



# CHARLES CITY COUNTY

## PLANNING COMMISSION

### Meeting Minutes

### October 13, 2022

#### **CALL TO ORDER:**

The Charles City County Planning Commission Meeting was called to order on October 13, 2022, at 7:00 p.m. at the Charles City County Government Administrative Building.

#### **PRESENT:**

Ed Baber, Chairperson; Gilbert Smith; Clyde L. Miles; LaToya Johnson-Davis; James Walton.

#### **ABSENT:**

William Bailey; Andrew Adams, Vice Chairperson.

#### **OTHERS PRESENT:**

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

#### **PUBLIC HEARINGS:**

The Chairperson reviewed the guidelines for Public Hearings.

#### **Application #1**

**SA-01-2022 for SUP-05-2022** – Application by Keydet Solar Center, LLC for the construction of up to 145 MW solar powered electrical generating facility as permitted by the Charles City County, Virginia Zoning Ordinance, Division II, District Regulations, Section 5-3, Agricultural District (A-1), Uses with Special Use Permit, Solar Energy Facility. The properties are zoned Agricultural (A-1) and consists of multiple parcels totaling approximately 2,263± acres. The subject parcels are generally non-contiguous located primarily along and adjacent to Barnetts Road with outlying parcels off Roxbury Road and Lott Cary Road. The property is accessed primarily by a private road known as “Two Mile Trail”. This private road intersects with Roxbury Road (SR 106) approximately 1± mile south of the intersection of Roxbury Road (SR 106) and Cattail Road (SR 650). The tax parcel numbers are 13-1, 13-38 (partial), 13-46 (partial), 13-76, 13-79, 13-79A; 24-58; 25-10, 25-67, 25-100; 26-10; 14-2 (partial), 14-15 (partial), 14-19; 8-8 (partial), 8-24 (partial); 24-4 (partial), 24-61, 24-62, (partial); 23-26 (partial).

#### **Staff Presentation/Recommendation:**

Ms. Russell stated the applicant Keydet Solar Center, LLC inadvertently included two properties in the public hearing notice and advertisement that should have been excluded. There now is a third property of 283 acres that may be excluded in whole or part from SUP-05-2022. Staff has recommended the applicant host a Community open house (in the community) before the November 10, 2022, scheduled Planning Commission meeting. The applicant should present more detail and larger maps delineating the impacted parcels in relationship to the property adjacent to the parcels, so the residents and property owners of Charles City County are aware what impact it may have to their properties. Staff recommends that SA-01-2022, and SUP-05-2022, be deferred until November 10, 2022, the next scheduled Planning Commission meeting. The applicant is here tonight and agrees to defer and host a community open house before the next meeting. Staff suggest Planning Commission allow the applicant to share their presentation and listen to public comments tonight.

On a motion by Mr. Walton, second by Mr. Smith, and a vote of 5/0 to defer SA-01-2022 and SUP-05-2022, until November 10, 2022, Planning Commission Meeting. The motion passed.

Applicant Presentation: Mr. Ben Saunders - Keydet Solar Center, LLC.

We are still sPower, just using a different name. This is phase two and the final phase of the project. This phase will cover the remaining portion of the inner connection. This phase will have up to 145 megawatts, consisting of 600+ acres that will be developed from the 2,000+ acres. Most lines installed will be underground. Construction will take up to 1 ½ years. Keydet included two parcels in this application in error and recently removed another parcel.

#### Commission Comments/Questions:

° Commission asked how much above ground power work are you going to do? Mr. Saunders answered the northern portion will be underground, possibly have to cross over a couple of roads, and the rest will be within the parcels that no one can see.

° Commission asked you are requesting the zoning on 2263+ acres and only using 600+ acres, what are you doing with the other 1,600 acres? Mr. Saunders answered mostly are composed of wetlands or areas we cannot use; it will stay as it is.

° Commission asked do you own or lease this property? Mr. Saunders answered we own some of the property and lease the rest.

#### **PUBLIC COMMENTS:**

- Mr. Lloyd Carter – 3720 Wayside Road, one of the issues with the first solar project was soot and smoke. If a fire should occur the fire department will let it burn, If associated equipment fails the solar panels will continue to produce electricity. This will be DC voltage which is more dangerous than AC voltage. I suggest you ride down Cattail Road and look at the associated equipment with the current project, how close they are to the trees and if a hurricane comes through bringing the lines down the panels will continue to produce electricity. What kind of fire suppression system do you have for the associated equipment? What kind of safety issues are going to be put in place for our water system?

- Vernon Meredith – 9301 Holly Tree Lane, my son and I hunt, and I own property behind solar panels which I cannot access because they dug a pond across the road and put a fence up. I am unable to access my property that I pay taxes on. What can I do about my constitutional right to access my property? Last year I did not get to hunt and looks like I will not be able to this year.

- Dale Wallace – 5421 Hidden Hill Top Drive, my parcel is at Haptops Lane and Dobie Trail which they plan on accessing. That road easement is privately maintained by residents, no county, no state maintenance. The solar company stated the county stated it is a state maintained road. They are going to try to use that road to access the property to put in panels. How can they access a privately maintained road and put panels in my back yard?

- Jenna Brinkley – 5380 Dobie Trail, I own property on both sides where Dobie Trail starts and Hidden Hill Top begins, how are they able to take my property and use it as a driveway? The property they need to be using is on Haptops Lane, the property owner leasing the property does not live on Dobie Trail. I have a big problem with this. They have been trespassing on our property. No one has contacted me to use my property.

- Gerald Brinkley – 5400 Dobie Trail, our property runs Haptops Lane, the easement is wrong. They can use Roxbury Road to get to that property. It cost a lot of money and hours to maintain our road. How far off the property line do the solar panels have to be? What is going to happen to our water and land? We can stay a rural county; I don't want them.

- Beverly Covitz – 4695 Haptops Lane, I think we should have maps and have access maps before the next meeting. Haptops Lane is also a private road that the residents maintain. What is the electro magnetic radiation doing to us? What are you going to do to get rid of the panels, and the waste? We love this county why are you going to ruin it with solar panels.

- Tanya Stewart – 8523 Samaria Lane, what is long term 25 – 35 years to get rid of them? Keyset's property line follows my property line. What will this do to our property? What will happen if you find native artifacts? Will the construction stop? Will the tribe be notified?

- James Durham - 4230 Lords Lane, my concern is emergency vehicles driving over the wooden on Haptops Lane. What are they going to do about the fixing the bridge?

- Betty Hamilton – 6601 Cattail Road, my concern is the solar panels in my back yard, I do not want to see solar panels. What is the value of my property when all the solar panels are installed? There being no other speakers the public comments were closed.

° Commission asked how will the date for the community meeting be published? Mr. Saunders said they will send out letters to the adjoining properties, every resident that already received a letter will receive again.

**DIRECTOR’S REPORT:**

Mr. Mitchell informed the Commission about Comprehensive Plan Review Land Conservation Easement for Mr. Mark Black. The Planning Commission had no comments.

**UNFINISHED BUSINESS:**

No unfinished business was considered.

**NEW BUSINESS:**

Mr. Jesse Bausch, Attorney - Virtual Policy stated the Economic Development Authority and Board of Supervisors have adopted the Virtual Policy. Virtual Policy became a state law September 1, 2022. This will allow board members to participate remotely, there is a limit to the meetings a Planning Commission member can participate virtual. Fully remote virtual meeting can only be held if the Governor of Virginia or Board of Supervisors declares a State of Emergency. Both virtual and physical participation must equal a quorum.

° Commission asked if the County Administrator can declare a State of Emergency? Mr. Bausch answered no.

On a motion made by Mrs. Johnson-Davis, second by Mr. Miles, and a vote of 5/0, to approve/adopt the Virtual Policy for the Planning Commission. Motion passes.

**APPROVAL OF PREVIOUS MEETINGS MINUTES:**

Planning Commission members made corrections for minutes presented June 09, 2022, July 14, 2022, and September 08, 2022.

On a motion made by Mr. Smith, second by Ms. Johnson-Davis, and a vote of 5/0, to pass the minutes as corrected from June 09, 2022, July 14, 2022, and September 08, 2022. Motion passes.

**ADJOURNMENT:**

The meeting was adjourned at 8:12 p.m.