



CHARLES CITY COUNTY

PLANNING COMMISSION MEETING

July 14, 2022 - Minutes

CALL TO ORDER:

The Charles City County Planning Commission Meeting was called to order on July 14, 2022, at 7:00 p.m. at the Charles City County Government Administrative Building.

PRESENT:

Ed Baber, Chairperson; Andrew Adams, Vice Chairperson; Gilbert Smith; William Bailey; LaToya Johnson-Davis; James Walton.

ABSENT:

Clyde L. Miles

OTHERS PRESENT:

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

Application #1 – Old Union Solar 1, LLC

SUP-02-2022: Application by Old Union Solar 1 LLC, for the construction of a solar powered electrical generating facility as permitted by Division II, District Regulations, Section 5-3, Agricultural District (A-1), Uses with Special Use Permit Solar Energy Facility. The property is zoned Agricultural (A-1) and consists of 82.486± acres. The property is located on the north side of Old Union Road and begins approximately 625±, west of the intersection of Barnetts Road and Old Union Road and is accessed by a private easement. The vacant parcel is identified as tax map parcel number 8-7 and is adjacent to 6461 Old Union Road.

PUBLIC HEARINGS:

The Chairperson reviewed the guidelines for Public Hearings.

Staff Presentation/Recommendation:

Mr. Mitchell – This is Tax Parcel 8-7 82.4+ acres and 24 acres will be the developed area. The applicant requests a Special use Permit to construct a 3 megawatt Solar Energy Facility. This site is 1,625 feet from a public road and will be accessed by a privately owned easement of 625 feet. This site adjoins the existing Skipjack Solar Center along the western property line. The energy generated will flow to the local community, stabilizing the local grid and providing potentially enough energy to serve 500 homes. The existing forest will be a natural buffer. When this was originally presented to the Commission, staff was asked to develop a Solar Overlay District. When reviewed by the Commission it was decided not to use an overlay concept. The original proposed amendments went forward to the Board of Supervisors with a favorable recommendation, and the text amendments and this SUP will be presented at the next Board of Supervisors meeting. If the text amendments are not adopted the SUP becomes null. No action is needed since the existing ordinance only allows a solar facility that generates 5 megawatts or more. Staff examined the Comprehensive Plan which designates this area of the County as suitable for low density rural residential. Staff is concerned this facility with others that follow, may transform this area from rural residential to industrial. Staff believes this facility and numerous others Borrego states are feasible in this area is premature at this time. The Commission is aware the County will be revising its Comprehensive Plan, so having a number of these facilities in this area of the County may be premature prior to the Comprehensive Plan revisions. If the Planning Commission determines that this is not premature and wishes to send this special use forward with a favorable recommendation staff has provided seventeen recommendations concerning this application.

Applicant Presentation:

Jessie Robinson – Borrego: This will be a medium solar scale facility (3 megawatts). It will be

part of the community solar program where residents would receive a credit on their bill. This is the only project we have in the County, and through transmission lines already in place we will connect to the Chickahominy Substation. This parcel was chosen for the following reasons:

- Located adjacent to existing solar farm, fits into the nature of the area.
- Distribution line on-site, substation capacity.
- Minimal visibility 2,000 ft. off road and surrounded by existing forest buffer.
- No surrounding homes and minimal impact to wetlands.
- Maintains rural residential character because 70% remains forested.

Andrew Kavanaugh – Borrego: We currently have access from two areas, one on the eastern side and one on the western side. Dominion prefers the eastern side because it only crosses at one location. The lay out is the same as before:

- 3 Megawatts system on 24 acre site for 35 years.
- Setbacks 100'/50'/100' with 20ft vegetated buffer with minimal disturbance to wetlands no RPA encroachment and no grading.
- Tree clearing will only be 8 acres.
- 20ft. Buffer requirement (will meet all buffer requirements).
- Community outreach had no negative impact.
- Stormwater Management will be handled through out the project.
- Decommissioning means removal of all above and below ground equipment and fence including concrete and gravel.
- Temporary or permanent seeding depending on future use.
- Leave all vegetative screening, channels and basins infilled and graded to match surroundings.
- Bond carriers rated A or better.
- Short construction and decommissioning schedule.

Jessie Robinson – Borrego: Borrego held several community outreach sessions, virtual and in person. We sent out mailers within ½ mile and put ad in the New Kent-Charles City Chronicle. This will increase tax revenue, provide Dominion Energy customers with a bill credit. Borrego will be a quiet neighbor and will not increase traffic.

Questions from Planning Commission members and the public:

- How many acres? Borrego answered 24 acres for solar and 82+ acres for parcel.
- What happens to the rest of the property? Borrego answered remains as forestry.
- Does Borrego own the property? Borrego answered we are leasing 24 acres.
- What will you be burning or grinding the trees that will be cleared? Borrego answered no burning, stump removal and no debris left on site.
- What are the setback requirements for each size? Staff answered we did not go over setbacks, this will be with the Special Use Permit and we will set conditions if needed then.
- Is staff recommended conditions from packet? Staff answered we are, and the conditions can be adjusted before it goes to the Board of Supervisors.
- Gerald Barnes – 7101 Old union Road asked why he wasn't notified by mail? Commission answered you were not adjacent property owner.
- Mr. Carl Miles, Jr. asked if anyone has checked these panels for radiation or chemicals? Borrego Answered they use tier one panels that go through stricter, more stringent standards. There are no issues with radiation from these panels and they are 99% non-toxic.
- What do you do with the defective panels you take out? Borrego answered they are recycled (leave property).

The Public Hearing was opened.

- Charles Mckann - 4511 Roxbury Road, I have solar panels behind my property, and I am worried about the amount of heat these panels are going to draw. What is going to happen to the environment down the road?
- Lloyd Carter – 3720 Wayside Road, concerns about the size of the property 1, 800 acres or what? I am concerned about historic issues and wildlife.
- Carl K. Miles, Jr. – 5301 Barnetts Road, I would like to get written information that these panels have been checked by a government agency. I am concerned about safety.

The Public hearing was closed.

- Commission asked the following:
 - What about historical preservation? Borrego answered we are addressing the historical nature of the property.
 - Where are the panels made? Borrego answered made in South East Asia.
 - Do they have a UL rating? Borrego answered I am sure they do, and I will get that for you.
 - Any made in America? Borrego answered no supply in America.

Chairman ask member what would they like to do? The biggest issue is staff has not had time to look at the proposed conditions. Planning Commission recommends deferring until next meeting and let the Board of Supervisors decide on the Txt Amendments at the end of July and not the SUP. Commission discussed with staff the corrections and additions needed for conditions before the next Planning Commission meeting.

On a motion made by Mr. Adams, second by Mr. Walton, and a vote of 6/0, the Planning Commission deferred SUP-02-2022 to give staff time to work on conditions. Motion passes.

APPROVAL OF PREVIOUS MEETINGS MINUTES:

No Minutes were presented at this meeting.

UNFINISHED BUSINESS:

No Unfinished Business was considered.

NEW BUSINESS:

No New Business was considered.

PLANNING DIRECTOR/STAFF UPDATE:

Visual Preference Survey – 106 Comprehensive Rezoning:

Staff had the Planning Commission members take a visual preference survey on design ideas in the future (20 years) for 106 Comprehensive Rezoning. The next meeting is the 3rd Wednesday in August 7:00pm. Ms. Russell shared the Department of Environmental Quality has stated that Charles City Chesapeake Bay Preservation Program is in full compliance. Charles City County will not have to have another audit until 2027 – 2028.

° Mr. Adams asked if there is going to be a stop light at the new Dollar General Store? Staff answered the site plan had already been approved and there was no stop light implemented at the time.

° The County Attorney Mr. Jesse Bausch from Sands Anderson introduced himself to the Planning Commission. Contact information - PO Box 1998, Richmond, VA 23218-1998
Direct: (804) 783-7242 | Main: (804) 648-1636, jbausch@sandsanderson.com

° Mr. Baber asked for the Planning Commission minutes be presented in a timely matter. There were no further public comments. Planning Commission asked to have one public meeting a month on the second Thursday of the month.

ADJOURNMENT:

The meeting was adjourned at 8:42 p.m.