

Charlotte County Planning Commission  
Public Hearing & Regular Meeting  
September 28, 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

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

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

Gladys Reid the motion to approve the August 24, 2021, meeting minutes as presented. W.V. Nichols seconded the motion and the motion carried with all members present voting yes.

***Public Comment Period***

Citizen James M. Martin addressed the Planning Commission, requesting that 120 acres of his property, which borders the proposed Tall Pines site to the north, be added to the project area.

Citizen Jimmy Moon then expressed support of the Randolph Solar project, noting the economic benefits it would provide for the County if approved.

Citizen Kayley Moon addressed the Planning Commission, expressing her support of the Randolph Solar project and noting that the project would provide significant economic benefit to the County if approved.

Jonathan Puvak, legal counsel for SolUnesco, spoke about the comprehensive plan, its role in guiding land development in the county and goals in the plan related to economic development.

Citizen William Kennedy identified himself as an adjacent landowner to the Randolph Solar project and expressed his support.

Karen Goodman, landowner in the Tall Pines project, expressed her support of that project, focusing on the benefit of renewable energy and noting that sustainable practices can lead to community growth and prosperity.

Citizen Rodney Moon referenced the comprehensive plan's focus on quality of life and expressed concerns about Randolph Solar's impact on quality of life.

Lane Gunn spoke on behalf of Red Oak Excavating. Mr. Gunn noted that noted the opportunities solar projects provided for local businesses.

Jennifer Lacks spoke in support of both Randolph Solar and Tall Pines Solar, noting the benefit of associated revenues and the opportunity for local progress.

Citizen Robert Tate's comments were focused on the need for change in Charlotte County and the opportunities tax revenues associated with solar projects would provide for the community.

Bill Devin stated that Randolph Solar would provide benefits including significant tax revenues and economic growth as well as addressing climate change.

Megan Devin stated that Randolph Solar's economic benefits would benefit our schools and the community, and the project was an opportunity for positive change for the future.

David Medley, owner of Black Walnut Land & Timber Company, a landowner in the Randolph Solar project, noted the local economic benefits associated with the project and the importance of protecting landowner rights.

Citizen P.K. Pettus stated her support of solar when it's done right and stressed the importance of wetland protection and 100' buffers on both sides of streams, measured from the top of each bank. She also called on landowners to respect buffers when timbering land prior to development.

Angie Morris, identifying herself as a landowner in the Tall Pines Solar project, noted NOVI Energy's attention to detail, the buffers being provided, the low visibility of the project, and the opportunity to provide a source of clean energy.

Shannon Feinman, landowner in the Tall Pines Solar project, stated that the family had done their due diligence before agreeing to participate in the project and noted that a family member lived on the property.

Citizen Doug Garnett, identifying himself as a landowner in the Randolph Solar project, stated the importance of landowner rights as long as projects were mindful. He voiced the need for water quality mitigation measures before, during, and after the project.

Citizen Rebecca Daly expressed support of the staff findings of non-compliance for Randolph Solar and noted concerns over project size, impacts to the community and natural and historic resources. She expressed concerns regarding the potential for Dominion to obtain land through eminent domain to develop utility infrastructure.

Citizen Robert Wood stated that the comprehensive plan and Randolph Solar didn't fit together, and expressed concerns over zoning changes that had occurred.

Citizen Sam Willis, identifying himself as a landowner in the Randolph Solar project, expressed his support of the project.

Kenneth Toombs stated that while he had no land in Randolph Solar, he supported it because of the potential tax benefits, business opportunities and the need for renewable energy.

Citizen George Toombs stated that hydroelectric was the solution to renewable energy needs and would increase property values and drive population growth. Mr. Toombs also stated that he didn't see that either Randolph or Tall Pines matched the comprehensive plan.

Citizen Nemiah Braxton spoke on job opportunities associated with solar. Mr. Braxton noted that solar projects provided an opportunity for unskilled laborers to gain on-the-job experience, benefiting those that may not be landowners. He also referenced SVCC's new Shine program for training solar workers.

Citizen J.A. Devin, identified his family as one of the larger landowners in Randolph Solar. He noted that smaller landowners were included in the project and would benefit financially. Mr. Devin expressed concerns over comments made regarding conflicts of interest and demands for individuals to recuse themselves from participating in the decision-making process when they did not have a legal conflict of interest.

Citizen Emily Jackson stated that solar allowed for diversification of farmers' income and the projects would provide jobs that may lead to other employment opportunities.

A postcard statement SolUnesco had distributed that had been signed and submitted to the Planning Commission by multiple citizens was read. The postcard expressed support of the Randolph solar project and asked the Planning Commission to affirm the project's compliance with the comprehensive plan. Postcards were received from Mr. & Mrs. Randall Elder, Flordell Watts, Myrtle Osborne, Willard Inge, Irean Lacks, Linda Perkins, John Taft, David Harvey, Sharon Whitlow, George Allen, Will Adams, Malcolm Francis, Jody Williams, Arether Preston, and Kimberly Townsend & Susan Davis.

Staff noted that Terri Rickman and Steve Lee had also submitted the postcard but had noted their opposition to the project on it.

A form statement submitted by adjoining landowners to Randolph Solar, stating their support of the project was read. Those submitting this statement were Bryan Harris, Jonathan Foster, Faye Baker, Junior Mosley, Derwin Brooks, Renautta Brogdon, George Allen, Dorothy Davis, Lowery Pleasant, Steve Toombs, William Kennedy, Darnell Jones, Charlie Skelton, Jerry Robinson, Beatrice Smith, and Pearl Cumbie.

### ***Written Public Comments***

Comments by Jack Reynolds were read, expressing concerns regarding Tall Pines Solar related to protection of adjacent landowners and waterways and the provision of adequate buffers.

Comments in support of solar development in general were provided by Keaton (age 12), focusing on the environmental benefits of solar energy.

Comments in support of Tall Pines Solar by Brenda Vassar, a landowner in the project, were read, regarding economic benefits and clean energy. Mrs. Vassar stated the family carefully

considered the project before agreeing to participate and a family member resides on the property.

Comments opposing both the Randolph Solar and Tall Pines projects as follows were read:

<u>Commenter</u>	<u>Summary of Concerns</u>
Sue Adams	Specific to Randolph Solar - Size, impact on land and water, adjacent landowner impact Advised that more information is needed before making decisions on any more solar projects.
Beverly Fitz	Neither project complies with comprehensive plan goals; negative impacts on forestry, agriculture, property values business & tourism expansion, scenic vistas, streams & wetlands, wildlife, and quality of life

Comments in opposition of Randolph Solar were read as follows:

<u>Commenter</u>	<u>Summary of Concerns</u>
David Tate	Need to comply with comprehensive plan, impact to local community, lack of local benefits as most employees will not be local and energy will not serve local community
Mujib Mannan, Director of the Malcolm Shabazz Development Corp.	General concern for safety, efficiency, and viability

Comments in support of Randolph Solar were read as follows:

<u>Commenter</u>	<u>Summary of Benefits Noted</u>
Patricia John, Margaret Campbell & Kevin John (all of the Reid Family)	Low impact & temporary use, local economic benefits
Selvin John (of the Reid Family)	Low impact & local economic benefits
Arthur Reid, Orlando Reid, Gloria Morgan & James Reid (of the Reid & Jones Properties)	Local revenues, opportunities for local businesses, clean energy, no pollution, government regulations, and need for solar energy
Jean Grier	Local revenue, employment opportunities, economic growth, clean energy, protection and preservation of land
J. Bruce Cumbie	Environmentally friendly land use, local revenues that will support education and improve students' futures
Alberta Riley	General support
Virginia Whitehead	Local revenues
Melissa Robertson LaPradd	Aligns with comprehensive plan, economic benefits, SolUnesco's pledge to develop the project in a responsible way to preserve history, waterways, & habitat
Chris Lindsey, Big Dog Lawn Care Services LLC	Will support future economic development
Linda Perkins	Clean energy
Mechelle Bacon	Quiet, economic benefits, and job opportunities

<u>Commenter</u>	<u>Summary of Benefits Noted</u>
Roy & Eileen Czesnik	Local revenues, job and business opportunities, natural resource protection through regulations of state agencies
Arether Preston	Temporary use preserving land, economic benefit to landowners
Elizabeth Devin	Local revenues
Mike & Sherry Tharpe, BCC Excavating, Inc.	Business opportunities and local revenues
Yolanda T. Jackson & Cynthia T. Doswell	Job Opportunities, local revenues, and economic development
Sandra B. Thomas-Cherry	Job Opportunities, local revenues, and economic development
R. Page & Frances J. Seamster	Local revenues, clean energy, sustainability, and preserves land for future use
Rebecca Brown Stevenson	Tax revenue and job opportunities
Charles (Tim) Willis	Economic benefits, no pollutants, no emissions, and cleanup at the end
Arthur D. Jackson	Economic development
Don Eaddy, Domain Capital Group, Representative for Timbervest Partners III VA LLC	Local revenues
Diane Woodson	General Support
David Nelson Harvey	Low impact, local revenue, jobs, and ability to retain local workforce

A letter written to Administrator Witt was then presented to the chairman by a citizen to be read during public comment. That letter, from John M. Janson, Attorney at Law, PLLC and dated September 28, 2021, stated a suit had been filed that day against SolUnesco. The letter indicated that, while Tall Pines was not directly addressed, concerns noted in the legal documents were applicable. Mr. Janson's letter also advised that the Planning Commission should cancel their September 28<sup>th</sup> meeting.

***Ethics and Conflict of Interest***

Kay Pierantoni addressed concerns regarding ethics and conflict of interests in response to public comments provided by Mr. J.A. Devin. She referred citizens to Administrator Witt for information County Attorney Russell Slayton had previously provided regarding conflict of interest and also referenced page 100 of the Supervisors Manual, 8<sup>th</sup> edition.

Chairman Carwile stated that, as previously publicly disclosed in accordance with Virginia Code 2.2-3115.G, he had property in Virginia regarding which a solar developer had contacted him or someone else representing the owners' interest concerning the possibility of the property being purchased or leased for development as one or more solar facilities. Chairman Carwile stated that he reserved the right to contact any solar operators to determine the best interest of the property owners. Chairman Carwile then declared that he had no interest in either of the projects being considered and could participate in the transactions fairly, objectively, and in the public interest.

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

Darren Coffey with the County's third-party reviewer, The Berkley Group, then provided a recap of the August 24, 2021, staff report for the 2232 review of Tall Pines Solar, providing a general overview of the findings, citations, and options. Mr. Coffey again emphasized the importance of using the comprehensive plan to guide development and that the Planning Commission must make the final determination.

Kay Pierantoni questioned the staff's findings based on quality-of-life impact and agricultural and forestry impacts and discussed the amount of solar development that was already approved.

Cornell Goldman discussed state energy goals, increases in forested land in the County in the last 40 years, the intent of the comprehensive plan, and the need for economic diversification.

Chairman Carwile clarified that the role of the 2232 review was to determine compliance with the comprehensive plan and explained that if found in compliance, a conditional use permit review would also be needed. He also noted that approval of the 2232 did not guarantee approval of the conditional use permit.

Following additional discussion, Eugene Wells moved to find Tall Pines Solar, LLC's proposed 218-megawatt photovoltaic solar energy facility as described in the conditional use permit application, substantially in accord with the Charlotte County Comprehensive Plan or parts thereof for the following reasons:

1. The project parcels are zoned General Agricultural.
2. The location is more than 1 mile from the nearest town boundary.
3. The facility generates alternative, clean energy.
4. The facility will require minimal county services to operate.
5. The proposed project involves only a small part of the total agricultural land in the County and will have setbacks and buffers which, if adequate in scope and required in the Conditional Use Permit, could afford protection for adjacent properties.

And to direct the Secretary of the Planning Commission to communicate the Planning Commission's findings to the Board of Supervisors.

Motion was seconded by Cornell Goldman and carried with all members present voting yes.

### ***Randolph Solar 2232 Review***

Francis Hodsoll with SolUnesco provided a presentation on the Randolph Solar project, addressing project benefits; company history; project overview; cultural, historical, & ecological resources; and comprehensive plan compliance.

Kay Pierantoni inquired about the equipment to be located inside the 5,000 to 6,800 fenced-in area. Mr. Hodsoll explained that solar panels and inverters would be in the fenced-in areas as well as an approximately 10-acre switchyard while most sediment ponds would be outside of fence lines to help reduce fenced area. He noted that the project plan currently showed all areas that might be developed, amounting to approximately 6,800 acres, but they only anticipated developing approximately 5,000 acres to attain 800 megawatts of output. This

provided flexibility in defining the paneled area as the application review and site analysis progressed.

Darren Coffey with the County's third-party reviewer, The Berkley Group, then presented a staff report for the 2232 review of Randolph 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 again recommended including more specific metrics for solar development in the comprehensive plan. He also expressed the need to have a more defined concept plan for the project as well as the Tall Pines project before proceeding with conditional use permit reviews if the projects were found to be substantially in accord with the comprehensive plan.

Following further discussion, Cornell Goldman made the motion to find the Randolph Virginia Solar, LLC's proposed 800-megawatt photovoltaic solar energy facility as described in the conditional use permit application, 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/forestral land in the County.

And to direct the Secretary of the Planning Commission to communicate the Planning Commission's findings to the Board of Supervisors.

Motion was seconded by Kerwin Kunath.

Kay Pierantoni questioned the motion based on the application that was presented. The size of the project was discussed, and Chairman Carwile called on Mr. Hodsoll to provide information on projects of similar size. Mr. Hodsoll reported that Spotsylvania had a 500 MW project, there was another 800 MW project in the queue, and a 1000 MW project was slated for Georgia.

Further discussion focused on opportunities to address issues through the conditional use permitting process and the Board's role in reviewing Planning Commission findings.

Roll Call vote was as follows, with W.V. Nichols abstaining: Cornell Goldman – Aye; Kerwin Kunath – Aye; David Watkins II – Aye; Gladys Reid – Aye; Eugene Wells – Aye; Clark Poindexter – Aye; James Benn – Aye; Andrew Carwile – Aye; Kenny Howard – Aye; Deborah Haskins – No.

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

No public comments were received.

### ***Staff Report***

Staff informed the Commission Joe Lerch had provided information on the three energy related issues VACO would be voting on whether to include in their 2022 legislative program. Those items were electric grid capacity planning, energy policy, and utility-scale renewable energy generation and energy storage.

Staff also reported that a zoning text amendment application had been received and would be presented in October. In addition, staff noted the comprehensive plan schedule would be discussed in October.

***Commissioner's Time***

Kay Pierantoni expressed concerns regarding Twitty's Creek Solar, approved in 2017, and the decommissioning estimate that was accepted. Supervisor Pierantoni noted that her calculations indicated the decommissioning estimate was too low and annual funds combined with anticipated salvage values would not be sufficient to cover the cost of decommissioning the project if the owner failed to decommission it.

Meeting was adjourned.