

Charlotte County Planning Commission
Public Hearing & Regular Meeting
June 22, 2021
Charlotte County Administration Office

Present:

James Benn	Gladys Reid
Andrew Carwile	Eugene Wells
Cornell Goldman	David Watkins, II
Kenny Howard	Kay Pierantoni
Kerwin Kunath	

Absent:

Deborah Haskins
W.V. Nichols
Clark Poindexter

Staff in Attendance: Dan Witt, County Administrator
Monica Elder, Assistant County Administrator

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

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

Cornell Goldman made the motion to approve the May 25, 2021, minutes as presented. Eugene Wells seconded the motion and the motion carried with all members present voting yes.

Public Hearing – Solar Zoning Amendments

Chairman Carwile called to order a public hearing for the purpose of receiving public comments regarding proposed amendments to the Charlotte County Zoning Ordinance related to utility-scale solar setbacks and requiring utility-scale solar applicants to conduct a community meeting.

Staff provided a report on the proposed amendments to zoning ordinance Sections 10-23-6 and 10-23-17. Specific language being considered (with changes marked in red and blue) was as follows:

10-23-6. Setbacks.

1. Utility-Scale Solar Energy Systems shall conform to the following setbacks: 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.

1.2. Large Scale Solar Energy Systems and Utility Scale Solar Energy Systems shall conform to all minimum building setback requirements for principal structures of the zoning district in which they are located, or fifty (50) feet, whichever is greater, unless

otherwise prescribed by the Board of Supervisors as a condition of approval for a Conditional Use Permit.

10-23-17. 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.

Kay Pierantoni expressed concerns about using the centerline of the highway to calculate front setbacks since identifying the centerline of a divided four-lane road like Highway 360 would be difficult. Mrs. Pierantoni recommended that the right-of-way be used instead of the centerline.

There being no further comments or questions from the Commissioners, Chairman Carwile opened the hearing for public comment.

Written comments provided by citizens Edward and Janet Early were read. The Earlys requested that local officials spend more time evaluating citizens' views on solar development and determining if solar development is in the best interest of the County in the long term. They also expressed concerns regarding potential issues associated with solar development including loss of forestland, burning of debris as land is cleared, soil impacts, loss of habitat and scenery, the impact on local resources and associated tourism, and the potential for safety issues related to associated construction traffic.

Citizen J.A. Devin stated that he owned land in the proposed Randolph Solar Project. He noted there were multiple logging businesses in the community and they did not impact property values despite the lack of buffers and setbacks. He stated that he felt the recommended setbacks and buffers were adequate and did not need to be expanded. Mr. Devin also stated the project was a windfall for landowners in the project and local businesses that would provide services and supplies. He also noted that funds the County would receive from Randolph Solar would benefit all taxpayers and provide much needed tax relief.

Citizen Robbie Tate, who also owns land in the proposed Randolph Solar Project, then addressed the Commission. Mr. Tate stated that he felt the regulations were sufficient. He noted that Randolph Solar would provide a tax benefit for all county landowners, and he did

not expect the project to impact real estate values. He also stated that the County's regulations were in line with 70% of other localities' regulations.

Citizen Terry Ramsey addressed the Commissioners regarding the wording of the proposed setback regulation. Mr. Ramsey stated that it was unclear from proposed Item 1 of Section 10-23-6 whether the Board had the authority to adjust all setbacks listed or only the one listed last. He recommended moving the phrase "unless otherwise prescribed by the Board of Supervisors as a condition of approval for a Conditional Use Permit" to the beginning of the regulation for clarification if it applied to all setbacks listed. Mr. Ramsey also recommended the inclusion of a minimum threshold for setback adjustments made by the Board.

Citizen Bill Devin then addressed the Commission, noting that he and his two daughters had land in the proposed Randolph Solar project. Mr. Devin stated that the setbacks were good and reasonable, but not excessive and would not kill a project. He noted that Charlotte County needed the project to fund school needs and to attract young people to the county. In response to Kay Pierantoni's comments regarding use of the centerline to calculate the front setback, Mr. Devin stated that he thought the centerline of Highway 360 closest to any solar project should be used. He also noted that the right-of-way was not known on all roads.

Emily Jackson addressed the Commission, noting that her family's land was part of the proposed Randolph Solar project. Ms. Jackson stated that it was important to respect the rights of adjacent landowners as well as those of landowners in the project. She noted that she did not see that Randolph Solar would be a deterrent to adjacent landowners while it would provide revenue to project participants and the next generation. Ms. Jackson stated that she saw the proposed ordinance as a great compromise.

Francis Hodsoll, CEO of SolUnesco, developer of the Randolph Solar project, then addressed the commission, stating that SolUnesco maintains a database of local ordinances and the proposed regulations are equal to or greater than 70% of ordinances. In addition, he noted the Board would have the authority to increase setback distances through the conditions. He stressed the importance of determining which issues to focus on in order to address concerns with solar development and stated that revenues from Randolph Solar would have significant local and regional impact.

Citizen P.K. Pettus addressed the Commission, stressing the importance of project location, consideration of project impact to adjacent landowners and the environment, traffic planning, flexibility, and protection of viewsheds. Ms. Pettus referenced maps from the Nature Conservancy, a global environmental nonprofit focused on conservation of land and water resources. The maps identified the amount of potential acreage suitable for solar in Virginia counties and conflicting conserve Virginia acreage. Ms. Pettus stated the County needed to determine, "How big is too big?" and "When is enough, enough?"

Citizen Rodney Moon addressed the Commission, stating that one of the Planning Commission members had indicated to him that the Randolph Solar project was coming to the County one way or the other, even if the governor had to get involved to make it happen. He also stated that only two homes of the 54 on his road were part of the Randolph Solar project and those landowners not included received no financial benefit while dealing with the impacts of the project.

There being no further public comment, the public hearing was adjourned, and Chairman Carwile called the regular meeting back to order.

Regular Meeting – Proposed Solar Zoning Amendments

Citizen Melvin Newcomb inquired about addressing the Commission. Since the public hearing was closed, Mr. Newcomb was advised to participate in the general public comment period.

Kerwin Kunath made the motion to recommend approval of the proposed solar zoning amendments as presented. Cornell Goldman seconded the motion.

After discussion of the comments provided by citizen Terry Ramsey, Kerwin Kunath moved to amend the motion to revise the proposed wording for Section 10-23-6, Item 1, relocating the phrase “unless otherwise prescribed by the Board of Supervisors as a condition of approval for a Conditional Use Permit” to the beginning of the sentence. Cornell Goldman seconded the motion to amend.

Kay Pierantoni stated that she felt the proposed setbacks were insufficient to meet citizens’ needs and noted that Mr. Moon was the only landowner not in the project that provided comments.

The motion to amend carried with all members present voting yes.

There being no additional discussion on the motion to approve the proposed solar zoning amendments as amended, the motion carried with all members present voting yes.

Commissioners discussed whether the vote taken had addressed the community meeting regulations being proposed. For clarification, Cornell Goldman then made the motion to recommend the Board of Supervisors consider the proposed zoning amendments regarding setbacks as amended and community meeting requirements. Gladys Reid seconded the motion and the motion carried with all members present voting yes.

Kay Pierantoni stated that while the County Attorney had advised that concerns regarding the Conflict of Interest Act were not sufficient to impact Commissioner’s participation in the zoning amendment process, she thought an attorney in an adjacent locality had provided a different opinion in a similar situation and, in that case, two individuals had not participated. Mrs. Pierantoni stated that she planned to seek additional legal advice.

There being no further discussion, the motion carried with all members present voting yes.

Public Comment Period

Citizen Melvin Newcomb, whose property is adjacent to the proposed Randolph Solar project, addressed the Commission. Mr. Newcomb stated his agreement with the comments provided by Mr. & Mrs. Early in the public hearing. He also expressed concerns about the visual impact of the Randolph Solar project on adjacent landowners and the likelihood that the solar facility’s presence would discourage young people from staying in the community. Mr. Newcomb also added that larger buffering was needed for residential structures.

Citizen Kaylee Moon, whose family has property in the proposed Randolph Solar project, then addressed the Commission. Miss Moon stated that Randolph Solar was an economic opportunity for the younger generation. She noted that improvements were needed to address poverty and, while reasonable regulations were needed, unnecessary barriers were inappropriate.

Morgan Lumber Conditional Use Permit Application

Kay Pierantoni stated that while she was a non-voting member and not an owner of Morgan Lumber, she would also abstain from participating in the discussion on the application since she was closely related to the owners.

Staff presented their report on Morgan Lumber's conditional use permit application to expand their business operation onto a newly acquired parcel consisting of 59.42 acres made up of portions of Parcel 89-2-3, 89-2-5, and 89-2-6 and located off of Route 92 and Mosely Ferry Road, State Route 705, directly behind Morgan Lumber Company's current operations at 628 Jeb Stuart Highway. Proposed development includes a 350' X 350' storage building and a staging area for truck loading and tarping.

David Watkins made the motion to request a joint public hearing with the Board of Supervisors regarding the Morgan Lumber application. Kenny Howard seconded the motion, and the motion carried with all members present voting yes.

Staff Report

Staff recommended that the Commission consider holding a second public comment period near the end of the meeting to provide citizens with a specific time to provide comment following the meeting discussions while improving the overall flow of the meeting. Eugene Wells made the motion to adopt staff's recommendation. David Watkins seconded the motion. Chairman Carwile inquired if the Commission could still make direct inquiries of meeting participants. Staff confirmed they Robert's Rules of Order provided for that. There being no further discussion, motion carried with all members present voting yes.

Staff provided a status report on the Randolph Solar and Tall Pines Solar applications, noting that both had been received and were being reviewed by staff for completeness in accordance with ordinance requirements.

Staff also reported that the large-scale solar project on Ridgeway Farm was now operational and landscaping had been installed at Twitty's Creek Solar in the last few weeks. Eugene Wells confirmed the planting of 3' or 4' tall trees at Twitty's Creek.

Kay Pierantoni inquired about Twitty's Creek landscaping plan. Administrator Witt responded and stated that he would provide a copy of the plan.

Eugene Wells made the motion to adjourn the meeting. Cornell Goldman seconded and the motion and carried.