

Charlotte County Planning Commission  
Public Hearings & Meetings  
September 22, 2020  
Charlotte County Administration Office

Present:

Andrew Carwile	W.V. Nichols
Cornell Goldman	Gladys Reid
Deborah Haskins	George Sandridge
Kenny Howard	Eugene Wells
Kerwin Kunath	David Watkins, II

Absent:

Clark Poindexter

Board Representative in Attendance: Kay Pierantoni

Staff in Attendance: Monica Elder, Assistant County Administrator & Chandler Vaughan, Intern

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

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

Kenny Howard made the motion to approve the August 25, 2020, meeting minutes. George Sandridge seconded the motion and the motion carried with all members present voting yes.

Eugene Wells made the motion to approve the September 8, 2020, meeting minutes. George Sandridge seconded the motion and the motion carried with all members present voting yes.

**Public Comment**

Lynn Royster, owner of Shady Oaks mobile home park located adjacent to the proposed Courthouse Solar project, addressed the Planning Commission. Mr. Royster explained that approximately fifteen children travelled Shady Oaks Road regularly on foot to get on the bus. He expressed concerns regarding construction traffic and the safety of the children and other park tenants. Mr. Royster also stated that staging would be visible from the park and additional buffer was needed between the park and the project.

Jacob Locke, whose father's property is part of the Courthouse Solar project, addressed the Commission to point out the economic opportunity for landowners associated with utility-scale solar projects. He noted economic concerns related to farming and stated that solar was a new opportunity for taxpaying farmers and renewable energy was the way of the future.

Read Charlton then addressed the Commission to bring two questions to commissioners' attention. He inquired about the storage of mass volumes of electricity generated by solar and the potential use of battery storage in the future. He also inquired about the potential impact of major rainfall on the land once the groundcover is removed to construct the solar facility.

Max Sempowski then addressed the Commission to state the importance of due diligence in the application review process. He requested that the Commission establish a committee to develop a comprehensive recommendation with proper checks and balances.

Gary Walker addressed the Commission, stating that he thought the Clover power plant would be closing by 2024 and by 2044 fossil fuel plants would be closed. He stated wind and solar were the future of energy and Courthouse Solar was an economic opportunity for the county. He expressed his hope that the Commission would move forward with their process.

Anand Gangadharan with NOVI Energy, the developer for Courthouse Solar, addressed the Commission, introducing the firm and discussing their experience with solar projects in Virginia. Mr. Gangadharan expressed his willingness to respond to questions and his interest in citizens' comments.

P.K. Pettus addressed the commission stating that while she was supportive of solar energy, she did not believe the Courthouse Solar project to be in the best interest of the County, given the natural, historical and cultural resources within and surrounding the site. Ms. Pettus then began a presentation, addressing the significance of Roanoke Creek and the value state agencies and conservationist groups place on it as a natural resources. Ms. Pettus was unable to complete her presentation due to public comment policy which limits comments to three minutes.

A letter provided by Edward & Janet Early was then read. The letter stressed the importance of considering the location of solar projects as well as their impact on natural resources, wildlife, food production, scenery, potential opportunity for tourism, and the true economic benefit for the County. The Earlys requested additional time for an open and transparent study of long-term effects of industrial solar as well as time for additional citizen input.

The reading of the Earlys' letter was not completed due to the three minute limit for public comment. Commissioners noted variations in reading speeds and participation limitations due to the pandemic. Cornell Goldman made the motion to provide time to read the letters in full. George Sandridge seconded the motion and the motion carried with all members present voting yes.

Eagle Eye Hunt Club's letter was then read into the record. The club requested that approval of Courthouse Solar not be rushed and stated the project would harm the club's property and their ability to hunt and could also harm animals, plants and streams in the area.

A letter from John Mullins, III, whose property is part of the proposed Courthouse Solar project, was read. Mr. Mullins noted environmental benefits of solar and the locations proximity to existing transmission lines. He stated that replacing the pine plantations on the property with solar was the highest and best use, providing employment during construction and additional revenue to the County.

William Tharpe's letter requesting that a decision on Courthouse Solar be delayed in order to obtain more information was read. Mr. Tharpe stated the project appeared to be too close to the Town of Charlotte Court House and would threaten natural resources including the Roanoke Creek.

A letter from Claire Locke, whose family's property is part of Courthouse Solar, was read. Mrs. Locke expressed concerns about the County turning down revenue generating projects. She questioned the County's ability to regulate landowners' use of their property and the approval of some projects and not others. She stated the project complied with the comprehensive plan and zoning. Mrs. Locke noted that farm income was unpredictable and solar provided an opportunity for farmers to diversify while providing renewable energy.

Kenny Howard then made the motion to allow Ms. Pettus to present the remainder of her slide presentation. Kerwin Kunath seconded the motion and the motion carried with all members present voting yes.

Ms. Pettus reviewed two additional slides associated with Roanoke Creek, providing information on the creek's wetlands, investment by natural resource agencies' and the location of historic resources in relation to the creek. She also urged the Commission not to rush.

Gary Walker requested to use the remainder of his three minutes of comments and was granted permission by the Commission. Mr. Walker stated the Planning Commission's job was not to address citizens' passion, but to address land use regulations.

### **2232 Review for Courthouse Solar**

Denise Nelson, third-party reviewer with The Berkley Group, LLC, then presented a staff report on the 2232 comprehensive plan compliance review for Courthouse Solar including an overview of the project, comprehensive plan citations, DCR map findings, and the commission's responsibilities and potential actions.

Commissioner Andrew Carwile inquired about the nature of the conservation easement on adjacent properties owned by Edward Early and Janet Early; Ms. Nelson did not have details available and the owners of the easements were not present.

Kerwin Kunath made the motion approve the 2232 review application for Courthouse Solar, finding the project substantially in accord with the comprehensive plan. George Sandridge seconded the motion and the motion carried with all members present voting yes.

Commissioners discussed the need to address Lynn Royster's concerns regarding Shady Oaks Road.

Commissioner Andrew Carwile reviewed a list of issues related to solar that he wanted to bring to the Commission's attention. He recommended the establishment of "battery farms" as a separate use from solar in the zoning ordinance with specific regulations and recommended the PJM queue number be provided with solar applications. Mr. Carwile referenced the solar capacity study provided by an independent firm through Solunesco previously. Mr. Carwile also recommended establishing a condition to address the removal of broken or damaged panels or to require storage of such panels inside or off the ground. In addition, he proposed requiring a 600' corridor for Roanoke Creek and prohibiting panels in the floodplain. Mr. Carwile also

advised limiting the percentage of open soil surface and proposed screening of the staging area and fencing around the staging area.

Andrew Carwile requested staff obtain landcover details from the involved landowners to determine the percentage of land in the Courthouse Solar project currently in grassland or monoculture pine.

Kay Pierantoni noted that she had questions about decommissioning and did not feel the Commission was ready to vote on the application. Staff explained there were additional steps to the conditional use permit application review process and the third-party reviewer would be presenting a preliminary report on the application and would address next steps.

Denise Nelson then provided a staff report on the Courthouse Solar conditional use permit application, reviewing zoning ordinance compliance, proposed conditions for Courthouse Solar and next steps in the process which included either scheduling a public hearing or delaying the hearing to obtain additional information.

Commissioners then discussed decommissioning guarantee requirements and buffers.

Cornell Goldman made the motion to set a public hearing on the Courthouse Solar conditional use permit application for October 27<sup>th</sup> at 7:00 pm. Andrew Carwile seconded the motion and the motion carried with all members present voting yes.

Staff provided an overview of the Virginia Department of Conservation's Pollinator-Smart Program which promotes the planting of native, pollinator friendly ground cover for projects including utility-scale solar and includes a certification and compliance program.

Francis Hodsoll with Solunesco addressed the Commission, explaining that the capacity report Mr. Carwile had referenced earlier was no longer applicable since it was several years old and infrastructure had changed during that time.

Kay Pierantoni expressed a general concern about the decommissioning plan for Courthouse Solar and the noted transportation issues.

Andrew Carwile noted that by encouraging solar facilities to locate in less visible locations, they were also being encouraged to locate away from major highways, producing issues with construction traffic on secondary roads.

Eugene Wells made the motion to adjourn. Kerwin Kunath seconded the motion and the motion carried with all members present voting yes.