

Charlotte County Planning Commission
April 19, 2022 – Randolph Solar - Public Hearing and Special Called Meeting
Randolph-Henry High School Auditorium

Present:

Miller Adams	W.V. Nichols
James Benn	Clark Poindexter
Andrew Carwile	Hazel Bowman Smith*
Cornell Goldman	David Watkins, Jr.
Kenny Howard	Eugene Wells
Kerwin Kunath	

Absent:

**Board of Supervisors Representative – Non-voting*

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

Chairman Carwile called the special meeting to order at 7:00 pm and Cornell Goldman gave the invocation.

Chairman Carwile recessed the meeting and called the public hearing for the Randolph Solar conditional use permit application to order, asking SolUnesco to provide their presentation. Representatives present included Francis Hodsoll, President of SolUnesco; Lea Maamari, Nia Copeland, Sean Millot with Kimley-Horn, and their legal counsel, Jonathan Puvak. Mr. Hodsoll provided a project overview and addressed changes since the 2232 review, acreage, density, setbacks, outreach efforts, studies to be completed, erosion control & stormwater management, decommissioning, financial impacts, & SolUnesco’s proposed conditions.

Todd Flowers with Dominion Energy then addressed the Commission, stating that the Randolph project was an opportunity to create jobs, grow the local tax base, and become a clean-energy generator. Mr. Flowers expressed Dominion’s interest developing solar energy resources in Virginia support of the Randolph Project.

Commissioner W.V. Nichols provided a conflict-of-interest statement, declaring that as an owner of a parcel in the Randolph Solar project, he had a legal conflict of interest and, therefore, was recusing himself from participation in discussions and decisions associated with the application.

Michael Zehner with the third-party reviewer, the Berkley Group, presented a staff report, explaining the Commission’s role to evaluate the merits of the application and determine if conditions sufficiently mitigated impacts. Mr. Zehner addressed project density which exceeded the 3% density regulation in the zoning ordinance but, in accordance with the ordinance, could be approved by the Board of Supervisors through permit conditions. He then provided updated information related to new DEQ requirement for stormwater runoff associated with solar panels, noting the new regulations applied to projects obtaining interconnection approval after 2024.

Mr. Zehner reviewed staff’s findings and recommended deferral for further information on the development phase, ingress/egress points for construction, the intent of a note on the concept plan regarding development of specific areas, and support for the 3.8 acre per megawatt ratio proposed. He expressed concerns regarding the applicant’s proposed conditions which would allow project acreage increases up to 20% without additional approvals and increases above 20% with the County

Administrator’s approval after consultation with the Board of Supervisors. Mr. Zehner then briefly reviewed preliminary conditions provided.

Public Comments

The following individuals attending the meeting addressed the Commission:

<u>Speaker</u>	<u>Address or Group Represented</u>	<u>General Position</u>
Doug Garnett	Saxe	Supported Approval – Economic benefits
Kathy Liston	Aspen	Delay or Moratorium – Information on panel disposal, monitoring, and long-term impacts needed
Rodney Moon	Saxe	Delay – Findings from Virginia State Police investigation of Registrar’s Office needed
Doris Hill	Saxe	Concerns - Damage to land & health impacts
Kaley Moon	Saxe	Supported Approval – Economic benefits, jobs & families’ retention of farms
William Devin	Saxe	Supported Approval – Economic benefits
Derek Toombs	Randolph	Supported Approval – Economic benefits & jobs
Wayne Seamster	Saxe	Supported Approval – Economic benefits
Robert Tate	Red Oak	Supported Approval – Economic benefits
Melvin Newcomb	Saxe	Concerns - Landowners placing panels away from their dwellings & closer to neighboring properties
P.K. Pettus	Keysville	Delay – Wait for findings from the state’s studies
Skyler Zunk	Virginia Land & Liberty Coalition	Supported Approval – Economic benefits
Jacob Metzger	Saxe	Supported Approval – Economic benefits
Stefan Barnes	Red Oak	More Answers Needed – Mapping, transportation, and development concerns
George Toombs	Saxe	Supported Denial – Essex Solar fire & questions regarding Registrar’s Office
Donna Fore	Brookneal	Moratorium on all Solar – Concerns on traffic safety and roads, ethical issues, panel disposal
Emily Jackson	Keysville	Supported Approval – Economic benefits & jobs
Judge Charlton	Charlotte C.H.	Supports, but needs a size limit– How much revenue is needed?
Kay Pierantoni	Wylliesburg	Commissioners with solar interests should abstain from voting
Jack Reynolds	Charlotte C.H.	Moratorium to update ordinance & protect county
Gerald Henderson	Charlotte, NC	Supported Approval – Economic benefits
Curtis Morton	Randolph	Supported Approval – Growth & economic benefits
Blake Cox	Conservatives for Clean Energy	Supported Approval – Property rights & economic benefits
Sharon Whitlow	Saxe	Supported Approval – Family farm in project, believes project to be good for family & community
Sharon Layne	Saxe	Don’t Rush a Decision – Consider pros & cons first
Megan Martinez	Keysville	Supported Approval – Economic diversity & growth

Nancy Carol Tucker	Brookneal	Supported Denial – Visual impact, disposal concerns, loss of farms and farmers
David Medley	Richmond, VA	Supported Approval – Value of materials at end of life will result in recycling, clean energy

Written comments provided by the following individuals were then read into the record:

<u>Speaker</u>	<u>Address or Group Represented</u>	<u>General Position</u>
Thomas Charlton	Family property in Saxe	Supported Denial of all Large Scale Solar – Need for laws governing decommissioning & panel recycling
George & Catherine Dirks	Saxe	Concerns - Property value reductions, leaching of panels, water & soil impacts
Abram & Ann Charlton	Charlotte C.H.	Supported Denial - Visual & environmental impacts, loss of trees & wildlife habitat, erosion
Chris Lindsey, Big Dog Lawn Care Services	Randolph	Supported Approval – Business growth & jobs
Sue Adams	Red Oak	Supported Denial - Concerns about local leader' ability to act objectively & SolUnesco's practices
Harvey & DeAnna Powell	Saxe	Supported Approval – Economic benefits & families' retention of their farms
Allison Purcell		Supported Denial - Fire at Essex Solar Facility
George & Cathy Jo Palmer	Randolph	Supported Approval - Energy needs, unfounded fears, economic opportunity
Maxwell & Paula Lippitt	Saxe, VA & Altamont, NY	Supported Denial – Wildlife habitat loss; visual & environmental impacts; property value reductions
Judy Brothers	Friends of the Meherrin River	Concerns - Fire potential and erosion, reference to Essex Solar Facility fire
David Tate	Drakes Branch	How much solar is enough? Concerned that money is driving decisions while citizens are ignored
Jay & Erica Newcomb	North Chesterfield, VA (Letter states they own land in the project)	Supported Approval – Economic benefits & jobs
Scott Flood	Virginia	Recommended Adding Conditions to Mitigate Impacts or Deny the Permit - Traffic safety
Shelley Flood	Virginia	Supported Denial – Concerns regarding rural location, traffic safety, & environmental impacts
Henry Jandl	Second home in Boydton, VA	Concerns - Impact to Kerr Lake from erosion
John Fothergill, Jr.	Red Oak	Concerns - DC to AC conversion plan, location of entrances, property restoration, intent of the life extension for Clover power plant, & panel disposal
Thomas J. Charlton	Saxe	Supported Denial - Tree loss; location in rural setting
Charles Brogdon	Pataskala, OH	Supported Denial – Impacts to land, concerns about SolUnesco's business practices

Beverly Fitz	Drakes Branch	Supported Denial & Holding Off on Other Solar Applications – Concerns for forest & ag losses; quality of life; tourism; environmental impacts
Susan Ralston	Citizens for Responsible Solar	Recommended Tabling or Denial of All utility-scale Solar - Tree & farm loss; rural location; impacts to waterways, environment & property values
Irene McCarson		Supported Denial - Composition of solar panels & pollution of waterways and soil
Ralph & Frances Seamster		Supported Approval - Economic benefits & energy needs
Frank & Karen Halay	Keysville	Supported Denial - Environmental impacts, wildlife habitat & tree loss, mapping needed
Lewis E. Martin III	Red Oak	Supported Denial -Size, setbacks, leaching panels, pollution, loss of productive land
Roy & Eileen Czesnik	Randolph	Supported Approval – Economic benefits, jobs & small business opportunities
Andrew & Thelma Redd	Saxe	Supported Denial - Size, wildlife impacts, water contamination, and need for greater setbacks
Terri Todd	Wylliesburg	Supported Denial - Size, wildlife impacts, water contamination, and need for greater setbacks
Deanna Blackwell	Saxe	Supported Denial - Size, water and wildlife impacts, need for greater setbacks, & temperature

Chairman Carwile also noted a petition was received from individuals against the project signed by the following: Frank Halay, Jack Davis, Tim Tucker, Robert Bruce, Leann Smith, O. Bret Peaden, Elizabeth Peaden, James Eggleston, Read Charlton, Ann Charlton, Karen Halay, Denny Clatterbuck, Susan Bankston, Delbert Blue, Aubrey Jones, Thomas Charlton, and Theresa Halay.

Commissioner Discussion

Staff explained that the deadline for the Planning Commission to provide a recommendation on the application to the Board of Supervisors was May 13th.

Commissioners inquired about mapping used for property boundaries and density versus acreage measurements. Mr. Hodsoll confirmed that an ALTA survey of property lines would be performed. He stated that acreage was a more accurate measurement since the density definition included buffers.

Commissioners inquired about the need for an 800 MW facility. Mr. Hodsoll stated that because they were connecting to a 500 KV transmission line, 800 MW was an economically viable size.

Hazel Bowman Smith asked that Commissioners with a vested interest in solar consider whether they should be voting or should abstain from participation. Chairman Carwile explained that while Commissioner Nichols could not vote by law due to his personal interest in the project, others’ circumstances were different. He stated that his family owned land in another part of the County that was under option but was not associated with Randolph Solar. Kerwin Kunath also acknowledged that he had an option for solar development on a 35 to 40 acre parcel that was not related to the Randolph project. Staff clarified that the legal definition

of a conflict of interest required that the Commissioner or their immediate family have a personal interest in the project being considered through their connection to the project or the developer.

David Watkins expressed concerns about the impacts on rural roads, noting that projects he had viewed in other localities were on main roads. Mr. Hodsoll stated that SolUnesco was committed to working with the County on a construction management plan and would shuttle workers, establish set down yards, make necessary road improvements, and maintain roads during construction.

Commissioners then discussed concerns regarding staff resources and project management. Commissioners discussed the hiring of a third-party for inspections, general inspection practices, staffing resources, and associated costs. Use of the \$20 million dollars for the siting agreement referenced in the applicant's materials was then mentioned. Administrator Dan Witt explained that cost for the inspections was part of the permitting cost, not the siting agreement.

There being no further discussion, the public hearing was adjourned.

Commissioners inquired about the wording of the applicant's recommended Condition #24 which allowed for use of an investment grade credit rating for the decommissioning guarantee. Mr. Zehner explained this would supersede the County's requirements and, if the County needed to address failure to decommission, the County would have to file a lawsuit. Staff noted that in the past the County had not provided for flexibility in the form of guarantee allowed. By consensus, Commissioners agreed to remove the language allowing the investment grade rating.

Commissioners discussed the applicant proposed Condition #4 which allowed for project acreage increases of 20% with no further approvals and increases above 20% with approval by the County Administrator in consultation with the Board of Supervisors. Mr. Hodsoll addressed density, unknowns inherent to the project at this stage in the review, and the need for flexibility to ensure good design. Mr. Zehner recommended the Commission weigh in on the appropriateness of exceeding the 3% density and identify an acceptable limit. Commissioner Smith recommended allowing a 10% increase in acreage with increase above 10% requiring Board approval. Mr. Zehner recommended a ceiling be established. By consensus, the Commission determined an increase of 10% was appropriate with no approval and increases up to 25% should be allowed if approved by the Board of Supervisors.

Commissioners then recommended applicant proposed Condition #19 be revised to include a requirement for continued screening maintenance with a set time period.

Commissioners then directed staff to work with the applicant to clean up language on the concept plan note referenced in the staff report concept plan regarding panels within the conservation easements, cultural areas, and excluded areas to address specific exclusions based on state input and field study findings.

James Benn inquired if the applicant had plans to purchase stormwater credits to address stormwater management requirements. Mr. Hodsoll stated there were no plans to purchase credits and noted that DEQ's ruling on stormwater treatment could result in the need for more forested areas or larger sediment ponds.

Cornell Goldman then noted that the project was now smaller than originally anticipated, risks were a part of business endeavors, and that young people were supportive of the project during the public comment period Cornell Goldman.

Commissioner Goldman then made the motion to recommend approval of Randolph Solar's conditional use permit application. Kerwin Kunath seconded the motion.

Miller Adams noted that more people had spoke against the project than in support of it and the Berkley Group was recommending deferral. Kenny Howard spoke in agreement with Commissioner Adams' comments.

Cornell Goldman then withdrew his motion.

Kerwin Kunath made the motion to recommend approval of Randolph Solar's conditional use permit application. There being no second, the motion was not considered.

David Watkins then made the motion that the Planning Commission defer issuance of a recommendation on Randolph Virginia Solar, LLC's Conditional Use Permit for a proposed 800-megawatt solar energy generation facility until the next regular meeting of the Planning Commission. Clark Poindexter seconded the motion and the motion carried with Kerwin Kunath voting no, W.V. Nichols abstaining due to conflict of interest, and all other members present voting yes.

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