

Charlotte County Planning Commission
 April 26, 2022 – April Meeting and Tall Pines Solar Public Hearing
 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
 Kerwin Kunath

Absent:

Eugene Wells

**Board of Supervisors Representative – Non-voting*

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

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

David Watkins made the motion to approve the agenda. Motion was seconded by Kenny Howard and carried with all members present voting yes.

Chairman Carwile opened the public hearing on the Tall Pines Solar conditional use permit application, calling on NOVI Energy to provide the applicant’s presentation. Representatives and support staff present included Anand Gangadharan, Aditya Gangadharan, Ian Lindsley, Preston Lloyd, and Chris Wu. NOVI provided a project overview and addressed the addition of 15-acre Parcel 27-A-14A and approximately 50 acres of Parcel 27-A-14A to the project; project entrances; setbacks and buffers; the inclusion of a 100’ vegetative buffer along roads; wildlife corridors; and federal, state and local regulatory requirements.

Lindsay Edwards with the County’s third-party reviewer, the Berkley Group, presented staff’s report, explaining the Commission’s role to evaluate the merits of the application and determine if conditions sufficiently mitigated impacts. Ms. Edwards addressed 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. She then provided a staff analysis and recommended approval of the project with proposed conditions. When reviewing conditions, she addressed two revisions provided prior to the hearing. The first removed a 40-acre panel area restriction in proposed Condition #5 and instead referenced Solar Energy Facility guidance from the Department of Wildlife Resources. The other added a 200’ setback associated with Roanoke Creek Dams 31B and 43A as part of proposed Condition #7.

Public Comments

The following individuals attending the meeting addressed the Commission:

<u>Speaker</u>	<u>Address or Group Represented</u>	<u>General Position</u>
Kathy Liston	Aspen	Delay or Moratorium – Need information from state studies, and guidance on density, environmental impacts, and panel recycling

Austin Goldman	Oak Ridge, NC (stated he owned adjacent property)	Supported Approval – Economic benefits & clean energy
James Martin	Cullen	Supported Approval – Economic benefits & families’ ability to retain land as a result of additional income
Meredith Feinman	Charlotte C.H.	Supported Approval – Renewable energy
Melvin Newcomb	Saxe	Concerns – Contamination; Impact to property value His land’s proximity to another proposed project
Karen Goodman	Charlotte C.H. (stated she was a project landowner)	Supported Approval – Partnership between landowners & NOVI; due diligence; good stewardship
P.K. Pettus	Keysville	“No for now” – Wait for state study findings, local officials need to become better educated on solar
Kay Pierantoni	Wylliesburg	Supported Denial – significant amount already approved; environmental impacts; noted young people speaking in support had family in the project
Laverne Tuckson	Charlotte C.H. (Stated she was an adjacent property owner)	Supported Approval – Opportunity for growth; would like to become a part of the project
Emily Shelton	(Stated she was an adjacent property owner)	Supported Project but believes the County needs to take their time and learn more
Read Charlton	Charlotte C.H.	Questions - DEQ input obtained? Ability to provide staff needed for construction phase? Experience with solar decommissioning?

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

<i>Speaker</i>	<i>Address or Group Represented</i>	<i>General Position</i>
Patricia Mays	Southside Soil & Water Conservation District	Request for a 200’ setback with vegetative buffer from the elevation of the Roanoke Creek Dams 31B and 43A
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
Judy Brothers	Friends of the Meherrin River	Concerns - Fire potential and erosion, reference to Essex Solar Facility fire
Shannon Feinman	Charlotte C.H. – Project Landowner	Supported Approval – Project aspects and impacts carefully considered by landowners; economic benefits; appropriate siting
Brenda Vassar	Charlotte C.H. – (stated she was a project landowner)	Supported Approval – Project aspects and impacts carefully considered by landowners; economic benefits; clean energy
Sue Adams	Red Oak	Supported Denial - Concerns about local leaders’ objectivity, environmental impacts, & loss of ag land

Beverly Fitz	Drakes Branch	Hold until all approved projects are developed – Concerns regarding environmental impacts
Maria Gruenwald	Saxe	Supported Denial – Opposed to all solar development in the County
Hannah Crawford	Azusa, CA	Concerns - wildlife corridors, watershed protection, tree loss, & understanding of panel contents
Diane Hubbard		Supported Denial – Loss of productive land & wildlife habitat; Siting industrial uses in rural communities
Diane Ditzler	Red Oak	Supported Denial – Contamination from panels, erosion, & stormwater issues
Gary Ditzler	Red Oak	Supported Denial – Questions long term benefits and stated economic benefits; potential to hire out of area for construction; & lack of permanent jobs
George Toombs	Saxe	Moratorium – Rushing approvals with new state regulations being considered; industrial use, not farming; conflicts of interest or appearance of them
Deborah Santis for Hazel Jackson	Red Oak	Supported Denial – Visual impacts

Public Hearing - Commissioner Discussion

Kerwin Kunath inquired about addressing Southside Soil and Water Conservation District’s comments. Ms. Edwards confirmed the request had been incorporated into the revision of Condition #5. Mr. Lloyd confirmed that NOVI agreed with the revision.

Clark Poindexter inquired if exceeding the 3% density was the new normal. Mr. Lloyd explained that developers needed to place solar near transmission lines and the location of those lines in the County resulted in a greater solar concentration in specific areas. He noted that the proposed site was an ideal location with less than 7% of the perimeter fronting the road, and vegetative buffers extended to 100’ there to minimize visual exposure.

In response to inquiries regarding the use of nutrient credits to offset stormwater management requirements, NOVI stated that they did not have plans to use nutrient credits for this purpose.

NOVI explained that while their application was for a 220 Megawatt (MW) facility, they applied for an interconnection agreement for 240 MW. Therefore, they requested any production capacity limits in the conditions be set at 240 MW rather than 220 MW. They clarified that they had no intention of expanding the project footprint and any additional production would result from improved capacity of the planned equipment.

After further discussion by the Planning Commission, Cornell Goldman made the motion to revise the conditions to include a maximum capacity of 240 megawatts. Kerwin Kunath seconded the motion. Staff noted the Commission was still in the public hearing. Chairman Carwile confirmed the motion was out of order at the time and could not be considered.

David Watkins inquired about the potential of adding landowners to the project as requested during public comments. Mr. Lloyd stated they would entertain such requests if supported by the County and if it would constitute a minor change that could be added without additional

review steps. Ms. Edwards noted that this would be a call by staff, but it could further impact density. Staff noted that this could also result in additional adjacent landowners that had not been notified of the review process as required.

In response to inquiry regarding the project timeline, Mr. Lloyd stated that shovels should be in the ground in 2024 with completion in 2025.

To clarify a comment provided by the public, Chairman Carwile stated that he had no relationship with NOVI nor was he aware that he was related to landowners in the project. The public hearing was then adjourned.

Regular Planning Commission Meeting

Chairman Carwile called the regular meeting to order.

Cornell Goldman made the motion to approve the February 15th minutes with a correction to include Miller Adams in the list of those present; February 22nd minutes as presented; and March 22nd minutes as presented. Miller Adams seconded the motion and the motion carried with all members present voting yes.

Clark Poindexter inquired about the decommissioning guarantee requirements in Condition #26. Staff explained that the zoning ordinance provided for guarantee by cash escrow, bond, or letter of credit so the language was in-line with the ordinance.

Cornell Goldman made the motion to revise the conditions to include a maximum capacity of 240 megawatts. Kerwin Kunath seconded the motion and the motion carried with Miller Adams voting no and all other members present voting yes.

Miller Adams made the motion to recommend denial of the Tall Pines Solar conditional use permit application. Motion was seconded by David Watkins.

Commissioners provided comments regarding the need to slow down on solar approvals to see the development of already approved projects, the County's suitability for solar development, risk associated with development, the scope of the conditions and their role in mitigating project risks, and economic benefits.

There being no further discussion, roll call vote was as follows: Miller Adams – Yes; David Watkins – Yes; Kenny Howard – No; James Benn – Abstain; Cornell Goldman – No; W.V. Nichols – Abstain; Clark Poindexter – No; Kerwin Kunath – No; Andrew Carwile – No. Motion failed.

Cornell Goldman then made the motion to recommend approval of the Tall Pines Solar application with the conditions presented, including the recommended changes. Kerwin Kunath seconded the motion. Upon request for clarification, Commissioner Goldman stated that his motion included staff's proposed revisions to Conditions #5 and #7 and amending the capacity to 240 Megawatts. Referencing the staff report's Option 1, he stated the findings as follows:

1. While the proposed use exceeds the maximum density allowed under Section 10-23-6 of the County's Zoning Ordinance, the Board of Supervisors should authorize an increase in this instance, deeming such increase appropriate;

2. The proposed use is consistent with the comprehensive plan, compatible with other existing, planned, or proposed uses, and is not detrimental to the public welfare; and
3. While the proposed use impacts surrounding properties, proposed conditions mitigate such impacts.

Chairman Carwile stated that this would be treated as an amended motion. Kerwin Kunath seconded the amended motion.

Commissioner Adams inquired about compliance with the intent of the comprehensive plan and whether or not public concerns were adequately addressed. Other Commissioners expressed concerns regarding the delay in the distribution of project information due to last minute changes and the receipt of revisions to the conditions just prior to the hearing.

Roll call vote was as follows: Cornell Goldman – Yes; Kerwin Kunath – Yes; James Benn – No; David Watkins – No; Miller Adams – No; W.V. Nichols – Abstain; Clark Poindexter – No; Andrew Carwile – Abstain. Motion failed.

Kenny Howard made the motion to defer action on the Tall Pines application to May 3rd. Cornell Goldman seconded the motion. Staff advised that the deadline for a decision on Tall Pines was not until June 1st and explained the called meeting recommended for May 3rd was to discuss Randolph Solar and staff was recommending the two projects be addressed at separate meetings.

Kenny Howard amended his motion to defer action on the Tall Pines application until the Planning Commission's next regular meeting, scheduled for May 24th. Cornell Goldman seconded the amended motion and the motion carried with all members present voting yes.

General Public Comment Period

Citizen Sharon Layne addressed the Commission noting she was an adjacent landowner to Tall Pines and thought it would open the door for other solar in the area. She asked the Commission to do their due diligence.

Citizen Rebecca Daly from Saxe expressed concerns about holding the meeting to discuss Randolph Solar at the administration office due to public interest in the project and limited seating at the office.

Randolph Solar

After discussing staff's recommendation to defer discussion on Randolph Solar until May 3rd, Miller Adams made the recommendation to move the May 3rd location to Randolph-Henry High School Auditorium pending approval by the school. Cornell Goldman seconded the motion and the motion carried with all members present voting yes.

Cornell Goldman made the motion to defer discussion and consideration of Randolph Solar's conditional use permit application until May 3rd at 7:00 pm. David Watkins seconded the motion and the motion carried with all members present voting yes.

David Watkins made the motion to adjourn. Cornell Goldman seconded, and the motion carried with all members present voting yes.