal opacity. Commissioners then discussed means of retaining existing mature vegetation to serve as screening buffers.

Chairman Carwile presented maps he had prepared showing property in the County that was located a half mile from VDOT roads that were rated as a category 300 road or better. He presented additional maps showing property 1000 feet and also 2000 feet from these same roads and an overlay map illustrating the majority of the area in the approved Moody Creek and Court House Solar projects was located one half mile or more from these types of roads. Chairman Carwile then recommended considering different screening requirements based on a project's distance from roads rated 300 or better.

After being recognized by Chairman Carwile, Francis Hodsoll with SolUnesco noted that the planned application for Randolph Solar included a number of landowners with smaller properties, who would benefit financially from the project. However, larger setbacks and increased buffer widths might exclude small properties from projects. Kay Pierantoni noted that the size of Randolph Solar dictated the need to include owners of smaller properties.

At the Chairman's request, staff read the current buffer requirements in Section 10-23-10. Kay Pierantoni inquired about requiring that a landscape architect review existing buffers and provide recommendations regarding density and infill plantings in the buffer.

After being recognized by Chairman Carwile, citizen Reed Charlton stated that these issues would be resolved with size limitations on solar facilities. Staff explained that the zoning regulation restricting utility-scale solar development to 3% density in a five mile radius had been amended to provide the Board of Supervisors authority to approve development at a higher density when they deemed it to be appropriate. Citizen Rebecca Daly noted that Randolph Solar would occupy most of the land in the district.

In response to citizen P.K. Pettus's inquiry regarding the location of buffers, setbacks and fencing, staff explained that the County used "setback" to refer to the land located between the property boundary and the fence that surrounded the project while "buffer" referred to the vegetative screening that was located in the setback area.

Kay Pierantoni pointed out that the information that had been received from UVA's Weldon Cooper Center on the buffers included guidance from the American Planning Association regarding visual impacts and a visual impact study should be considered.

Cornell Goldman made a motion to maintain the existing buffer requirements. Kerwin Kunath seconded the motion and the motion carried with all members present voting yes.

### ***Setbacks for Utility-Scale Solar***

Staff reported that the vote taken on March 23rd on setback requirements for utility-scale solar, which had included multiple amendments, did not follow proper parliamentary procedure. Therefore staff recommended the commission rescind the motion and readdress setbacks. In response to the Commission's request for staff to provide clarifying language for the setback requirements, staff had also reviewed the March 23rd motion and had provided suggestions for needed clarifications.

Kerwin Kunath made the motion to rescind the vote taken at the March 23, 2021, Planning Commission meeting regarding setbacks for utility scale solar facilities. Cornell Goldman seconded the motion and the motion carried with all members present voting yes.

Kerwin Kunath then made the motion to recommend amending setbacks for utility-scale solar to require a minimum setback of 125 feet from the center line of any state maintained road abutting the property; a minimum setback of 75 feet from all other property lines with the exception of those property lines that are inside the project's boundaries and which do not abut property located outside the project area; and a minimum of 400' from all off-site residential structures unless otherwise prescribed by the Board of Supervisors as a condition of approval for a Conditional Use Permit. Cornell Goldman seconded the motion. Kay Pierantoni expressed concerns regarding using the center line of the road as the starting point for the front setback rather than using the property line. After additional discussion on the front setback measurement, the motion was approved with David Watkins voting no and all other members present voting yes.

### ***Additional Solar Ordinance Discussion***

In response to a citizen's inquiry regarding industry standards for utility-scale solar, Chairman Carwile explained that there was no set standard and regulations varied, referencing staff's ordinance comparison as well as the input received from Mr. Fisher and the Weldon Cooper Center. Francis Hodsohl with SolUnesco noted that Charlotte County's requirements were average based on the ordinance comparison SolUnesco's review of regulations.

Citizen Rodney Moon then inquired about a potential conflict of interest since some of the commissioners had been contacted by solar developers about using portions of their property for solar development. Chairman Carwile noted that staff had provided information from the Virginia Code regarding local and state conflict of interest regulations in the packet. Staff reviewed portions of Virginia Code §2.2-3101 and 2.2-3112 regarding conflict of interest and offered to obtain a legal opinion from the county attorney if further clarification was needed.

Citizen P.K. Pettus inquired about the notification process for adjacent landowners. Staff reported that notice of public hearings was provided in accordance with state code requirements and the proposed community meeting requirement would provide earlier notification for landowners.

Staff reported that three applications for utility-scale solar projects less than five megawatts each were expected in the next week or so, but no new solar applications had been received.

***Staff Report***

Staff reported that Kerwin and Beverly Kunath's application for a wedding and event venue had been approved by the Board of Supervisors at their April 12<sup>th</sup> meeting with the proposed conditions. Staff also reported that the proposed county budget included funds to hire a consultant to assist with the comprehensive plan update and staff expected to contract with the Commonwealth Regional Council (CRC) planning district office for these services.

***Zoning for Cemeteries***

Staff reported that in recent years an increasing number of citizens had expressed an interest in establishing a family cemetery on an existing parcel. As a result of this and concerns the Board of Zoning Appeals had expressed about the division of the Hermon Presbyterian Church cemetery parcel, staff recommended the Planning Commission consider the need to provide additional guidance on cemeteries in the zoning ordinance. The Commission requested that staff research the issue further and provide additional information at the next meeting.

***Adjournment***

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