



**CHARLES CITY COUNTY  
PLANNING COMMISSION MEETING  
June 09, 2022 - Minutes**

**CALL TO ORDER:**

The Charles City County Planning Commission Meeting was called to order on *June 09, 2022, at 7:00 p.m.* at the Charles City County Government Administrative Building.

**PRESENT:**

William Bailey; Clyde L. Miles; LaToya Johnson-Davis; James Walton.

**ABSENT:**

Ed Baber, Chairperson; Andrew Adams, Vice Chairperson; Gilbert Smith;

**OTHERS PRESENT:**

Rhonda Russell, Asst. Co Administrator/Director Community Development, Gary Mitchell, Planner/Asst. Zoning Administrator, Peggy J. Sullivan, Administrative Asst. – Zoom

On a motion by Mr. Walton, second by Ms. Johnson – Davis and a vote of 4/0, the Planning Commission elected Mr. Bailey to serve as Chairman for the June 09, 2022, meeting.

**PUBLIC HEARINGS:**

The Chairperson stated no public hearing.

**APPROVAL OF PREVIOUS MEETINGS MINUTES:**

On a motion by Mr. Walton, second by Mr. Miles and a vote of 4/0, the minutes from November 18, 2021, were approved as written.

On a motion by Mr. Miles, second by Mr. Walton and a vote of 4/0, the minutes from December 09, 2021, were approved as written.

On a motion by Ms. Johnson-Davis, second by Mr. Walton and a vote of 4/0, the minutes from January 27, 2022, were approved as written.

**UNFINISHED BUSINESS - Txt Amendment Discussion:**

Mr. Mitchell, provided the following summary:

Lodging Facility - a hotel, motel, Inn, tourist home, boarding house, or other establishment where the individual dwelling units within are used on a transient basis, and includes customary amenities and facilities operated as part of, or associated with, the lodging facility.

Lodging Facility Operator – means the proprietor of any dwelling, lodging, or lodging accommodations offered as a short-term rental, whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other possessory capacity who shall be responsible to ensure all standards are in compliance.

Tourist Home – when an entire dwelling is rented to guests for residential use related to tourism or vacationing. Rental periods are no more than ninety (90) consecutive days in a calendar year. A Tourist Home is a dwelling rented on a short-term basis throughout a calendar year and which is not owner occupied.

Mr. Mitchell suggested in the Section 5 Agricultural District (A-1) - Section 5-2 Permitted Uses to be made a Special Use - Lodging facilities, regardless of type should always be special uses in the A-1 District, and the Residential District (R-1), Section 6-2 Permitted Uses from Boarding House to be made a

Special Use in the (R-1) district. Take Boarding Houses out of Permitted Uses and put under Special Use Permit. The following will fall under Special Use Permit:

- Boarding House • Inn • Hotel/Motel • Tourist Home

In the multi-family residential district, uses are more transient in nature and Board House and Inn are more appropriately located within this zoning district. As one moves from agricultural to tourist business district the transient nature and the intensity of the use(s) increase. The ordinance will have Inn, and Tourist Home in Permitted Use and have Section 7-3 Uses with Special Use Permit you would have Boarding House, Hotel/Motel. In Section 8-3 General Business District (B-1) they all would be under Section 8-2 Permitted Uses, and Section 10 – Tourist Business District (B-3), 10-2 Permitted Uses:

- Boarding House • Inn • Hotel/Motel • Tourist Home

Staff provided a list of performance standards that would apply for Tourist Homes, Boarding Houses, Hotel/Motel, Tourist Homes, and Inns. Mr. Mitchell suggested adding one provision that states, no Tourist Home shall be located on a private road all have to be on a state road that VDOT maintains.

- Mr. Bailey suggested adding unless all the homeowners agreed to allow the private road to be used.
- Mr. Walton asked how many applicants have applied for a short term rental? Mr. Mitchell answered we have one that is on Route 5.
- Mr. Miles asked where did the standards come from? Mr. Mitchell answered from the applicants and neighboring counties.

Mr. Mitchell stated, We need a resolution and advertise a public hearing for the July Planning Commission meeting.

A motion by Mr. Walton, second by Mr. Miles, and a vote 4 - 0 to advertise a public hearing on standards for Lodging Facility, Lodging Facility Operator, and Tourist Home was approved by the Commission.

**NEW BUSINESS** - AES Information Session, Ben Saunders, AES Keydet Solar Center, LLC.

S-Power and AES merged, and we are now known as AES. This is a basic overview of the second phase of Keydet. We want to present this project in a public hearing in the next month or so. The second project is 145 MW with estimated construction less than 1 ½ years and life expectancy of thirty-five years. We have lease agreements on 2/3 of the property and 1/3 we have purchased including the quarry, we plan to reuse this land for solar panels, and we are looking at floating solar panels for the ponds. AES will be using existing substation, transmission lines, and the project do not include a new tower. We may have a new medium voltage line installed. AES will be using existing buffers, and planting buffers where necessary. The transmission lines will go through the existing facility. Mr. Saunders asked for questions.

- Mr. Miles asked if they were looking at property off 106? Mr. Saunders answered yes, and to repair Haults Lane because the way the road is now, we would not be able to get emergency equipment in if needed.
- Mr. Walton asked what does the vegetation look like in the winter? Mr. Saunders answered that it should provide pretty good screening, however we can plant evergreens where needed.
- Mr. Miles asked what is the tax revenue for Charles City on this project? Mr. Saunders answered it is estimated at approximately 15 – 17 million dollars over the thirty-five year period.
- Mr. Walton asked what happens after the thirty-five years? Mr. Saunders stated we will continue to function by putting in new solar panels or decommission the project and take out everything above ground.
- Mr. Walton asked what about the underground lines? Mr. Saunders answered that they would be taken up if required.
- Mr. Miles asked what type of tax reduction if any would you be getting? Mr. Saunders answered around 80% reduction on this project.

◦ Mr. Lloyd Carter request that the County require a Bond to protect the waterways.

#### UNFINISHED BUSINESS:

##### Solar Overlay

Staff – Mr. Mitchell stated in the packet is the draft you requested from our last meeting for Solar Facility Overlay District. This has changes Borrego would like to see and comments from staff. I am going to let Borrego speak on this.

##### Jessie Robinson – Project Developer

Borrego installs small scale solar projects no more than 5 megawatts (3 – 5 megawatts facilities). Borrego’s solar facilities operate on average 15 – 40 acres, and we are all over the country. In Virginia you have to be in Dominion Energy territory. Borrego connects to three phase power lines or distribution grid. To recap in other meetings with you we talked about a TXT Amendment to allow projects of 5 megawatts or less to operate in the county. In April, you asked us to add Solar Overlay District. Borrego hopes to participate in the shared solar program with county residents, but there is a time line. This is why we want to focus on the TXT Amendment we originally proposed in phase one for small scale, medium scale, and utility scale.

##### Andrew Kavanaugh – Civil Engineer

I would just like to offer a quick recap and then answer any questions. Definitions for the solar facility are: Small Scale Facility – one to two megawatts, Medium Scale Facility – two to five megawatts, Utility Scale Facility – five megawatts

This phase is called Old Union Solar I, this will have 24 acres of usable site, and this will benefit the county by the shared solar program which is a bill credit to some residents. tax revenue, minimal environmental impact, easier to manage. Borrego had a virtual meeting November 17, 2021, and a public meeting here May 10, 2022. Borrego has no problems with the Solar Facility Overlay District except for a few changes, but If we can split these out, we can get started on this project. Then work on the rest of the Solar Facility Overlay District. We will be happy to take questions now.

◦ Mr. Walton asked did I hear you say the property owner gets a cut on taxes? Ms. Robinson answered no, residents you receive a bill from Dominion Energy could possibly get a credit on their bill.

◦ Mr. Miles asked where will this site be located? Ms. Robinson answered off of Old Union Road.

◦ Mr. Walton asked is this considered spot zoning? Mr. Mitchell answered no.

◦ Mr. Bailey asked if you are in the overlay district you can build it? Mr. Mitchell answered no you will still need a SUP.

Mr. Mitchell stated you could make a motion to pass a small, medium scale solar facility that you already advertised and held a public hearing.

On a motion by Mr. Miles, second by Mr. Walton, and a vote 4 /0, the Planning Commission approved and recommended approval to the Board of Supervisors to add TXT Amendment to Section 3 Definitions and Section 5-3 Uses with Special Use Permit of the Charles City County Zoning Ordinance for Small Scale Solar Energy Facility, Medium Scale Solar Energy Facility, and Utility Scale as presented.

#### SETBACKS:

##### Staff Presentation – Mr. Mitchell

This section is designed to provide basic lot area and design criteria for lots in Charles City County. The section also addresses setbacks for pre-existing lots in the Agricultural District which do not meet current requirements. The intent is to bring information from all County ordinances dealing with lot size and design criteria into a single document to promote transparency, greater clarity, and efficiency to the application and administration of the ordinance. I have listed below the lot ordinance changes and the noted difference.

- Lot frontage may be reduced to 50-ft when fronting on a cul-de-sac (This is a change, current requirement is 75-ft.).
- Lot width is measured at the setback line (added for clarity).
- The minimum district size is 5-acres, lots for each multifamily dwelling within the district is 4000-sq. ft. (This an addition to the ordinance).

In the A-1 District under permitted uses the ordinance lists “Dwelling, Single-Family, Dwelling, Two-family” and then under uses requiring special use permit the ordinance lists “Dwelling, Single-Family or Dwelling Two-family where there is more than one separate dwelling structure on any one lot.” Under Area requirements the ordinance states 1-acre per dwelling unit. To be clear regarding this issue staff has add note 15 to the table.

15- In the Agricultural District (A-1) the minimum lot size applies to each dwelling unit and there shall be only one dwelling unit per lot.

Text Amendment -03-2022 - Section 3 Definitions (to be revised):

Building, principal – The principal building or one of the main principal building(s) housing the principal use on the lot.

Building, accessory – A subordinate building customarily incidental to and located upon the same lot occupied by the principal building. Accessory building(s) shall not be located in the required front yard setback. No such accessory building(s) shall be used as a dwelling or principal building. Accessory building(s) does not include any type of trailer, motor vehicle bodies, recreational vehicles, or similar items.

Setback - The minimum horizontal distance between the zero line and the nearest front, side, or rear line of the building’s exterior foundation wall(s), cantilevers, chimney’s, eaves, and other architectural features are not subject to setback distances.

Yard – The open space on a lot unobstructed from the ground upward, except as otherwise provided in this ordinance, which is located within any setback.

On a motion by Mr. Walton, second by Ms. Johnson-Davis, and a vote 4 /0, the Planning Commission approved and recommended approval to the Board of Supervisors for all Setback changes as presented.

**DIRECTOR’S REPORT:**

Mr. Mitchell informed the Planning Commission about the conservation easement proposed for the property of Sandy Fields Farm Tax Parcel 66-7, and 73-1.

**QUESTIONS:**

° Karen Cohen, Attorney – asked Mr. Mitchell to clarify several items from the packet on performance standards for small and medium and large scale utility, and for multiply parcels being changed to one single parcel. Mr. Mitchell answered both concerns she mention and was satisfied with his clarification of her concerns.

° Lloyd Carter stated that in April the County changed the Flood Plain Ordinance, and for the Planning Commission to look at it for the Solar Farms.

**ADJOURNMENT:**

The meeting was adjourned at 8:37 p.m.