

Charlotte County Planning Commission
Public Hearing & Regular Meeting
July 27, 2021
Charlotte County Administration Office

Present:

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

Absent:

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

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

Chairman Carwile called the meeting to order at 7:30 pm and Clark Poindexter 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.

Kenny Howard made the motion to approve the June 22, 2021, minutes as presented. Gladys Reid seconded the motion and the motion carried with all members present voting yes.

Public Comment Period

Citizen George Toombs addressed the Commission, stating that he was disturbed by solar development and local officials' involvement in solar projects. Mr. Toombs requested the county increase taxes to keep out solar development. He also expressed the need for more stringent requirements for solar in line with regulations for intensive agriculture to protect adjacent landowners.

Citizen P.K. Pettus addressed the Commission, referencing a letter from the Department of Conservation & Recreation's Natural Heritage Project Review Coordinator to Moody Creek Solar and a similar letter to Court House Solar that recommended 100' setbacks for creeks from the top of the bank. Ms. Pettus then referred to a letter from State Forester Rob Farrell, stating timber harvested as part of a solar project would fall under the jurisdiction of the local erosion and sediment control program. Ms. Pettus also noted that she had requested state agencies communicate project related information to local officials by copying county staff on correspondence sent to the project owners.

Citizen Rodney Moon addressed the Commission regarding a letter law firm Boyd & Sipe had issued related to Parcel #70-A-27E, which Mr. Moon owns in conjunction with his father. Mr. Moon noted that since his father wanted to include his portion of the property in the Randolph Solar Project, his father had been advised by Boyd & Sipe that he needed to obtain an order from the Circuit Court partitioning the parcel. Mr. Moon expressed concerns regarding the divisions that solar development was causing among families and neighbors.

Morgan Lumber Conditional Use Permit Application

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

Staff reported that following the June 22nd meeting, they learned the dust bin and blower system shown on the Morgan Lumber site plan on Parcel #89-1-9A was a project they anticipated moving forward with soon although it had not been included in the application. Therefore, staff recommended that the Planning Commission allow Morgan Lumber to amend their application which was scheduled for a public hearing on August 9th to add Parcel #89-1-9A and the proposed dust bin and blower system. An updated staff report including the additional parcel was provided.

Kerwin Kunath made the motion to allow Morgan Lumber Company to incorporate Parcel 89-1-9A into their conditional use permit application that was already under review. David Watkins seconded the motion and the motion carried with all members present and voting yes.

Staff explained that the applicant requested the vote on the application be held at the September Board of Supervisors meeting since three of the seven members of the Board of Supervisors would not be in attendance at the August 9th hearings and board meeting. David Watkins made the motion that the Planning Commission consider a recommendation on the Morgan Lumber conditional use permit application at their regular August meeting. Eugene Wells seconded the motion, and the motion carried with all members present voting yes.

Battery Storage

Staff provided a report on Battery Energy Storage Systems (BESS), noting that other localities in the region were beginning to receive inquiries and application for them. Staff provided some options to move forward with developing regulations and also mentioned the possibility of waiting to address battery storage after the comprehensive plan review. Commissioners expressed an interest in reviewing the draft regulations provided by consultant Advantus Strategies and requested that staff arrange for a presentation.

Closing Public Comments

Citizen George Toombs addressed the Commission, stating that presenters on battery storage needed to represent both sides of the argument and fairness was needed. Mr. Toombs expressed concerns about the impact of utility-scale solar on the environment as well as mitigation, clean-up, and monitoring. He stated that setback requirements for hog farms should be used for solar.

Staff Report

Staff reported that a letter of application completeness was issued for Tall Pines Solar following staff's review of new and updated application materials that had been provided in response to staff's initial review comments.

Staff reported that new and updated application materials for Randolph Solar had been received in response to staff's comments following the initial application review. However, staff

had not yet completed their review of those materials. Staff also provided a brief overview of the Boyd & Sipe letter regarding Parcel #70-A-27E.

Staff notified the Commission of the Board of Supervisor's August 9th public hearing on the solar zoning amendments. In addition, staff recommended the Commissioners listen to the on-line audio file of the County Attorney's comments regarding conflict of interest from the July 12th Board meeting.

Commissioner's Time

Commissioner Cornell Goldman recommended the addition of a regulation for utility-scale solar requiring the establishment of the vegetative buffers in year one of solar project construction. He also recommended several species of trees for use in buffers.

Kay Pierantoni expressed concerns about localities' reliance on state agencies when it comes to oversight of solar development. Supervisor Pierantoni stated that through conversations with DEQ, she had learned that their role was minimal compared to the locality's role and while state agencies "encourage" certain measures, it would be up to the locality to implement them through the local ordinance and permitting process. Chairman Carwile inquired about the procedure for implementing DEQ and VDOT recommendations since they are made after the conditional use permit is issued. Kay Pierantoni recommended staff work with the third-party reviewer to assess recommendations previously provided by these agencies and incorporate those into application conditions. Commissioners then further discussed the role of DEQ and their on-site presence.

Supervisor Pierantoni presented additional maps created by an unidentified citizen, showing options for Randolph Solar as well as other approved projects in the County, noting that all of the information had not been verified. She expressed concerns regarding the need for additional overhead power lines to connect the various groups of panels in the Randolph project and also expressed concerns regarding Mr. Moon's property. Supervisor Pierantoni noted that the updated ordinance comparison SolUnesco had provided at her request did not include all of the localities with projects that were identified on the DEQ website while other counties included in the report did not have solar projects listed on the DEQ website.

Eugene Wells made the motion to adjourn the meeting, Cornell Goldman seconded the motion and the motion carried with all members present and voting yes.