

Charlotte County Planning Commission
January 28, 2020
7:00 pm

Agenda

- Call to Order
- Invocation
- Consider Approval of Agenda
- Election of 2020 Chairman
- Election of 2020 First Vice-chairman
- Election of 2020 Second Vice-chairman
- Election of 2020 Secretary
- Adoption of Rules of Order
- Set Regular Meeting Date and Time
- Consider Approval of December Minutes
- Public Comment Period
- Discuss Amendment to Zoning Ordinance Article 11 to address development of lots that do not conform with current lot size requirements
- Commissioner's Time
- Adjourn

2019 Slate of Officers

Chairman: Deborah Haskins

Vice-Chairman: Clark Poindexter

2nd Vice Chairman: William V. Nichols

Secretary: Monica Elder

2019 Rules of Order

Robert's Rules of Order for Small Groups amended to require a second for all motions and subject to modification from time to time by a vote of simple majority of the Commissioners in attendance, and with the following standing modification: That the Charlotte County Planning Commission in whole or as individual Commissioners, and at the discretion and approval of the Chairperson, or upon a vote of simple majority of members present, may, during the course of public meetings, solicit input from persons other than the members present at the meetings, including posing specific questions, where such input is limited to an orderly discussion of an approved agenda item, with the order, timing and duration of such questions, discussion and input at the discretion of the chair.

2018 Rules of Order

"Robert's Rules of Order - Procedures for Small Boards" amended to require a second for all motions

2019 Meeting Schedule

The fourth Tuesday of the month with meetings beginning at 7:30 pm during daylight savings time (March through October) and all other meetings beginning at 7:00 pm

Charlotte County Planning Commission
Public Hearings & Meetings
December 11, 2019
Charlotte County Administration Office

Present:

Andrew Carwile	Clark Poindexter
Deborah Haskins	Gladys Reid
Kenny Howard	Eugene Wells
Kerwin Kunath	David Watkins, II

Absent:

Cornell Goldman
W.V. Nichols

Staff & Board Representatives in Attendance:

Kay Pierantoni, Board of Supervisors & Monica Elder, County Planner

Public Hearing- Sigora Solar

Ridgeway Farm Large Scale Solar Conditional Use Permit Application

At 7:05 Garland Hamlett, Jr., Chairman of the Charlotte County Board of Supervisors, called a public hearing to order to receive comments regarding Sigora Solar's conditional use permit application for a large-scale solar installation on Tax Parcel #59-A-2, owned by Ridgeway Farm LLC and located on Ridgeway Farm Lane. The proposed installation was a 200 kilowatt system consisting of 584 modules that would occupy less than one acre & would offset utility usage at Ridgeway Farm.

Planning Commission Chairman Deborah Haskins called the Planning Commission's Hearing to order and asked Monica Elder, County Planner to provide a staff report. Members of the Board of Supervisors then inquired about notification of adjacent landowners if issues developed on site, parties that might access the site as permitted under proposed Condition #3, and the Board's right to revoke the permit. Jon Kirchner, Vice President of Technology & Engineering with Sigora Solar and County staff responded to the question received.

There being no further comments, the hearing was adjourned.

Public Hearing - Holocene Clean Energy

Red House Solar I Utility-Scale Solar Conditional Use Permit Application

Garland Hamlett, Jr., Chairman of the Charlotte County Board of Supervisors, opened the public hearing for the Red House Solar I conditional use permit application for a 5 megawatt utility-scale solar energy system. The proposed location was Tax Parcel #6-A-26, owned by Norman Miller and Elizabeth Reynolds and located on Route 700, Hamlet Road, approximately 900 feet west of the intersection of Hamlet Road and Red House Road (Route 727). The proposed facility would occupy approximately 28 acres and would include approximately 20,000 solar panels, connecting to Southside Electric Cooperative's distribution lines.

Planning Commission Chairman Deborah Haskins called the Planning Commission's Hearing to order. Danny Wilson with third-party reviewer New Riverside Consulting presented the staff report on behalf of Charlotte County for the project.

Stan Allison and Laura Tillett with Holocene Clean Energy then provided a presentation on the project. They addressed a discrepancy in the materials provided, stating that the project area was 28 acres as shown on the display map. They also noted that the battery storage component had been removed from the project.

Members of the Board of Supervisors inquired about the source of materials used in the project, battery storage, the location of the home on the property, buffers and screening, decommissioning, impact fees, participation and concerns at the neighborhood meeting Holocene conducted, and previous contributions made to the Charlotte Court House Fire Department. Questions were addressed by County staff as well as Holocene's representatives.

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

Special Called Meeting

Consideration of Sigora Solar & Holocene Clean Energy Conditional Use Permit Applications

Chairman Haskins called the meeting to order. Supervisor Kay Pierantoni was not present as she remained in the Board of Supervisors' meeting.

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

Andrew Carwile made the motion to recommend approval of the Sigora Solar conditional use permit application for Ridgeway Farm with the conditions as presented in the staff report. Kenny Howard seconded the motion and the motion carried with all members present voting yes.

Staff report conditions read as follows:

1. The applicant shall adhere to all federal, state, and local laws, regulations, ordinances and permit requirements for the construction and operation of the proposed facility.
2. The facility shall be constructed and operated in substantial compliance with the application provided and the approved site plan.
3. The County Administrator, Building Official, Zoning Administrator, or any other parties designated by those County officials, shall be allowed to enter the property to check for compliance with the provisions of this permit, with reasonable advanced notice and subject to the security, health and safety standards and regulations that apply to the project site.
4. Any infraction of the above-mentioned conditions may lead to a stop order and revocation of the Conditional Use Permit, if it be the wishes of the Charlotte County Board of Supervisors.

Planning Commissioners then discussed Holocene's removal of the battery storage component from the Red House Solar I project. Stan Allison with Holocene stated that there were multiple reasons for removing the battery storage including economics and concerns expressed by the County. Commissioners also discussed the discrepancy in the acreage and the need to clarify both issues in any conditions recommended.

David Watkins made the motion to recommend approval of Holocene Clean Energy's Red House Solar I conditional use permit application with the recommended conditions presented in the staff report, correcting the project size to 28 acres and removing the battery storage. Kenny Howard seconded the motion and the motion carried with all members present voting yes.

Recommended conditions in the staff report read as follows:

1. Conformance with Plan.

- A. The Applicant shall utilize the site in general conformance with the applicable portions of the application narrative and as shown on the site plan titled "Preliminary Drawing, Not For Construction," prepared by Holocene Design Build, LLC on behalf of Red House Solar I, and dated August 1, 2019 (the "Preliminary Plan"). The exact location of the various parts of the solar energy project ("Solar Facility") such as solar modules, access roads and ingress/egress, fencing, parking, laydown areas, buffers, substation, switchyard, storage area, and any stormwater management ponds shall be established during the site plan review process and as required by the Virginia Department of Environmental Quality and the Southside Soil and Water Conservation District.
- B. Additional temporary or permanent access roads or points of ingress/egress may be added to the Solar Facility provided permission is obtained from the landowner and approved by the appropriate agency (i.e.: the County, VDOT, etc.) during the site plan review process.

2. Setbacks.

- A. Existing power lines, gravel roads/entrances, various easements, any new overhead lines required to deliver power into electrical grid, any telecommunication lines, and similar accessory uses needed for the Solar Facility monitoring may be located in the Setback. If any new overhead lines are installed in the setback, they shall be installed perpendicular to the property boundary, to the greatest extent possible, to minimize loss of vegetative buffer.

3. Screening and Landscaping

- A. Existing trees and vegetation shall be retained within the Setbacks, except where easements or access is required, to provide a minimum landscaped buffer of 25 feet.
- B. In areas where existing trees, vegetation, topography, or other features are disturbed or not present, additional plantings shall be added into the Setback. These plantings shall include two rows of evergreen and/or deciduous tree species native to the region. The plantings in each row shall be spaced every 12 feet with the two rows being staggered to achieve better screening. The plantings shall be a minimum of 3 feet at time of planting. Specific details of any planted buffer shall be submitted to the county at the time of site plan review. The required buffer, including new plantings, shall be maintained by the applicant for the life of the project.

- 4. Fencing.** The Applicant shall install security fencing around the solar modules as shown on the Preliminary Plan. The fence shall be a minimum height of six (6) feet with an appropriate non-climbing device such as barbed wire.
- 5. Height.** The total height of the solar modules, including any mounts, shall not exceed twenty-five (25) feet. This restriction shall not apply to utility poles, transmission lines, or any equipment needed for the substation.
- 6. Noise.** Noise levels at the Property line shall not exceed 50 dbA.
- 7. Lighting.** Lighting shall be limited to the minimum necessary for security purposes. All lighting shall be fully shielded and downward facing. Details of the light fixtures shall be provided as part of the site plan approval.
- 8. Utility Connection.** Prior to site plan approval, the Applicant shall provide the County a copy of the executed Interconnection Agreement or Interim Interconnection Agreement. This Agreement shall demonstrate authorization to connect to a transmission line in accordance with Charlotte County Zoning Ordinance Section 10-23-9 shall be provided to Charlotte County.
- 9. Signage.** Warning signage and a 911 address sign shall be clearly posted in various locations around the Solar Facility. The signage shall identify the owner of the facility and a 24-hour emergency contact phone number. Signage shall be posted at the property entrance.
- 10. Site Maintenance.**
 - A. The Applicant shall plant a grass seed mix and other vegetation under and around the panels and maintain the grass to prevent overgrowth and prevent weeds in keeping with the parameters described in the Application Section titled "Vegetation in Facility."
 - B. Mowing/weed management shall be conducted as needed to maintain the grasses and discourage woody/invasive species from growing too close to the solar modules.
- 11. Solar Modules.**
 - A. Solar modules will be manufactured and oriented to prevent glare toward any adjacent properties or roads.
 - B. If modules are replaced or repaired, they shall use current technology that minimizes the glare from panels as reasonably practicable.
 - C. Regular maintenance and repair of the equipment shall occur to ensure all elements of the project are in good working order.
- 12. Inspections.** All Solar Facility components shall meet the National Electrical Code and State Building Code and shall be inspected by a county building inspector or third-party inspector approved by the county through the building permit process.
- 13. Decommissioning.** Decommissioning shall be performed in compliance with the decommissioning plan as submitted. This approved plan includes, but is not limited to, the submission of decommissioning financial security prior to site plan approval, and removal of equipment and site rehab and restoration at the end of operations.
- 14. Regulatory Compliance.** The Project will comply with local, state, and federal laws as applicable during the development, construction, operation, and decommissioning of the

Project. If any portion of the Project is found to be out of compliance with local, state and/or federal laws applicable to the development, construction, operation, and/or decommissioning of the Project, the Applicant shall remedy such noncompliance as soon as reasonably practicable.

George Sandridge made the motion to adjourn the meeting. David Watkins second the motion and the motion carried.

December Meeting (Date Change due to Christmas Holiday)

Chairman Haskins called the meeting to order. Supervisor Kay Pierantoni was not present as she remained in the Board of Supervisors' meeting.

Kenny Howard made the motion to approve the November 19 meeting minutes as presented. Eugene Wells seconded the motion and the motion carried with all members present voting yes.

No one signed up to speak during the Public Comment period.

County Planner Monica Elder reported that while staff had requested Mr. Reuben Stoltzfus contact the Administration Office following the Planning Commission's November 19th review of his conditional use permit application for log mat assembly, he had not done so. Therefore, a letter had been sent to Mr. Stoltzfus stating that a driveway approval permit from VDOT would be needed prior to moving forward with a public hearing for his permit application. However, Mr. Stoltzfus had not responded to the letter. By general consensus, the Planning Commission agreed to table the matter.

Ms. Elder distributed sample language from other Virginia localities regarding the development of lots that do not meet current lot size requirements, but met the requirements that were in place at the time the lots were created. After reviewing and discussing some of the options, staff recommended that the Commissioners spend some time reviewing the samples more thoroughly and revisit the issue at their next meeting. George Sandridge made the motion to table the issue until a future meeting. Eugene Wells seconded the motion and the motion carried with all members present voting yes.

Meeting was adjourned.

Nonconforming Lots
Examples from Other Localities

Roanoke County, VA (also used by Bedford County)

Sec. 30-23-5. - Nonconforming Lots of Record.

(A) A lot of record that is nonconforming due to lack of adequate frontage, width, depth, or area may be developed, provided the development proposed on the lot is in accordance with the applicable use and design standards contained in the district regulations.

(B) Any lot of record that is nonconforming because it has no public street frontage may be developed, or an existing structure on the lot may be expanded, provided the county reviews and grants a special use permit for the proposed development, expansion, and use in accord with the standards and procedures contained in section 30-19 of this ordinance. This provision shall not apply to the use and development of such parcels for any agricultural and forestry use type, or for single family or two family dwellings.

Halifax County, VA

Sec. 53-77. - Lots.

Any lot of record on January 1, 2003, which is less in area or width than the minimum required by this chapter may be used when the requirements of the board of zoning appeals regarding setbacks, side yards and rear yards are met.

(Code 2000, § 16.32)

Cumberland County, VA

Sec. 74-786. - *Nonconforming* lots.

(a) Any lot of record at the time of the adoption of the ordinance from which this section derives which is less in area or width than the minimum required by this chapter shall be exempt from the minimum area and width requirements granted the lot was described in the most recent deed of conveyance to contain at least one acre and was valid at the time of its creation and can meet health department requirements for the provision of water and wastewater.

(b) Preexisting *nonconforming* lots, parcels, uses or structures that fail to meet the width, area, setback or frontage requirements of this chapter may apply for a waiver or conditional use permit to address any such deficiencies, provided the granting of the waiver or conditional use permit promotes good zoning practice and will not adversely affect the public health, safety and welfare. The fee for this conditional use permit shall be waived.

(c) Lot line adjustment involving *nonconforming* lots. One or more lot lines of a *nonconforming* lot may be adjusted provided:

(1) The boundary line adjustment does not cause any adjacent conforming lots to become *nonconforming*; and

(2) The boundary line adjustment does not cause any *nonconforming* lots to become more *nonconforming*.

Brunswick County, VA

28-6. - *Nonconforming* lots.

28-6-1. Any lot of record on December 1, 1992, which is less in area of width than the minimum required by this ordinance may be used provided a showing of unnecessary and undue hardship would result if a variance is not granted from the board of zoning appeals.

28-6-2. Any lot shown on a plat which was recorded prior to December 1, 1992, which does not meet the minimum lot area requirement of one acre in an A-1 agricultural zoning district, but which complies with all other bulk requirements (i.e., lot frontage, front setbacks, and side and rear yard regulations) may be administratively approved for use as a single-family dwelling lot by the zoning administrator if such lot otherwise complies with the zoning ordinance.

Prince Edward County, VA

11-6. - *Nonconforming* lots.

Except as provided in the preceding articles of this ordinance, where a lot of record on January 10, 1989, has less area or width than herein required in the district in which it is located, and said lot is within 80 percent of the required area and width, said lot may nevertheless be used for a single-family dwelling or for any other nondwelling use permitted in the district in which it is located, provided setbacks, side and rear yard requirements are met. A lot that is less than 80 percent of the required area or width may be used provided the requirements of the board of zoning appeals regarding setbacks, side and rear yards are met.

Campbell County, VA

Sec. 22-8. Nonconforming lots of record, structures, uses of land, and uses of structures.

A.General.

This chapter recognizes the elimination of existing lots, buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is, therefore, the intent of this Ordinance to permit these non-conformities to continue, but not to encourage their

survival or permit their uses as grounds for adding other structures or uses prohibited elsewhere within the same district. Therefore, any structure or use of land existing at the time of the enactment of this Ordinance, and any subsequent amendments thereto, but not in conformity with the regulations and provisions herein, may be continued subject to the provisions of this section. If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the County for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the County shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the County or any agency affiliated with the County for fees associated with such filing.

B. Lots of Record.

Where a lot of record at the time of enactment of the Ordinance does not contain land of sufficient area or width to permit conformity with dimensional requirements of this Ordinance, the following provision shall apply:

Any lot of record, in any district, at the time of enactment or amendment of this Ordinance which is less in area, or width or both than the minimum required by this Ordinance may be used for a permitted use in that district, provided that setback and requirements other than those applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. The required area for permitted uses utilizing individual water supply and/or sewage disposal systems shall be approved by the local Health Department and additional area shall be required if considered necessary for conditions encountered. Modifications pursuant to §22-26.1 of this Code or variances for setback requirements shall be obtained through original application or upon appeal to either the Zoning Administrator or to the Board of Zoning Appeals, as provided for in Article XII herein.

