

At Joint Public Hearings of the Charlotte County Board of Supervisors and the Charlotte County Planning Commission held in the Administration Building of said county on May 28, 2020 at 6:00 p.m.

Present: Garland H. Hamlett, Jr. Chairman
Gary D. Walker, Vice Chairman
Robert L. Shook, Jr.
Kay M. Pierantoni
Tony Reeves
Donna Fore
Will Garnett

Absent:

Chairman Hamlett called the meeting to order.

Tony Reeves gave the invocation.

After due notice was given, the Charlotte County Board of Supervisors held a joint public hearing with the Planning Commission to receive comments on a Conditional Use Permit Application for U. S. Cellular to construct a telecommunications tower on the property owned by Blue Rock Resources on Mapleton Road in Charlotte Court House.

Chairman Hamlett called the Public Hearing to order for the Board of Supervisors and Debra Haskins, Chairman for the Planning Commission called the Public Hearing to order for the Planning Commission.

Debra Haskins, Chairman for the Planning Commission addressed the Board with the following staff report:

Subject: Joint public hearing with the Planning Commission regarding USCOC of Virginia RSA #3, Inc.'s (US Cellular) conditional use permit application for the construction of a telecommunication tower on property owned by Blue Rock Resources, LLC and identified as a portion of Tax Parcel 8-A-26, located on Mapleton Road, Charlotte Court House (in the Madisonville area.)

SUBJECT HIGHLIGHTS

Application Receipt Date: January 22, 2020

Planning Commission Review: February 25, 2020

Owner: Blue Rock Resources, LLC

Tower Company: USCOC of Virginia RSA #3, Inc. (U.S. Cellular)

Tower Company Representative: Emilee Lauer, Old Dominion Professional Services

Tax map: 8-A-26

Zoning District: General Agricultural

Address: Mapleton Road, Charlotte Court House, VA 23923

Description of Location: Site is located in the Madisonville area approximately .5 miles west of Corner Grocery/Deli. Travelling north on Thomas Jefferson Hwy. (Rt. 47), turn left on Harvey Road (Rt. 665), travel 300 feet then turn right onto Corner Road (Rt. 696), travel 450 feet & turn left on Mapleton Road (Rt. 703). Site is on the right.

Parcel Acreage: 142.56

Tower Lot Size: Leased area is approximately 10,000 square feet (100' X 100'). Approximately .6 of an acre will be disturbed including the driveway.

Other Structures on the Parcel: None

Current Use for Proposed Location: Open fields surrounded by timber

Proposed Use: 155' Monopole Telecommunication Tower. The application states the tower would serve as a macro capacity site for offloading existing towers in the area & would cover distant rural residential traffic at greater than 2 miles, providing a better experience for all customers by improving cellular/data traffic in the area.

Setbacks: The proposed tower meets the County's 400' setback requirement.

Ingress/Egress: The applicant proposes a 30' non-exclusive access/utility easement extending from Mapleton Road. The proposed easement would make use of the existing gravel drive and would include an extension to the tower site. Total length of the easement is approximately 1775 feet.

Fencing: Plans include an 8' chain link fencing topped with 3 strands of barbed wire.

Screening: Existing vegetation would be used as landscape screening.

Adjacent Properties

Total Adjacent Parcels: 9 PARCEL	LANDOWNER	SIZE/CURRENT USE
8-A-22	John & Bonnie Gee	86.2 Acres Cabin & Outbuildings/Timberland
8-A-23	Douglas Deaner	93 Acres / Single Family Dwelling & Outbuildings / Timberland & Open land
8-A-25	Mary S. Lee, Kathleen Kress, & Georgianna S. Covington	60 Acres Timberland
9-A-24	Philip & Verna Seckman	100.3 Acres / Single Family Dwelling & Outbuildings / Timberland & Open land
9-A-26	James Carwile, Henry W. Carwile, Jr. & Augusta Carwile	166.8 Acres Timberland & Open land
9-A-27	Eleanor Cox	6.7 Acres Single Family Dwelling & Outbuildings
9-A-30A	Judy Gibson	.6 Acres Single Family Dwelling & Outbuilding
9-A-30B	Gary & Susie Ramsey	1 Acre Convenience Store
9-A-30C	Judy Gibson	2.1 Acres Single Family Dwelling & Outbuildings

Conditions Proposed by Staff:

1. The tower owner shall adhere to all federal, state, and local laws, regulations, ordinances and permit requirements for the construction and operation of the proposed facility.
2. The facility shall be constructed and operated in substantial compliance with the application provided and the approved site plan.
3. The County Administrator, Building Official, Zoning Administrator, or any other parties designated by those County officials, shall be allowed to enter the property to check for compliance with the provisions of this permit, with reasonable advanced notice and subject to the security, health and safety standards and regulations that apply to the project site.
4. The proposed tower shall be fully operational within two years of the application approval date. Extensions may be granted upon written request by the tower owner to the zoning administrator, 45 days prior to lapse of approval. A six month extension may be granted at the discretion of the zoning administrator. Further extensions may be authorized only by board of supervisors' approval upon the applicant showing a good cause.
5. The tower owner will notify Charlotte County of any additional equipment placed on the tower after the tower is put into operation and will obtain a building permit from the County for the installation of said equipment.

6. The tower owner shall be responsible for restoring the existing driveway to its original condition or better if it is damaged as a result of the work associated with the proposed project or due to subsequent use by the tower owner and/or his agents.

7. Any infraction of the above-mentioned conditions may lead to a stop order and revocation of the Conditional Use Permit, if it be the wishes of the Charlotte County Board of Supervisors.

Public Comment:

Chairman Hamlett read the following comment provided by Bridgette Sinnott:

“I support a conditional use permit for a U. S. Cellular Tower. We need more resources in this area and if they are willing to put money into bringing those resources into our county, let them.”

Being no further comments the Public Comment period was closed and the Public Hearing was adjourned.

After due notice was given, the Charlotte County Board of Supervisors held a joint public hearing with the Planning Commission to receive comments on a request for a Zoning Text Amendment to include Retreats.

Chairman Hamlett called the Public Hearing to order for the Board of Supervisors and Debra Haskins, Chairman for the Planning Commission called the Public Hearing to order for the Planning Commission.

Debra Haskins, Chairman for the Planning Commission addressed the Board with the following staff report:

SUBJECT HIGHLIGHTS

The Planning Commission received an application for a zoning text amendment from Dave & Debbie Sanders, requesting that additional language be added to the Zoning Ordinance to allow for the construction of multiple cabins and associated facilities for short-term stays on a parcel in the General Agricultural District. After reviewing their request & zoning regulations for similar uses in other Virginia localities, the Planning Commission has prepared draft language for consideration that would establish Retreats as a conditional use in the General Agricultural District, incorporate Retreats into the definition and supplemental regulations for campgrounds, and update those regulations (see the proposed amendments.)

Project Information:

If approved, the zoning amendment would apply to all future requests for retreats and campgrounds, not just the project being considered by the Sanders. The Sanders have not submitted an application for their project at this time but are considering locating three cabins less than 250 sq. ft. each, on their property for short-term stays. If an application is submitted, it will be reviewed by the Planning Commission and an advertised joint public hearing (or separate public hearings) by the Planning Commission and the Board of Supervisors with notification to adjacent landowners will be conducted before the Board votes on the application.

Public Comment:

Being no public comment, the public comment period was closed, and the Public Hearing was adjourned.

After due notice was given, the Charlotte County Board of Supervisors held a joint public hearing with the Planning Commission to receive comments on a request for a Zoning Text Amendment – Development of Nonconforming Lots (§11-3-2)

Chairman Hamlett called the Public Hearing to order for the Board of Supervisors and Debra Haskins, Chairman for the Planning Commission called the Public Hearing to order for the Planning Commission.

Debra Haskins, Chairman for the Planning Commission addressed the Board with the following staff report:

SUBJECT HIGHLIGHTS

County staff requested that the Planning Commission review Section 11-3-2 of the Charlotte County Zoning Ordinance, which relates to the development of parcels that were created lawfully but do not meet current lot size requirements (established November 5, 2002). Staff felt the existing language lacks clarity and does not provide for efficient land use in the County. After their review, the Planning Commission drafted language that allows for the development of nonconforming lots for permitted uses when other zoning requirements of the zoning district including setbacks are met and the Health Department approves the site for well and septic systems if applicable. Based on tax records there are more than 2,300 lots that are less than three acres in size, do not have structures on them, and fall under County zoning jurisdiction (not located in town).

Section 11-3-2 of the Charlotte County Ordinance currently states the following:
11-3-2. Uses Allowed. Any lot of record, located within any zoning district, that is nonconforming as to required lot area, lot frontage, or any combination thereof, may be used for its current use or a more restricted use, as determined by the Zoning Administrator. All uses on nonconforming lots must conform to the required setbacks of the zoning district in which the lot is located.

The proposed zoning amendment would replace Section 11-3-2 with the following language:

11-3-2. Uses Allowed. Where a lot of record as of November 5, 2002, does not satisfy the minimum area size required in the district, or is not of the minimum width required in the district, such lot may nevertheless be used for a permitted use in that district, provided that all requirements governing such permitted use, other than lot area or lot width, can be satisfied. The requirements which must be satisfied include approval by the local Health Department of individual water supply and/or private sewage disposal systems.

A nonconforming lot of record as of November 5, 2002, which does not satisfy the minimum area size required in the district, or is not of the minimum width required in the district, may be increased in size by an abandonment of a lot line, or by a boundary line adjustment. Where a boundary line adjustment is performed to allow for the development of a nonconforming lot in accordance with this regulation and there is sufficient land to satisfy the minimum lot size and width required in the district, the resulting lot shall comply with lot size and width requirements for the district. If the new lot so created does not meet the minimum area size required in the district, or is not of the minimum width required in the district, said new lot may be used for a permitted use in that district, provided that all requirements governing such permitted use, other than lot area or lot width, can be satisfied. The requirements which must be satisfied include approval by the local Health Department of individual water supply and/or private sewage disposal systems.

Public Comment:

Being no public comment, the public comment period was closed, and the Public Hearing was adjourned.

After due notice was given, the Charlotte County Board of Supervisors held a joint public hearing with the Planning Commission to receive comments on a request for a Zoning Text Amendment – §10-23-5 which currently limits the density of utility-scale solar to 3% in any give 5 mile radius.

Chairman Hamlett called the Public Hearing to order for the Board of Supervisors and Debra Haskins, Chairman for the Planning Commission called the Public Hearing to order for the Planning Commission.

Debra Haskins, Chairman for the Planning Commission addressed the Board with the following staff report:

SUBJECT HIGHLIGHTS

SolUnesco has expressed an interest in submitting an application for a utility-scale solar project that exceeds the current density regulation which limits utility-scale solar development to 3% of land area in any given 5 mile radius (or approximately 1,500 acres out of 50,265 acres). Therefore, the Board of Supervisors referred the regulation to the Planning Commission for further review.

The Planning Commission reviewed the regulation at their April 28 meeting & asked staff to draft language that would keep the existing 3% density restriction as part of the ordinance while also providing the Board of Supervisors authority to approve projects that would result in higher density when they determined it was appropriate.

Proposed Amendment:

The proposed amendment to the Zoning Ordinance, as drafted by the County Attorney, with changes marked in red, is as follows:

10-23-5. Density. Absent specific authorization by the Board of Supervisors as part of a Conditional use Permit, no more than three percent (3%) of the land area in any given five-mile radius shall be approved for use as the project area for Utility-Scale Solar Energy Systems. For the purpose of calculating density, the project area for a Utility-Scale Solar Energy System shall consist of the entire fenced-in area and the required landscaped buffer zone. Under circumstances deemed appropriate by the Board of Supervisors, the Board may approve a more dense development for Utility Scale Solar Energy Systems, and establish the maximum density permitted for the subject Utility Scale Solar Energy System.

Project Information:

If approved, the zoning amendment would apply to all future utility-scale solar projects, not just SolUnesco's "Randolph Solar" project. However, staff has received several inquiries about SolUnesco's project, so general project information is being provided. If an application is submitted, it will be reviewed by the Planning Commission with assistance from a third-party reviewer and would require advertised public hearings by the Planning Commission and the Board of Supervisors with notification to adjacent landowners before the Board votes on the application.

Public Comment Period:

Stuart Topp addressed the Board. Mr. Topp is concerned with the impact large solar farms will have on the land and surrounding areas in Charlotte County. Mr. Topp is also concerned with the increase of the density from 3% to 7% and how this will affect developments and payments made to the County. Mr. Topp stated his concerns for the land being closed off with chain link fencing to activities such as dog hunting. He is also worried there will not be anymore crops grown due to the solar farms destroying the land. Mr. Topp urges the Board to keep the density regulations in place or to consider placing this item on the November general election ballot.

Being no public comment, the public comment period was closed, and the Public Hearing was adjourned.

After due notice was given, the Charlotte County Board of Supervisors held a joint public hearing with the Planning Commission to receive comments on a request for a Zoning Text Amendment – §10-23-4 which currently prohibits locating utility-scale solar within 1 mile of a town boundary.

Chairman Hamlett called the Public Hearing to order for the Board of Supervisors and Debra Haskins, Chairman for the Planning Commission called the Public Hearing to order for the Planning Commission.

Debra Haskins, Chairman for the Planning Commission addressed the Board with the following staff report:

SUBJECT HIGHLIGHTS

NOVI Energy has expressed an interest in submitting an application for a utility-scale solar project with the closest site boundary located .59 miles from the boundary of the Town of Charlotte Court House. However, Zoning Ordinance Section 10-23-4, as currently written, prohibits solar development within one (1) mile of town limits. The Board of Supervisors referred the regulation to the Planning Commission for review, requesting the Commission consider amending the restriction to ½ mile from town boundaries.

The Planning Commission reviewed the regulation at their April 28 meeting & asked staff to draft language that would keep the existing one mile restriction as part of the ordinance while also providing the Board of Supervisors authority to approve projects in closer proximity to town boundaries when they determined it was appropriate.

Should the proposed language be adopted, the General Residential Zoning District will continue to provide a ¼ mile buffer between each town and utility-scale solar. (The Zoning Ordinance does not allow utility-scale solar development in the General Residential District, which extends ¼ mile outside of all town boundaries.)

Proposed Amendment:

The proposed amendment to the Zoning Ordinance, as drafted by the County Attorney, with changes in red, is as follows:

10-23-4. Location. **Absent specific authorization by the Board of Supervisors as part of a Conditional Use Permit**, No Utility Scale Solar Energy System shall be located within one (1) mile of an existing town boundary. **Under circumstances deemed appropriate by the Board of Supervisors, the Board may approve a Utility Scale Solar Energy System location closer than one (1) mile to an existing town boundary and establish the permitted distance from such system to an existing town boundary.**

Project Information:

If approved, the zoning amendment would apply to all future utility-scale solar projects, not just NOVI's project. However, since staff received some inquiries about NOVI's project, some general project information is being provided. NOVI has met with County staff regarding a potential 167 MW project on 1,350 acres along George Washington Highway. If an application is submitted, it will be reviewed by the Planning Commission with assistance from a third-party reviewer and would require advertised public hearings by the Planning Commission and the Board of Supervisors with notification to adjacent landowners before the Board votes on the application.

Public Comment Period:

Being no public comment, the public comment period was closed, and the Public Hearing was adjourned.

Chairman Hamlett adjourned the meeting.

BY:

Daniel N. Witt, Clerk

APPROVED:

Garland H. Hamlett, Jr. - Chairman