

Staff Report
Randolph Virginia Solar Project
Public Facility Application Review
Code of Virginia § 15.2-2232
Charlotte County, Virginia

Report Date: September 15, 2021
Planning Commission Meeting Date: September 28, 2021

APPLICATION SUMMARY

Project: Randolph Virginia LLC. Solar

Location: The project area is made up of a combinations of multiple smaller solar panel groupings, interconnecting through contiguous parcels in the Wylliesburg/Red Oak and Bacon/Saxe Districts. The project is bound on the southeast by Kings Highway (Rt. 360), on the northeast by Crafton Gates Hwy (Rt. 47), and to the north by Mossingford Rd. (Rt. 642). The farthest west portion of the project area is along the east banks of the Roanoke River (also known as the Staunton River) and along the wetland setback limits of Wallace Branch.

Parcel Record Numbers: The noncontiguous multiple site areas consist of 300 parcels. The parcel listing is provided as Attachment A.

Proposal: Applicant’s request for review of the Randolph project pursuant to Virginia Code Section 15.2-2232

Application Submitted: June 8, 2021
Revisions received June 14, 2021 and July 23, 2021
Deemed complete on August 2, 2021

Applicant: Randolph Virginia, LLC
c/o SolUnesco LLC
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Representative: Francis Hodsoll
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Owners: A list of property owners is included in the parcel listing, provided as Attachment A.

PLANNING COMMISSION ACTION

The Applicant has requested that the Planning Commission review its proposed solar energy facility, as a “public utility facility” under Virginia Code Section 15.2-2232(A), to determine whether the general or approximate location, character, and extent of the proposed facility is substantially in accord with the County’s Comprehensive Plan.

Staff has recommended that the Planning Commission review the request for determination under Virginia Code Section 15.2-2232 prior to any review of a conditional use permit (CUP) application. Subject to the Planning Commission’s 2232 decision, the Planning Commission will separately review and consider the merits of any associated CUP Application.

PURPOSE OF THE REVIEW UNDER VIRGINIA CODE SECTION 15.2-2232

Virginia Code Section 15.2-2232 requires that the Planning Commission review all proposed developments that include a “public utility facility” prior to the construction or authorization of such facility. The purpose of the Planning Commission’s review is to determine whether the general or approximate location, character, and extent of the proposed public utility facility is substantially in accord with the Charlotte County Comprehensive Plan or part thereof. The Planning Commission has set aside time at its September 28, 2021 meeting to afford citizens an opportunity to offer their comments to the Planning Commission. The Planning Commission must advise the Board of Supervisors of its determination. If appealed by the Applicant, the Board of Supervisors may overrule the action of the Planning Commission.

PROPOSED DEVELOPMENT

The Applicant proposes to construct an 800 megawatt (alternating current) photovoltaic solar energy generation facility. The project is a combination of multiple smaller solar panel groupings interconnected through contiguous parcels in the Wylliesburg/Red Oak and Bacon/Saxe Districts. Based on the Applicant’s current environmental site due diligence and engineering, the 300 project parcels within the project area equals 21,071 acres of land, approximately seven (7) percent of Charlotte County. While the Applicant’s conceptual drawings show approximately 6,800 acres in the project footprint to be in the fence-line, the Applicant has forecasted that this exceeds what will be needed for the 800 megawatt facility and will be reduced to approximately 5,000 acres after further site analysis. Approximately 75 to 80 percent of the area within the project is not proposed to include solar infrastructure.

The project infrastructure will consist primarily of approximately 1.23 million solar panels with up to approximately 270 inverters located on 200 pads, a substation with transformers, switchgear, and dead-end structures, and a control building. The project will interconnect to the grid via the transmission line as well as switching station, through the property.

The project is bound on the southeast by Kings Highway (Rt. 360), on the northeast by Crafton Gates Hwy (Rt. 47), to the north by Mossingford Rd. (Rt. 642), the farthest west portion of the project area is along the east banks of the Roanoke River and along the wetland setback limits of Wallace Branch. The project comes back inland (east side of the Roanoke River) down to Randolph and follows the northeast side of the Staunton River Battlefield State Park back to the river then along the shore to the

southern property line of parcel 77-A-5 and following the southern lines of parcels 84-A-1 and 84-A-5-E then crosses the Coleman Ferry Rd. (Rt. 611) following the southern property line of parcel 84-A-3-A to Roanoke Station Rd. (Rt. 607), from there the property follows behind several properties along Roanoke Station Rd. back to Kings Highway.

The Applicant proposes a 50-foot setback to neighboring properties and a 125-foot setback to the state road centerline. The proposed setback areas will include a 25-foot vegetative buffer (consisting of existing and/or future growth provided by the Applicant). The proposed buffer will consist of undisturbed existing forested areas, proposed native evergreen trees, proposed native pollinator plants, and proposed shrubs with consultation with County staff and VA-DEQ.

Based on information provided by the Applicant on September 21, 2021, the Applicant is proposing to provide a 400' setback from the fence line for off-site residential structures in response to the solar amendments recently adopted by the Charlotte County Board of Supervisors. In addition, all project fence lines would be a minimum of 100' from the property lines of parcels not in the project.

EXISTING CONDITIONS AND ZONING

Parcels within the project area are currently zoned General Agricultural and are identified as Agricultural, Forestry, Parks & Recreation, Crossroads Community, and Rural Areas on the Future Land Use Map. The project area includes forested and cleared land and has been used for timber production and agriculture.

The area has sections of steep slopes, and the applicant proposes that solar PV equipment will not be installed in areas with slopes greater than 15%.

The project area also includes streams, wetlands, and other water bodies. Most prominently, Sandy Creek, Horsepen Creek, Roanoke Creek, Wallace Branch and the Roanoke River and all of their named and unnamed tributaries, including a large section of associated wetlands that traverse the project area. The applicant proposes to use existing roads and culverts to avoid constructing new road crossings in wetlands.

According to the Department of Conservation and Recreation's ConserveVirginia data, there appears to be several known historic and scenic resources within the project limits (see Attachment B, Exhibits A-I). Primarily the cultural and historic preservation category's potential for Civil War, architecture, community, resources, and direct working settlements. There are also historical state recognized persons of interest having homesteads and/or long-term association within the communities and state. Other notable resources in or near the proposed project area include:

- Natural habitat and ecosystem diversity resources primarily identified potential habitat areas. There are no identified endangered species.
- General, moderate and high value ecological cores. The portion of the site west of Scuffletown Road shows Very High to Outstanding for habitat & Ecosystem Diversity; a detailed study will be required before any vegetation removal.
- Average to outstanding forest conservation values, the highest outstanding classification falls within wetland areas already identified by the applicant to be preserved and left natural. and
- Class IV watershed conservation priority. The class IV classification falls within wetland areas already identified by the applicant to be preserved and left natural.

There are three areas within the project limits that are on both the Virginia Outdoor Foundation (VOF) and the Department of Conservation and Recreation (DCR) maps designated as conservation easements. One parcel (70-A-11) in the project area currently shows solar panels which would conflict with the conservation area designation.

ADJACENT AND SURROUNDING USES

The areas surrounding the proposed project area share the same land use and zoning characteristics – rural, agricultural, forestry uses – as well as the same land use classifications.

Based on the County GIS, the proposed project shows some residential structures near the proposed solar arrays. Due to the known GIS discrepancies across Virginia, it is difficult to assess these potential impacts without a detailed, field verified study for the project areas. All potential points of concern are required to be field verified before site plan submission by the design engineer. This information will be required before site plan submission.

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan (2016) was adopted on February 14, 2017. The plan does not explicitly address utility-scale solar facilities or other specific land uses, but that does not by itself justify a “not sufficiently in accord” determination. The following plan citations should be considered.

In **Chapter 1, Introduction**, page 6 states “The overall goal of the Charlotte County Comprehensive Plan is to allow suitable economic and physical development while retaining the County’s natural assets and quality of life.”

In **Chapter 2, History, Physical Conditions, Demographics, and Economy**, page 11 states the “Charlotte County is overwhelmingly rural with substantial amounts of valuable farmland and forest cover” and indicates overall land cover is 68.7% forest and 22.3% pastureland and fields. As such, most land located outside town limits is identified as the agricultural district in the zoning map.

Chapter 2 further describes the natural and cultural resources in the county, including good soils for farming, forests, mineral resources, scenic areas (rivers, trails, and scenic byways), and historic resources.

In addition, Chapter 2 describes the two business/industrial parks in a Virginia Enterprise Zone (Charlotte County Industrial Park and The Virginia’s Heartland Business Park). There are two other industrial sites in Charlotte County with the potential to house major manufacturing operations or other enterprises (the former Shaw building and a large undeveloped site zoned General Industrial located on the southern side of Drakes Branch).

In Chapter 2, under “Economy,” the plan shares these relevant points:

- Agriculture is the foundation of Charlotte County’s economy, culture, and land use (page 58),
- Forestry and wood products are the second major element of Charlotte County’s economy (page 66), and

- Attracting new businesses and expanding existing ones in order to provide local job opportunities is a major focus of the Charlotte County Board of Supervisors (page 3). Solar projects of this type do not provide long-term employment opportunities.

In **Chapter 3, Issues, Goals, and Strategies**, the plan lays out the county’s priorities. Relevant issues, goals, and strategies are listed below my category.

Agriculture and Forestry (page 71)

- Goals:
 - Preserve the productive agriculture and forest land and facilities in Charlotte County
 - Preserve economically viable agriculture and forestry enterprises in Charlotte County
- Strategy:
 - Ensure that county land use policies protect existing agriculture and forestry activities, and will encourage the orderly and responsible growth of animal and plant industries

Economic Development and Energy (pages 72-74)

- Issues:
 - Need for more quality jobs in economically viable businesses (including agriculture & forestry)
 - Quality of life in Charlotte County
 - Energy supply for Charlotte County homes and businesses power is off-site
- Goals:
 - Protect and improve the quality of life in Charlotte County
 - Provide sufficient, appropriate, and affordable energy supplies for Charlotte County homes and businesses
- Strategies:
 - Include quality of life cost-benefit evaluations in the planning process
 - Recognize and protect the rights of adjacent property owners
 - Promote appropriate land and natural resource use throughout the county
 - Promote the development and retention of retail establishments and service industries in the towns and surrounding areas
 - Encourage the establishment of economically viable rural businesses in order to help preserve rural land and quality of life.
 - Preserve and protect the county’s unique natural & historic resources
 - Encourage the provision of adequate, affordable energy to Charlotte County
 - Encourage the use of economically viable alternative energy sources

Land Use and Housing (pages 72-73)

- Goals:
 - Ensure the optimal and balanced use of Charlotte County’s land and natural resources to benefit citizens, businesses, and government organizations now and in the future
 - Preservation of land and vegetation
 - Preservation of county air quality
 - Preservation and enhancement of county scenic vistas

Chapter 4, Land Use Plan (page 81), “establishes the broad outline for managing future land use in Charlotte County. The plan designates specific areas of the county for various types of use and

development and then establishes land use and development policies for each area. The Land Use Plan is the primary means of accomplishing the Comprehensive Plan’s overall goal “...to allow suitable economic and physical development while retaining the County’s natural assets and quality of life.” The guidelines, policies and maps included in the plan are carefully aligned with the vision, goals and strategies outlined in the Comprehensive Plan. This ensures that the plan promotes a rational, systematic strategy for future land development.”

“The Land Use Plan serves as a fundamental part of the legal basis for land management actions. While the Land Use Plan contains broad policies rather than specific regulations, it plays a key role in developing and changing local land use laws. Regulations contained in the county zoning and subdivision ordinances should support the policies of the county's Land Use Plan and, in turn, the overall vision and goals of the Comprehensive Plan.”

“Charlotte County is a predominately rural jurisdiction whose citizens wish to maintain its rural character. However, the need for and the inevitability of growth and the resulting physical development is recognized. Therefore, a basic land use plan is required. Therefore, the approach of this land use plan is to encourage **development** in the **most logical areas**, and to encourage **rural activities and preservation** in the remainder of the county.” Solar is clearly not envisioned

The term “development” encompasses the following:

- Commerce and industrial parks
- Medium to large commercial establishments
- Medium to large residential subdivisions

The term “most logical areas” are those areas with:

- Access to major public roads
- Access to rail service
- A public water supply system
- A public sewer collection and treatment system
- Other necessary utilities

The terms “rural activities and preservation” encompass the following:

- Agriculture and forestry
- Home-based and farm-based businesses
- Small commercial establishments
- Small residential subdivisions
- Historically-significant buildings and sites
- Scenic areas
- Outdoor recreation areas
- Watersheds
- Unique environmental features

The plan also identifies four principles that apply to Charlotte County’s future land use:

- Conserve Virginia’s Natural and Scenic Assets
- Maintain a Clear Edge between Town and Countryside

- Preserve Historic Resources
- Respect Local Character in New Construction

Chapter 6, Implementation (page 102) recommends the following relevant actions, among others, for the indicated categories.

Agriculture and Forestry

- Use soil capability information as part of land use planning and zoning decisions.
- Establish appropriate area and land use buffer zones to protect productive agriculture and forestry lands and their watershed areas.

Economic Development and Energy

- Develop criteria for assessing the physical, social, and economic impact of potential development on the community. (Planning Commission)
- Lots on tourism – historical and natural
- Encourage and assist in the development of alternative energy production.
- Expand and improve broadband service and access.

Land Use and Housing

- Establish a specific Charlotte County policy of using Charlotte County’s land and natural resources in an optimal and balanced way to preserve unique assets and the rural quality of life while benefiting citizens, businesses, and organizations now and in the future.

STAFF ANALYSIS AND COMMENTS

A. Applicant’s Position

In the signed application materials dated April 28, 2021 the Applicant provided the CUP application and signatures. A revised project description () containing the preliminary plan sheets, a Decommissioning Plan, and a Land Management Plan was submitted to the County on July 23, 2021 and is available for review on-line at <https://randolphsolar.solunesco.com/community/> and in person at the Charlotte County Administration Office.

The Applicant identifies the following items in support of its project:

- The proposed project is in the General Agricultural district.
- The proposed project will have a positive impact on the local economy.
- A transmission line crosses the property for interconnection to the grid.
- On-site wetlands, water bodies, and streams will remain undisturbed.
- Site entrances will be secured.
- The existing vegetation provides effective screening.
- The Applicant will meet with first responders prior to construction.
- The Applicant states that “The Solar Facility, including fencing, shall be screened from ground-level view of adjacent properties by a natural buffer zone at least twenty-five (25) feet wide consisting of existing evergreens and deciduous vegetation.” (Ref. Page 24 under 4.III.B)

B. Staff Analysis

Staff has analyzed the proposed project considering the above referenced citations from the county's Comprehensive Plan.

The Economy chapter of the plan cites forestry and wood products as a primary use, this proposed project competes with those activities. The chapter cites agriculture as the foundation of the County's economy, culture, and land use, and this project inhibits that potential (or existing) land use. The chapter also emphasizes creating local job opportunities and most of the jobs related to the construction of the project would be from outside labor.

Other sections of the Comprehensive Plan that appear to be in conflict with the proposed project include:

- Preserve the productive agriculture and forest land and facilities
- Preserve economically viable agriculture and forestry enterprises
- Ensure that county land use policies protect existing agriculture and forestry activities
- Quality jobs in economically viable businesses (including agriculture & forestry)
- Promote appropriate land and natural resource use
- Preserve and protect the county's unique natural & historic resources
- Ensure the optimal and balanced use of Charlotte County's land and natural resources
- Preservation and enhancement of county scenic vistas
- Establish appropriate area and land use buffer zones to protect productive agriculture and forestry lands and their watershed areas.

With regard to energy production specifically, the Plan cites a primary issue, "Energy supply for Charlotte County homes and businesses." The Plan then sets forth a goal to, "Provide sufficient, appropriate, and affordable energy supplies for Charlotte County homes and businesses." The energy generated from this facility will go onto the energy grid for general consumption based on need (i.e., most of the power will not stay in Charlotte County to serve local residents and businesses).

The Plan does state in the Implementation chapter the following recommended actions:

- Encourage and assist in the development of alternative energy production.
- Expand and improve broadband service and access.

The proposed project would implement the first action and, if negotiated appropriately through a siting agreement, could significantly address the second action.

In addition to the above Comprehensive Plan analysis, other considerations include:

- There does appear to be known historic, scenic resources, scenic rivers and conservation areas within and/or near the project limits near the project area.
- There does appear to be natural habitat and ecosystem diversity resources, general to high value ecological cores, average to outstanding forest conservation values, and lowest to medium priority watershed conservation priority within the project limits.

- The applicant has option agreements on 21,071 acres of agricultural and forested lands which equates to 6.9 percent of the total County acreage. Of this controlled area the 6,800 acres that are proposed for solar equipment equals 2.2 percent of the County's total acreage. If the fenced-in area where solar equipment will be located is reduced to 5,000 acres following additional site analysis as the Applicant forecasts, the area would amount to 1.6 percent of the County's total acreage.

Finally, it is worth noting that:

- The project is located on land primarily used for timber production, one of the County's two primary industries. Some agricultural land is also impacted, and these enterprises will not be preserved.
- Utility-scale solar facilities convert a large area of land to an industrial scale use.
- Utility-scale solar facilities create very few, if any, long term jobs. The primary benefit to the County is during active construction, however most projects bring in outside labor. There are some economic benefits in the short term (e.g., food & lodging).
- Solar is an alternative green energy source supporting a county strategy and the state's clean energy goals.
- Utility-scale solar facilities are generally a passive land use requiring few county services and generating little noise or emissions.

As recommended in the Comprehensive Plan, the Commission should consider these principles for Charlotte County's future land use:

- Conserve Virginia's Natural and Scenic Assets
- Maintain a Clear Edge between Town and Countryside
- Preserve Historic Resources
- Respect Local Character in New Construction
- Creating sustainable long term employment opportunities for the citizens

Staff has analyzed the Comprehensive Plan elements and **the proposed project does not appear to meet the Comprehensive Plan's overall land use goals, objectives, and strategies.** Based on the applicant's information reviewed for this report, staff finds that **the proposed utility-scale solar facility is not substantially in accord with the Charlotte County Comprehensive Plan, or parts thereof.**

As set forth by the Code of Virginia, the question before the Planning Commission with this 2232 application is:

Whether the general location or approximate location, character, and extent of the proposed solar energy facility is substantially in accord with the Comprehensive Plan or part thereof.

- The Planning Commission should consider all relevant portions of the Comprehensive Plan in its analysis.
- The Planning Commission should carefully and thoroughly document its reasons for whatever conclusion it reaches.

- The Planning Commission has three options:
 - a. Determine that the application is substantially in accord with the Comprehensive Plan with written reasons for its decision.
 - b. Determine that the application is not substantially in accord with the Comprehensive Plan with written reasons for its decision.
 - c. Defer making a decision on the comprehensive plan compliance review for further discussion and consideration (within the 60-day window).

Attachments:

A – Project Parcel and Landowner List

B - Exhibits A – I, Virginia Conservation Resources

*The Conditional Use Permit Application, dated July 7, 2021 Revised June 14, 2021 and July 23, 2021, Application Complete August 2, 2021, is available on-line at <https://randolphsolar.solunesco.com/community/> and at the Charlotte County Administration Office, 250 LeGrande Avenue, Suite A, Charlotte Court House, VA

DRAFT PLANNING COMMISSION ACTIONS

Option 1 – Applicant’s proposal is substantially in accord with the Comprehensive Plan

I move that the Randolph Virginia Solar, LLC’s proposed 800-megawatt photovoltaic solar energy facility as described in the conditional use permit application, is substantially in accord with the Charlotte County Comprehensive Plan or parts thereof for the following reasons:

1. The project parcels are zoned General Agricultural which may permit the proposed use.
2. The location is more than half (1/2) a mile from the nearest city boundary.
3. The facility generates alternative, clean energy.
4. The facility will require minimal county services to operate.
5. The proposed project involves a small part of the total ag/forestal land in the County.

The Secretary of the Planning Commission is directed to communicate the Planning Commission’s findings to the Board of Supervisors.

Option 2 – Applicant’s proposal is not substantially in accord with the Comprehensive Plan

I move that the Randolph Virginia Solar, LLC’s proposed 800-megawatt photovoltaic solar energy facility as described in the conditional use permit application, is not substantially in accord with the Charlotte County Comprehensive Plan for the following reasons:

1. The project does not preserve agriculture and forestry facilities and enterprises.
2. The project does not preserve and protect the County’s unique natural & historic resources.
3. The project does not ensure the optimal and balanced use of Charlotte County’s land and natural resources.
4. The project does not create a significant number of jobs.
5. The project area includes sensitive waterways and habitats, is near or includes conservation easements, and is near a scenic byway.
6. The project places an industrial-scale use (6.9 percent of the County) in a rural landscape.

The Secretary of the Planning Commission is directed to communicate the Planning Commission’s findings to the Board of Supervisors.

Option 3 – Deferral of the application

I move that the Planning Commission defer a decision on Randolph Virginia Solar, LLC’s request under Va. Code § 15.2-2232 regarding its proposed 800-megawatt photovoltaic solar energy facility as described in the conditional use permit application, until the Planning Commission meeting scheduled to begin at ____ p.m. on _____, in the Board of Supervisors meeting room.