

**Staff Report
Tall Pines Solar Project
Conditional Use Permit
Charlotte County, Virginia**

**Report Date: April 18, 2022; Revised/Updated April 25, 2022
Planning Commission Meeting Date: April 26, 2022**

The Applicant submitted revised application materials and plans on April 22, 2022; this Staff Report has been updated to reflect these revised materials and plans. Revised/updated content is shown in **underlined bold italics**; deleted information in ~~strikethrough~~

APPLICATION SUMMARY

Project: Tall Pines Solar Project

Location: The project is east of Cullen in Charlotte County, Virginia, and consists of ~~three (3)~~ **two (2)** distinct areas. The first site area, “northern” site area is located with direct access on the west side of Bethlehem Road (Rt. 655). The second larger, “~~middle~~” **“southern”** site area is located on the southwest side of Welsh Tract Road (Rt. 658), **extending to** ~~The third, “smallest” site area is located on Fox Hollow Lane extended and on the south side of Reynolds Lane extended~~ **with frontage along Fox Hollow Lane extended.**

Parcel Record Numbers: The first site area “northern location” consists of parcels: 17-A-14 (partial), 17-A-15, 17-1-1-A, 17-1-3, 17-1-4-C, 17-A-16, 17-1-2-A, 17-1-2; the second site area “~~middle largest~~” **“southern location”** consists of parcels: 27-A-87, 27-A-34-A, 27-A-33-B, 27-A-32-B, 27-A-33, 27-A-32-C, 27-A-33-A, 27-A-26, 27-A-27, 27-A-28, 27-A-29, 27-A-18, 27-A-19, 27-A-20-A, 27-A-22, 27-A-23, 27-A-24, 27-A-25, 27-A-54, 27-A-55, 27-A-20, 27-A-16, 27-A-15, 27-A-56, 27-A-59, 27-A-58; ~~the third site area “southern” consist of parcel,~~ **27-A-12, 27-1-14 (partial), and 27-A-14-A.**

Proposal: Applicant’s request for a Conditional Use Permit for a 220 megawatt (MW) solar energy facility in the General Agriculture District zoning district

Application Submitted: June 4, 2021
Deemed complete on July 22, 2021
Revisions received February 21, 2022 and March 4, 2022 **and April 22, 2022**

Applicant: Tall Pines Solar, LLC
c/o NOVI Energy
23955 Novi Road
Novi, Michigan 48375

Representative: Anand Gangadharan
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asganga@novienergy.com

Owners: Steven J. and Shannon V. Feinman & Brenda Vassar; Lealon Gregory, Cheryl Vassar, and Brenda Vassar; Lealon Gregory & Cheryl Vassar and Lealon Mathew Vassar; Karen V. & Jason M. Goodman and Brenda N. Vassar; Bryan K. and Angela N Morris; Jerry L. and Judy W. Morris; Adam and Elizabeth Mathis; Mill Road Logging, LLC; J. Archer Crawley Estate; and James M. & Diann M. Martin; *Estate of Mildred E. Reynolds; John Willis Reynolds, Life, or Jack Reynolds, Life*

PLANNING COMMISSION ROLE

The Applicant has submitted a Conditional Use Permit (CUP) application for a solar energy facility. As a prerequisite, the Planning Commission previously completed their review of the Applicant's proposal as a "public utility facility" under Virginia Code Section 15.2-2232(A) and Section 2-8-5, *Public facilities review* ("2232"), of the County's Zoning Ordinance, and determined that the general or approximate location, character, and extent of the proposed facility is substantially in accord with the County's Comprehensive Plan.

Pursuant to Section 2-8-7.7, the Planning Commission must evaluate the merits of the CUP and determine if the proposed conditions sufficiently mitigate any associated impacts from the project and meet the County's conditional planned use development criteria as set forth in the Zoning Ordinance. As part of their CUP review process, the Planning Commission will conduct a public hearing to receive public comment on the application. Following the public hearing, the Planning Commission will make a recommendation to the Board of Supervisors to either approve or deny the CUP Application, and whether and what conditions should accompany any approval. The Planning Commission may also defer action to a future meeting.

PROPOSED DEVELOPMENT

The Applicant proposes to construct a 220 megawatt (alternating current) photovoltaic solar energy generation facility utilizing ~~35~~ 37 parcels (a 179.81-acre portion of the 383.98-acre parcel 17-A-14, and a 49.59-acre portion of the 90-acre parcel 27-A-14) with a total permit area for the project of ~~2,021.56~~ 2,083.15 acres. The project is east of Cullen in Charlotte County, Virginia, and consists of ~~three (3)~~ two (2) distinct areas. The first area, "northern cluster", is located with direct access on the west side of Bethlehem Road (Rt. 655). The second larger area, "~~middle cluster~~" "southern cluster", is located on the southwest side of Welsh Tract Road (Rt. 658) extending to the. ~~The third area, "southern cluster" is one large parcel located on Fox Hollow Lane extended and on the south side of Reynolds Lane extended~~ with frontage along Fox Hollow Lane extended. The total fenced area proposed is ~~1,350~~ 1,373 acres, or ~~66.8%~~ 65.8% of the total Site area.

The project infrastructure will consist primarily of approximately 530,000 solar modules mounted to a single axis tracking system and one module in portrait (1P) orientation, seventy-five (75) inverters and transformers, a substation with transformers, switchgear, and dead-end structures, and a control building. The project will interconnect to the grid via the existing 115 kV 'Twittys Creek Substation' to 'Madisonville Substation' transmission lines that traverse the southern portion of the middle cluster, and the southern cluster of the site. Details on the utility connection between noncontiguous portions of the project are not addressed in the submitted concept plan; the Applicant has indicated that they are "working with landowners to secure an easement to connect the northern

and southern portions of the project. Power in the northern portion of the project will be collected and exported to the southern portion along this easement.”

The proposal indicates that the project will have ~~seven (7)~~ **eight (8)** gated entrances to public roads, as follows, with the main entrance being located on Welsh Tract Road:

- One (1) entrance at County Line Road;
- ~~Three (3)~~ **Four (4)** entrances at Welsh Tract Road;
- One (1) entrance at Tall Pines Lane;
- One (1) entrance at Fox Hollow Lane; and
- One (1) entrance at Bethlehem Road

Each entrance will include appropriate warning signage that includes the 911 address, owner’s information, and a 24-hour emergency contact number. The main entrance on Welsh Tract Rd will be fitted with an electronic security and controlled access system, while the other entrances will have simple gated access.

The Applicant proposes setbacks of 100 feet from wetlands, and 75 feet side equipment setback; setbacks of 75 feet from the center of the transmission line; and setbacks of 125 feet from the front property line. The Applicant proposes a minimum 25-foot vegetated buffer using existing vegetation where possible and planting new vegetation where necessary.

EXISTING CONDITIONS AND ZONING

Parcels within the project area are currently zoned General Agricultural and are identified as Agricultural, Forestry, and Rural Areas on the Future Land Use Map. The project area includes forested and cleared land and has primarily been used for timber production and some agriculture. The area has sections of steep slopes, and the applicant proposes that solar PV equipment will not be installed in areas with slopes greater than 15%.

The project area also includes streams, wetlands, and other water bodies. Most prominently, the East Branch of Wards Creek and Dunnivant Creek flow through project parcels, and portions of lakes formed from a dam along the East Branch of Wards Creek and a dam along Dunnivant Creek (located on the north side of Hwy 604/Abilene Road/Roanoke Bridge Road) are located on project parcels. The applicant proposes to use existing roads and culverts to avoid constructing new road crossings in wetlands.

The dam along the East Branch of Wards Creek is referred to as structure 31B, and parcels included as part of the application are subject to an easement associated with potential inundation from the lake to an elevation of 471.5’. The dam along Dunnivant Creek is referred to as structure 43-A, and one parcel included as part of the application, 27-A-12, is subject to an easement associated with potential inundation from the lake; this second easement imposed varying restrictions on a number of properties. With respect to these easements, it will be necessary for the applicant to identify the location of the easements on the subject parcels and to ensure that site improvements are located in a manner that comports with the requirements of the easements.

Staff research has indicated there does not appear to be any known historic or scenic resources within the project limits; however, there does appear to be natural habitat and ecosystem diversity resources; high and very high value ecological cores; average to outstanding forest conservation values; and lowest to highest priority watershed conservation priority.

Application materials note the presence of private cemeteries and gravesites within the project site, including within fenced areas. The Applicant acknowledges the need to comply with VA Code §57-27.1 in terms of providing access, and indicates that they will allow monitored access to cemeteries to (i) family members or descendants of deceased persons buried there, (ii) any cemetery plot owner, and (iii) any person engaging in genealogy research, who has given reasonable notice to the owner of record, Tall Pines, or both.

ADJACENT AND SURROUNDING USES

The areas surrounding the proposed project area generally share the same land use and zoning characteristics – rural, agricultural, forestry uses – as well as the same land use classifications as the properties subject to the Application. Attachment 2 inventories the properties adjacent to the project parcels, which are exclusively used for either residential dwellings or are timbered lands, or are simply vacant undeveloped open and forested lands not put to any active use.

Project plans demonstrate the location of several residential structures abutting the site, from which a 400’ setback is required and identified. Additionally, the Application indicates that screening in the form of a vegetated buffer will be provided along the perimeter of the site.

There are no contiguous Virginia Outdoor Foundation conservation easements to any of the three clusters for the proposed project and there are no contiguous parcels that are shown on the DCR ConserveVirginia identified maps as being reserved for conservation.

Cullen is the community closest to the project site, located approximately 1.77 miles (10,357’) to the westernmost boundary of the Tall Pine site. The Town of Charlotte Court House is the closest town to the project, located 1.06 miles away, with the closest solar module located not closer than 1.12 miles to the Town’s limits.

With respect to Section 10-23-5, *Density*, of the County’s Zoning Ordinance, the proposed project and the Court House Solar and Twitty’s Creek projects all fall within a 5-mile radius, with the following Project Areas, as defined within the regulation:

- Tall Pines Solar: 1,414 acres
- Court House Solar: 975 acres
- Twitty’s Creek Solar: 75 acres¹

¹ Per the Applicant, “The fenced and landscaped areas were not provided by the County for Twitty’s Creek Solar. For the purposes of this density calculation, the Project Area for Twitty’s Creek Solar Project was taken to be 75 acres based on the Charlotte County Staff Report titled “Twitty’s Creek Solar, LLC Conditional Use Permit Application Public Hearing” dated August 7, 2017. The Staff Report describes the Project’s “occupied area” to be 75 acres.”

The Applicant has indicated that the combined Project Area for these three utility-scale solar projects is equal to 2,464 acres, or 4.9% of a five-mile radius, which will necessitate authorization by the Board of Supervisors to exceed the 3% limit.

Please note, the area for Tall Pines Solar noted above has not been updated based upon the revised plans submitted on April 22, 2022. Further, it is understood that these calculations may not be inclusive of the entire fenced-in area and the required landscape buffer zone. Staff would request that the Applicant clarify and confirm the project area pursuant to the regulation and produce a plan graphic showing the project area within a 5-mile radius.

COMPREHENSIVE PLAN CITATIONS

Based upon the previous determination under Virginia Code Section 15.2-2232(A) and Section 2-8-5, *Public facilities review* (“2232”), of the County’s Zoning Ordinance, that the general or approximate location, character, and extent of the proposed facility is substantially in accord with the County’s Comprehensive Plan, citations to applicable sections of the Comprehensive Plan have not been included within this report. The Planning Commission determined that the project is in accord with the Comprehensive Plan 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.

ZONING ORDINANCE PROVISIONS

The Zoning Ordinance was adopted November 4, 2014, and last amended September 13, 2021. The Ordinance includes the following sections and provisions applicable to solar facilities and their review:

Article XII, Definitions, defines three types of solar energy systems:

- *Solar energy system, large.* A solar energy conversion system that has a maximum power of **not more than 999 kW**. Large solar energy systems are generally used to reduce **onsite consumption** of utility power for commercial and industrial applications. (Adopted July 12, 2016. Amended October 9, 2018.)
- *Solar energy system, small.* A solar energy conversion system that has a maximum power of **not more than 15 kW**. Small solar energy systems are generally used to reduce **onsite consumption** of utility power for residential, noncommercial, small commercial, and small industrial applications. (Adopted July 12, 2016. Amended October 9, 2018.)
- *Solar energy system, utility scale.* A solar energy conversion system which has a rated capacity of **one megawatt (1 MW) or greater**. Utility Scale Solar Energy Systems are

generally used to provide electricity **to a utility provider**. (Adopted July 12, 2016. Amended October 9, 2018.)

Article II, Administration, Sec. 2-8-5., Public facilities review (“2232”), describes the requirement for evaluating a public utility application to confirm substantial accordance with the Comprehensive Plan.

Article IX, Use Matrix, identifies use types, whether they are allowed in a particular zoning district, and, if allowed, whether by-right or only with the issuance of a conditional use permit: the following uses for solar energy systems:

- Solar energy system, small, is allowed “By-Right” in all 5 of the County’s zoning districts.
- Solar energy system, large, is allowed only in the General Agriculture, Intensive Agriculture, and General Industrial zoning districts and only with a “Conditional Use Permit.”
- Solar energy system, utility scale, is allowed only in the General Agriculture, Intensive Agriculture, and General Industrial zoning districts and only with a “Conditional Use Permit.”

Article X, Supplementary Regulations, Sec. 10-23, Solar Energy Systems. (Adopted July 12, 2016, Amended October 9, 2018; June 8, 2020; July 13, 2020, and September 13, 2021), provided specific regulations for the solar energy system use, summarized as follows:

- 10-23.1. Utility scale solar energy systems shall be considered a principal use. However, an existing use or an existing structure on the same lot shall not preclude the installation of a Utility Scale Solar Energy System on such lot.
- 10-23.2. All Solar Energy System components shall conform to the requirements of the National Electrical Code and State Building Code.
- 10-23-3. Solar Energy System components shall have a UL listing, must be designed with an anti-reflective coating, and must be installed to prevent glare.
- 10-23-4. Utility Scale Solar Energy Systems shall not be located within one (1) mile of an existing town boundary; the Board of Supervisors may approve a Utility Scale Solar Energy System location closer than (1) mile to an existing town boundary and establish the permitted distance from such system to an existing town boundary, provided that no project is approved closer than one (1) mile to the Town of Keysville, or closer than one-half (1/2) mile to the Towns or Phenix, Charlotte Court House, or Drakes Branch.
- 10-23-5. Absent specific authorization by the Board of Supervisors, no more than three percent (3%) of the land area in any given five-mile radius shall be approved for use as the project area for Utility-Scale Solar Energy Systems. The project area for a Utility-Scale Solar Energy System shall consist of the entire fenced-in area and the required landscaped buffer zone.
- 10-23-6. Unless otherwise prescribed by the Board of Supervisors, Utility Scale Solar Energy Systems shall conform to the following setbacks: a minimum setback of 125 feet from the center line of any state maintained road abutting the property; a minimum setback of 75 feet from all other property lines with the exception of those property lines

that are inside the project's boundaries and which do not abut property located outside the project area; and a minimum of 400' from all off-site residential structures.

- 10-23-7. Solar Energy Systems & equipment shall not exceed twenty-five (25) feet in height.
- 10-23-8. Lighting shall be limited to the minimum necessary.
- 10-23-9. No Utility Scale Solar Energy System shall be installed until evidence has been provided to the County that the owner has been approved by the utility company to interconnect.
- 10-23-10. Utility Scale Solar Energy Systems shall be enclosed by security fencing not less than six (6) feet in height equipped with an appropriate anti-climbing device. The entire facility, including fencing, shall be screened from ground-level view of adjacent properties by a landscaped buffer zone at least 25 feet wide consisting of an evergreen and deciduous mix. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In the event that existing vegetation or landforms providing screening are disturbed, new plantings shall be provided which accomplish the same.
- 10-23-11. During operations, noise levels measured at the property line shall not exceed 50 dbA.
- 10-23-12. Appropriate warning signage and a 911 address sign shall be posted.
- 10-23-13. Weed control and mowing shall be performed in accordance with an approved site management plan.
- 10-23-14. Panels shall be repaired or replaced when in visible disrepair.
- 10-23-15. Applications for Utility Scale Solar Energy Systems shall include a decommissioning plan with all the items specified in the section.
- 10-23-16. Applications for Utility Scale Solar Energy Systems shall include all the items specified in the section.
- 10-23-17. A 2232 review by the County is required by the Code of Virginia (§15.2-2232) for utility-scale solar facilities.

Article II, Administration, Sec. 2-8-7, Conditional use permit, establishes the procedures and standards for consideration of conditional use permit applications. **Section 2-8-7.6, Criteria for consideration**, as follows, establish the specific factors that must be considered in the consideration of conditional use permits:

In considering a conditional use permit application, the following factors must be considered. The applicant must address these factors in the statement of justification. The applicant may also include information on other relevant issues and the Planning Commission and Board of Supervisors may consider other relevant issues in evaluating the application.

- a) Whether the proposed use is consistent with the comprehensive plan.
- b) Whether the impacts of the proposed use on surrounding properties and public facilities, services, and infrastructure will be adequately mitigated so as to protect adjacent owners and the general public.
- c) The compatibility of the proposed use with other existing, planned, or proposed uses in the neighborhood, and adjacent parcels.
- d) The timing and phasing of the proposed development and the duration of the proposed use.

- e) Whether the proposed use will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, agricultural, archaeological or historic features.
- f) Whether the proposed use at the specified location will contribute to or promote the welfare of the public.
- g) Whether the proposed use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the comprehensive plan.
- h) The effect of the proposed use in enhancing affordable shelter opportunities for residents of the County.

STAFF REVIEW AND COMMENTS

Staff has reviewed the subject Application pursuant to Section 2-8-7, *Conditional use permit*, of the County's Zoning Ordinance, and specifically Section 2-8-7.4, *Planning commission review and action*, with respect to whether the application complies with the conditional use provisions in the particular district, the criteria in Sec. 2-8-7.6, and the comprehensive plan, including verification that the use is specifically authorized within the district. Please consider the following:

Compliance with Conditional Use Provisions in a Particular District

The proposed use is not subject to specific use provisions in the General Agricultural District zoning districts.

Verification that the Use is Specifically Authorized within the District

The use is allowed in the General Agriculture District zoning district with the issuance of a conditional use permit and subject to supplementary regulations, pursuant to Sec. 10-23, *Solar Energy Systems*. As noted above, the project, along with the Courthouse Solar and Twitty's Creek Solar projects results in the land area within a five-mile radius exceeding the 3% limit without specific authorization by the Board of Supervisors. Staff acknowledges that the Board of Supervisors may authorize a project to exceed the density limits, however, through a discretionary permit process, the decision to do so should be based upon a project's consistency with the CUP criteria and the ability to demonstrate a compelling benefit to the County. The Applicant has not directly addressed the density of the project in terms of why the project as presented would likely result in more benefits to the County compared to a project meeting the density limits, or why the project as presented would not result in greater impacts than an otherwise compliant project, or at least impacts that could be similarly mitigated by conditions.

With respect to addressing stormwater quantity and quality, the Virginia Department of Environmental Quality issued a policy on March 29, 2022, updated on April 14, 2022, indicating that **for projects that do not obtain an interconnection approval by a regional transmission organization or electric utility by December 31, 2024** solar panels are to be considered unconnected impervious areas when performing post-development water quantity calculations using the hydrologic methods specified in the Virginia Stormwater Management Program regulation, and are to be considered impervious areas when performing post-development water quality calculations using the Virginia Runoff Reduction Method (VRRM). Staff would recommend that the Applicant consider how this policy may affect the

design of the project and be prepared to present additional information to acknowledge the policy and opinions as to whether the policy will or will not result in necessary changes to the design presented to accommodate additional and/or larger stormwater BMPs.

CUP Criteria for Consideration; Comprehensive Plan

- a) *Whether the proposed use is consistent with the comprehensive plan.*

As noted, the general or approximate location, character, and extent of the proposed facility was previously determined by the Planning Commission to be substantially in accord with the County's Comprehensive Plan pursuant to Virginia Code Section 15.2-2232(A) and Section 2-8-5, *Public facilities review* ("2232"), of the County's Zoning Ordinance; additionally, the Board of Supervisors concurred with the Planning Commission's determination. There have been no changes to the application to warrant reconsideration of this determination.

- b) *Whether the impacts of the proposed use on surrounding properties and public facilities, services, and infrastructure will be adequately mitigated so as to protect adjacent owners and the general public.*

Staff is of the opinion that based upon proposed project setbacks and buffers, the location of panels and supporting facilities, presented landscaping and site maintenance procedures, and limited vehicular access points, the proposed use, with recommended conditions, will adequately mitigate potential impacts on surrounding properties and public facility, services, and infrastructure. Additionally, consideration should be given to the impact of the use during the development/construction phase, and a condition requiring the submission of a construction management plan, along with related conditions, will work to address these potential impacts.

- c) *The compatibility of the proposed use with other existing, planned, or proposed uses in the neighborhood, and adjacent parcels.*

Staff is of the opinion that the use, with recommended conditions, is not inherently incompatible with existing, planned, or proposed uses in the neighborhood, and adjacent parcels, owing to the location and design, specifically benefiting from proposed project setbacks and buffers, the location of panels and supporting facilities, presented landscaping and site maintenance procedures, and limited vehicular access points. However, consideration should be given to whether limiting the use of a sizeable area of the County for upwards of 35 years is in the best long-term interests of the County.

- d) *The timing and phasing of the proposed development and the duration of the proposed use.*

The submitted decommissioning plan indicates that the project will have a lifespan of 35 years. Staff is of the opinion that there are no inherent issues related to the lifespan of the use, however, consideration should be given to whether limiting the use of a

sizeable area of the County for upwards of 35 years is in the best long-term interests of the County.

The Application does not address the duration, phasing, and management of development activity. Additional information would be suggested as part of the public hearing process, but a condition requiring the submission of a construction management plan, along with related conditions, will work to address these potential impacts.

- e) *Whether the proposed use will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, agricultural, archaeological or historic features.*

Staff is of the opinion that there are not likely significant archaeological or historic features that will be impacted by the project, or, such as with respect to private cemeteries and gravesites, that the Applicant has proactively accounted for their presence. With respect to natural features, the proposed development, setbacks, and buffers sufficiently protect these resources. Staff is of the opinion that proposed wildlife corridors could be improved upon and would recommend a condition requiring there be no fenced areas of the project greater than forty (40) acres in size, consistent with Virginia DWR's *Solar Energy Facility Guidance*.

- f) *Whether the proposed use at the specified location will contribute to or promote the welfare of the public.*

Staff is of the opinion that development of the proposed use will result in some short-term benefits to the local economy, along with tax revenues. Generally, beyond these benefits, Staff is of the opinion that the use will neither contribute to or be detrimental to the welfare of the public.

- g) *Whether the proposed use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the comprehensive plan.*

Utility-scale solar facilities create very few, if any, long term jobs. The primary benefit to the County is during active construction, however most projects bring in outside labor. There are some economic benefits in the short term (e.g., food & lodging). Staff is of the opinion that the project will provide limited desirable employment opportunities, for a short-term. Beyond tax and other payments derived directly from the project, Staff is not of the opinion that the project will, in the long term, "enlarge the tax base by encouraging economic development activities."

- h) *The effect of the proposed use in enhancing affordable shelter opportunities for residents of the County.*

Staff is of the opinion that the proposed use will have no effect with respect to affordable shelter opportunities for residents of the County.

STAFF RECOMMENDATION

Based upon the above review, and for the reasons noted herein, Staff recommends approval of the application with conditions (see recommended conditions as Attachment 3).

DRAFT PLANNING COMMISSION ACTIONS

Staff Recommendation - Option 1 – Recommend Approval with Conditions

Staff Note: The conditions provided as Attachment 3 are preliminary, and it would be expected that conditions as ultimately recommended would need to be refined and informed by information received during the public hearing, and input from the Planning Commission.

I move to recommend to the Board of Supervisor's that Tall Pines Solar, LLC's Conditional Use Permit for a proposed 220-megawatt solar energy generation facility, as presented, be approved with conditions, 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.

Conditions recommended by the Commission are as follows: *see Attachment 3*

Option 2 – Deferral of the application

I move that the Planning Commission defer issuance of a recommendation on Tall Pines Solar, LLC's Conditional Use Permit for a proposed 220-megawatt solar energy generation facility until the Planning Commission meeting scheduled to begin at _____ p.m. on _____, in the Board of Supervisors meeting room.

Option 3 - Recommend Denial

I move to recommend to the Board of Supervisor's that Tall Pines Solar, LLC's Conditional Use Permit for a proposed 220-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; and
3. The proposed use negatively impacts surrounding properties due to its size and scale, issues that cannot be sufficiently mitigated;

Attachments:

Attachment 1 - Tall Pines Project Application

Attachment 2 - Adjacent Land Information

Attachment 3 - Preliminary Proposed Conditions