

Charlotte County Planning Commission  
Public Hearing & Regular Meeting  
August 24, 2021  
Charlotte County Administration Office

Present:

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

Absent:

Clark Poindexter

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

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

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

Referencing a letter provided by attorney John Jansen regarding the advertisement of the 2232 review for Tall Pines Solar, staff stated that in accordance with §15.2-2232, a public hearing was not required for 2232 reviews unless specified by the Board of Supervisors. As the Board had not established a hearing requirement and the Commission had not requested a hearing, the Planning Commission could proceed with the agenda as presented.

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

Kenny Howard made the motion to approve the July 27, 2021, meeting minutes as presented. Eugene Wells seconded the motion and the motion carried with all members present voting yes.

Kerwin Kunath made the motion to approve the August 9, 2021, public hearing minutes as presented. Cornell Goldman seconded the motion and the motion carried with all members present voting yes.

***Public Comment Period***

Citizen David Tate's written comments included concerns about changes the Randolph Solar project will bring to the County. Mr. Tate inquired about protecting the interests of those citizens that will not receive a direct financial benefit from the project.

Citizens Edward & Janet Early provided written comments stating the importance of using the Conserve Virginia maps when considering solar applications. The Earlys expressed concerns related to solar's impact on forests, the environment, tourism, and the ability to attract new residents.

Citizen Sue Adams provided written comments stating her opposition to both Tall Pines Solar and Randolph Solar. Ms. Adams expressed concerns about the commercialization of rural property and solar's impact on natural beauty, agricultural land, and the environment.

Citizen Beverly Fitz's written comments noted the need for larger setbacks for solar and stated her support of the setback regulations Rodney Moon presented at the Board of Supervisor's August 9<sup>th</sup> public hearing.

Citizen Diane Lipscomb provided written comments requesting the County halt solar development and expressing concerns regarding solar's impact on natural beauty, property values, habitat, water, and soil.

Citizen Jack Reynolds, adjacent landowner to Tall Pines Solar, expressed concerns about the project's impact on nature, habitat, water quality, and the environment. Mr. Reynolds noted he had met with the developer earlier in the day. He also expressed concerns about the review timeline and inquired about the Tall Pines community meeting.

Citizen Charles Velez requested the County look at Tall Pines' impact on the environment and water quality and consider what might happen if a project goes bankrupt. Mr. Velez also addressed the importance of buffers and the use of existing vegetation in the buffer.

Citizen Robert Wood stated his preference for larger buffers and expressed concern regarding the increase in solar density if Tall Pines was approved since it would be near Court House Solar. He expressed concern about the amount of agricultural land that was being used for solar development.

Citizen George Toombs stated concerns regarding the structuring of solar facilities as limited liability corporations or LLCs and the associated risk for the County. Mr. Toombs also discussed non-disclosure agreements with solar developers and distributed a solar related brochure.

Citizen Gary Walker then thanked the Planning Commission for their work on solar and the time and effort that they put into the work that they do for the County.

Citizen Michelle Topp stressed the importance of the solar issue. She expressed concerns about the impact on wetlands and habitat. Noting the beauty of the county, she asked all parties involved to consider the bigger picture rather than just the financial benefit.

Citizen P.K. Pettus noted the importance of proper site selection for solar, use of Conserve Virginia maps, wildlife corridors, buffers and consideration of potential harm. She asked Commissioners to consult with the experts to address concerns and to consider cumulative impact.

### ***Tall Pines Solar 2232 Review***

Kay Pierantoni requested the Planning Commission defer action on the Tall Pines Solar 2232 review until after the applicant held their community meeting. Commissioners discussed the application's reference to holding a community meeting within 30 days of acceptance, noting the community meeting regulation had not been adopted by the Board of Supervisors yet.

David Watkins made the motion to defer action on the 2232 review for Tall Pines until after the applicant held a community meeting. Cornell Goldman seconded the motion and the motion carried with all members present voting yes.

After discussing the 2232 review timeline, David Watkins made the motion to request a 60-day extension on the Tall Pines Solar 2232 review. Kenny Howard seconded the motion and the motion carried with all members present voting yes.

Darren Coffey and Richard Street with the County's third-party reviewer, The Berkley Group, then presented a staff report for the 2232 review of Tall Pines Solar, addressing the general purpose and process of the review and providing a project overview as well as specific citations from the comprehensive plan. Mr. Coffey emphasized the value of the process, the importance of using the comprehensive plan to guide development, and that the Planning Commission must make the determination. Following coverage of the comprehensive plan citations, the Berkley Group reported the Tall Pines Solar project appeared to meet the Comprehensive Plan's overall land use goals, objectives, and strategies.

Commissioners then discussed the need to verify the quality of proposed access roads and the location of adjacent structures, the process for monitoring the buffers, DCR mapping tools that were used for the report, appropriate land slope, and the reviewer's final determination. The Berkley Group stated a wildlife survey was needed and could be required either through the comprehensive plan or the conditions of a project. In addition, they recommended using a third-party reviewer for erosion & sediment control plan reviews and inspections to ensure compliance.

#### ***Morgan Lumber Company, Inc. Conditional Use Permit Application***

Commissioners reviewed the staff report for the Morgan Lumber conditional use permit application. David Watkins made the motion to recommend approval of Morgan Lumber's conditional use permit application with conditions as presented. Deborah Haskins seconded the motion and the motion carried with all members present voting yes and Kay Pierantoni abstaining from participating in any discussion regarding the application.

#### ***Battery Storage Work Session***

Staff recommended that Joe Lerch, Director of Local Government Policy for the Virginia Association of Counties, be invited to lead the work session on Battery Energy Storage Systems (BESS) and solar. Commissioners requested staff coordinate the work session. Supervisor Pierantoni requested that Board members be included as well.

#### ***Request for 60-Day Extension for Randolph Solar 2232 Review***

Commissioner William V. Nichols declared that he had a personal interest in the Randolph Solar project and would therefore not be participating in any discussion or action associated with Randolph Solar.

Staff explained that a 60-day extension was needed on the Randolph Solar 2232 review to provide sufficient time to complete the review. David Watkins made the motion to request a 60-day extension for Randolph Solar's 2232 review. Cornell Goldman seconded the motion and the motion carried with William V. Nichols abstaining and all other members present voting yes.

### ***Closing Public Comments***

Citizen P.K. Pettus clarified DEQ's various roles, stating that Mary Beth Majors with Virginia DEQ's permit by rule (PBR) process for renewable energy certified responses needed from specific agencies were received, while erosion and sediment control and stormwater management was managed through a separate process.

Citizen George Toombs addressed the Commission expressing concerns about the contents of solar panels and potential environmental impacts associated with the panels.

### ***Staff Report***

Staff notified Commissioners of the upcoming Certified Planning Commissioners training program and reported that the County had established an agreement with the Commonwealth Regional Council for the upcoming comprehensive plan review, tentatively scheduled to begin in November.

### ***Commissioner's Time***

Kay Pierantoni addressed the importance of the Planning Commissioner role and apologized if her comments had offended anyone. She noted that she was not opposed to solar but wanted to ensure adjacent landowners' interests were protected.

Chairman Carwile noted the work the Planning Commission had put into solar and the research done by other agencies regarding setbacks and buffers to assist the Commission. Supervisor Pierantoni then requested staff include that information in the September Board packet.

David Watkins made the motion to adjourn the meeting and the motion carried.