

Charlotte County Planning Commission  
May 25, 2021 – Regular Monthly Meeting  
Charlotte County Administration Office

Present:

Andrew Carwile	Gladys Reid
Cornell Goldman	David Watkins, II
Kenny Howard	Eugene Wells
W.V. Nichols	Kay Pierantoni*

Absent:

James Benn  
Deborah Haskins  
Kerwin Kunath  
Clark Poindexter

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

Staff Present: Monica Elder, Assistant County Administrator

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Chairman Andrew Carwile called the meeting to order at 7:30 pm and Kenny Howard gave the invocation.

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

Motion was made by Cornell Goldman to approve the April 27, 2021, minutes as presented. Gladys Reid seconded the motion and the motion carried with all members present voting yes.

***Public Comments:***

No members of the public provided comments.

***Set Public Hearing for Proposed Zoning Amendments***

Staff explained the next step in amending zoning regulations for utility-scale solar was either a joint public hearing with the Board of Supervisors or separate public hearings for the Planning Commission and the Board. Staff recommended the Planning Commission conduct a separate public hearing at their June meeting to receive additional public comment before submitting a recommendation to the Board.

Kay Pierantoni distributed copies of comments she had made at the May Board of Supervisors' meeting regarding the zoning amendments and the Planning Commission's efforts to address buffers and setbacks, stating that she hoped buffers and setbacks would be adjusted to help protect landowners in close proximity to utility-scale solar projects.

David Watkins made the motion to hold a public hearing on the proposed zoning amendments for utility-scale solar on June 22<sup>nd</sup> at 7:30 pm. The motion was seconded by Kenny Howard and carried with all members present voting yes.

***Zoning for Cemeteries***

Staff reported on potential means to address the increase in citizen inquiries regarding the creation of substandard lots for family cemeteries. Staff stated that a zoning amendment to allow for smaller, "nonbuilding lots" was an option. However, doing so could create new challenges including the need for the remainder of the lot to meet lot size requirements,

establishing access to the new cemetery lot, future ownership of the cemetery, and issues that may arise with the adjacent property owner(s) if the cemetery was not maintained. Therefore staff recommended the County continue to require newly created parcels to meet minimum lot size requirements and the creation of an informational sheet addressing siting of cemeteries as well as access rights and landowner rights provided for in Virginia Code §57-26 and 57-27. Commissioners discussed access roads for existing private cemeteries and rights of access granted by the Virginia Code.

### ***Conflict of Interest***

Staff had contacted County Attorney Russell Slayton regarding conflict of interest concerns that were raised regarding Planning Commissioners' participation in the zoning amendment process when they either had agreements to lease their property to solar developers or were in negotiations regarding agreements to lease or sell their property for solar development. Mr. Slayton stated that Virginia Code 2.2-3112.B.3. which was included in the information staff provided to the Commission at the April 27th meeting, stated the following:

*"An officer or employee of any state or local government or advisory agency who has a personal interest in a transaction may participate in the transaction:...If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction."*

Staff reported Mr. Slayton advised that since the actions of the Planning Commission regarding the proposed solar zoning amendments "affect the public generally," a Planning Commissioner's negotiations with a solar developer or contract to lease or sell property for a solar facility does not constitute a conflict of interest.

Staff reported that Mr. Slayton recommended Planning Commission members that had entered into agreements to lease property to solar developers or were in negotiations with a solar developer provide a written declaration as addressed in Virginia Code 2.2-3115. Draft declarations were provided to each member for review and consideration.

Kay Pierantoni noted that the Board of Supervisors' handbook's guidance on conflict of interest included a paragraph on "Following a Higher Standard" and she distributed a copy of that text to Commissioners. Staff noted that the draft declaration included a statement that the declarant was able to participate "fairly and objectively and in the public interest," and recommended that Commissioners read and consider each point of the declaration carefully before signing it.

### ***Staff Report***

Staff reported SolUnesco had recently met with staff for a pre-application meeting on the Randolph Solar project, but staff had received no new conditional use applications for solar projects. Staff stated representatives on the Twitty's Creek Solar project were scheduled to begin installing vegetative buffer plantings within the next few weeks in accordance with the standards that were in place at the time their application was approved. In addition, Red House Solar had just paid their erosion and sediment control plan review and inspection fees. Chairman Carwile inquired about Ridgeway Farm's large scale solar project. Staff will check on the project status and will provide an update at the next meeting.

### ***Commissioners' Time***

Kay Pierantoni provided a map related to the Randolph Solar Project, stating that a citizen had provided the map for distribution. Commissioner Pierantoni noted the purpose of the map was to show the potential impact of the Randolph Solar Project. The map stated the information included came from the Charlotte County parcel viewer, land records filed with the courts, the Randolph Solar official website, and Board of Supervisors' minutes. The map also noted the information was incomplete since the recorded land options for Randolph Solar that were mapped did not match the acreage reported on SolUnesco's website.

Chairman Carwile recognized Citizen Rodney Moon who asked for clarification on the actual size of Randolph Solar versus what was mapped. Chairman Carwile stated that, based on the figures shown on the map, approximately 78.2% of the acreage was shown.

Chairman Carwile inquired about other solar projects shown on the map for which the County had not received an application. Staff explained general inquiries received from solar developers could not be discussed and no additional applications had been submitted.

Chairman Carwile then recognized Francis Hodsoll with SolUnesco. Mr. Hodsoll noted that while the footprint shown on the map was fairly accurate, it did not provide needed context and he felt providing such information and discussing Randolph Solar prior to SolUnesco submitting an application was problematic.

Chairman Carwile recognized citizen Rebecca Daly who recommended obtaining a large wall map of parcels and transmission lines showing project locations that could be updated as needed. Staff explained the county did not have the capability to print a map of that scale, but could obtain one through an appropriate vendor. The production of maps was discussed further by staff, Chairman Carwile, Kay Pierantoni, and Ms. Daly.

Staff stated that an application was needed to move forward with any review efforts for Randolph Solar and stressed the importance of basing conclusions on an actual project application. Staff also stated concerns regarding the provision of partial information.

Kay Pierantoni stated that information on Randolph Solar was needed due to the size and potential impact of the project and SolUnesco should be willing to provide that information more openly. Mr. Hodsoll explained that when they conducted their initial community meeting for Randolph Solar, many of the project details had not been finalized which limited the information they could provide at that time.

Chairman Carwile pointed out that options related to Randolph Solar were recorded in the public record at the clerk's office and SolUnesco had provided a map identifying specific parcels under option or being considered for the project some time ago. Staff confirmed SolUnesco had provided a draft parcel map when the amendment to the 3% density regulation was considered in the spring of 2020. Citizen P.K. Pettus confirmed the map was included in the packet for the Board of Supervisors' May 2020 joint public hearing with the Planning Commission. Supervisor Pierantoni stressed the need to map the project on a full map of the county to provide a better understanding of project size.

Chairman Carwile suggested commissioners consider a zoning amendment to require that solar applications include a map of the full county with project parcels identified. Staff explained this could be accomplished through a zoning amendment or staff could simply request this from applicants at the pre-application meeting as an additional application component as allowed for in the zoning ordinance.

***Adjournment***

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