

Charlotte County Planning Commission  
May 3, 2022 – Randolph Solar - Special Called Meeting  
Central Middle 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 meeting to order at 7:00 pm and Cornell Goldman gave the invocation.

Kenny Howard made the motion to approve the agenda with the addition of Public Statements on Involvement in Solar following approval of the agenda. Clark Poindexter seconded the motion and motion carried with all members present voting yes.

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 reusing himself from participation in discussions and decisions associated with the application.

Kerwin Kunath stated that he had signed an option with a solar developer unrelated to the Randolph project on 30 acres. Cornell Goldman stated that he also had an option with a solar developer, unrelated to Randolph Solar. Andrew Carwile stated that he and his family had property under option for solar that was not affiliated with Randolph Solar.

Michael Zehner with the County’s third-party reviewer, the Berkley Group, then presented an updated staff report, explaining that staff was recommending denial of the application based on project size, inability to mitigate impacts, and uncertainties associated with the concept plan. Mr. Zehner explained that conditions were provided in case the Commission approved the project. He noted that Conditions #3 and #4 addressed density, but it appeared the definition used by the applicant in the density calculation did not conform to the definition in the zoning ordinance. He also stated that if stormwater management features were to be placed inside of the project fenceline, the density calculation would be more than that stated by the applicant.

Mr. Zehner then reviewed changes to the conditions noting that the investment grade credit rating was not acceptable for the decommissioning guarantee and had been removed. He also discussed restrictions to increases in acreage used for equipment as well as limits to relocate panels to new panels addressed in proposed Condition #1.

James Benn inquired about the Berkley Group's process. Mr. Zehner explained their review of the application, collection of staff feedback, and focus on best practices and mitigation of impacts.

Commissioners then discussed road impacts from construction traffic as well as use of existing entrances and development of new entrances for the project.

Hazel Bowman Smith stated that the South-Central Virginia Business Alliance (SCVBA), an organization formed by SolUnesco in February 2022 connect local businesses with solar developers and provides members information needed to submit proposals to solar developers. She stated that SCVBA was probably a good thing, but it did provide members preferred business opportunities and therefore, Commissioners in SCVBA should not vote on projects associated with SolUnesco. She also noted that Apex was a partner of SolUnesco and anyone with an agreement with Apex should also not be allowed to vote on SolUnesco's projects.

Cornell Goldman stated that he was a member of SCVBA but had resigned his position on their Board one week prior to the meeting out of concerns over public perception. Kerwin Kunath stated that he was a member of SCVBA and did not see that it would benefit him as an owner of a wedding venue.

Following the Chairman's explanation of the May 13<sup>th</sup> deadline to provide a recommendation, both Eugene Wells and Miller Adams spoke. Chairman Carwile called upon Miller Adams and Commissioner Adams made the motion to recommend denial of the Randolph Solar approval in accordance with staff's recommendation, Option 1:

I move to recommend to the Board of Supervisors that Randolph Virginia Solar, LLC's Conditional Use Permit for a proposed 800-megawatt solar energy generation facility, as presented, be denied; among other concerns, the Planning Commission finds the following:

1. While the use is authorized in the district with a conditional use permit, the proposed use exceeds the maximum density allowed under Section 10-23-6 of the County's Zoning Ordinance; an increase of density is not warranted, and will result in negative impacts to the surrounding area and the welfare of the public;
2. The proposed project is not an appropriate use, principally due to the size and scale, which negatively impacts traditional agricultural and forestry land uses, and natural, cultural, and historic resources;
3. The proposed use negatively impacts surrounding properties due to its size and scale, issues that cannot be sufficiently mitigated;
4. The proposed use is incompatible with other existing, planned, or proposed uses (such as agricultural and forestry activities), and would be detrimental to the public welfare; and
5. The proposed project is not definitive, with application contents noting development rights beyond what is reflected in submitted plan, therefore making true project impacts unknown.

The Chairman then called upon Eugene Wells and Commissioner Wells explained that his intent was to make the motion to recommend approval of the Randolph Solar application in accordance with Option 2 in the staff report.

Staff confirmed that since another motion was already on the floor, Commissioner Wells' motion would be out of order.

David Watkins seconded Commissioner Adam's motion.

After further discussion regarding the need to see other projects developed before moving forward, conditions associated with the project, enforcement of conditions, Dominion Energy's support of the project, and the project size, roll call vote was taken as follows: Miller Adams – Yes; David Watkins – Yes; James Benn – No; Kenny Howard – No; Kerwin Kunath – No; Cornell Goldman – No; Eugene Wells – No; Clark Poindexter – Yes; Andrew Carwile – No and W.V. Nichols abstaining due to conflict of interest. Motion failed 3-6 with W.V. Nichols abstaining due to conflict of interest.

Eugene Wells made the motion to recommend to the Board of Supervisors that Randolph Virginia Solar, LLC's Conditional Use Permit for a proposed 800-megawatt solar energy generation facility, as presented, be approved with conditions as proposed, to ensure consistency with the following findings:

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.

Motion was seconded by Cornell Goldman.

James Benn stated that a condition was needed requiring a professional construction management team be hired if the project was approved. Staff noted that costs associated with third-party application reviewers were paid for by the applicant and the same could be done for construction management.

Commissioner Wells amended his motion to include a condition to require a professional construction firm with solar experience be engaged as project manager at the cost of the applicant. Cornell Goldman seconded the amended motion.

Roll call vote was as follows: Eugene Wells – Yes; Cornell Goldman – Yes; James Benn – Yes; Kenny Howard – Yes; Kerwin Kunath – Yes; David Watkins – No; Clark Poindexter – No; Miller Adams – No; Andrew Carwile – Yes. Motion carried 6-3 with W.V. Nichols abstaining due to conflict of interest.

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