

Staff Report
Randolph Virginia Solar Project
Conditional Use Permit
Charlotte County, Virginia

Report Date: April 7, 2022
Planning Commission Meeting Date: April 19, 2022

APPLICATION SUMMARY

Project: Randolph Virginia Solar Project

Location: The project area is made up of a combination of multiple solar panel groupings, interconnecting through contiguous parcels in the Wylliesburg/Red Oak and Bacon/Saxe Districts. The project is bound on the southeast by Kings Highway (Rt. 360), on the northeast by Crafton Gates Hwy (Rt. 47), and to the north by Mossingford Rd. (Rt. 642). The farthest west portion of the project area is along the east banks of the Roanoke River (also known as the Staunton River) and along the wetland setback limits of Wallace Branch.

Parcel Record Numbers: The noncontiguous multiple site areas consist of 300 parcels; the listing of specific parcels is provided as part of Attachment 1.

Proposal: Applicant's request for a Conditional Use Permit for an 800-megawatt (MW) solar energy facility in the General Agriculture District and Village Center District zoning districts

Application Submitted: June 8, 2021
Revisions received June 14, 2021 and July 23, 2021
Deemed complete on August 2, 2021
Revisions received February 2, 2022
Revisions received March 21, 2022

Applicant: SolUnesco LLC, as agent for Randolph Virginia, LLC
1818 Library Street, Suite 500
Reston, VA 20190

Representative: Francis Hodsoll
703-672-5097
Randolphsolar@solunesco.com

Owners: A list of property owners is included in the listing of specific parcels, provided as part of Attachment 1.

PLANNING COMMISSION ROLE

The Applicant has submitted a Conditional Use Permit (CUP) application for a solar energy facility. 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 an 800-megawatt (alternating current) photovoltaic solar energy generation facility. The project is a combination of multiple solar panel groupings interconnected through contiguous parcels in the Wylliesburg/Red Oak and Bacon/Saxe Districts. Based upon the Applicant's current environmental site due diligence and engineering, the area of the 300 project parcels totals 21,071 acres of land, which equates to approximately seven percent (7%) of Charlotte County. The area within the fence line, including the areas under panel, essentially the developed area, is identified to total 3,050 acres, or 3.8 acres per MW. Approximately, 85% of the area within the project is not proposed to include solar infrastructure.

The Application indicates that the Project "could contain approximately 1.66 million solar panels in total," (using single-axis tracking technology), but that "technological advances may reduce the number of panels needed for the Project," 314 inverters on 157 skids/pads, collector substation, step-up transformer(s), and a high voltage switching station. The Project will interconnect into the existing 500 kV transmission line which traverses the southernmost portion of the site.

The project is bound on the southeast by Kings Highway (Rt. 360), on the northeast by Crafton Gates Hwy (Rt. 47), to the north by Mossingford Rd. (Rt. 642), the farthest west portion of the project area is along the east banks of the Roanoke River and along the wetland setback limits of Wallace Branch. The project comes back inland (east side of the Roanoke River) down to Randolph and follows the northeast side of the Staunton River Battlefield State Park back to the river then along the shore to the southern property line of parcel 77-A-5 and following the southern lines of parcels 84-A-1 and 84-A-5-E then crosses the Coleman Ferry Rd. (Rt. 611) following the southern property line of parcel 84-A-3-A to Roanoke Station Rd. (Rt. 607), from there the property follows behind several properties along Roanoke Station Rd. back to Kings Highway.

The Applicant proposes a 100-foot setback to abutting properties (where the County's Ordinance requires 75'), a 125-foot setback from the centerline of road rights-of-way, and 400' from off-site residential structures. The proposed setback areas will include a 25-foot vegetative buffer (consisting of existing and/or future growth provided by the Applicant). The proposed buffer will consist of undisturbed existing forested areas, proposed native evergreen trees, proposed native pollinator plants, and proposed shrubs with consultation with County staff and VA-DEQ.

The Applicant has included within the Application proposed conditions for consideration by the Planning Commission and Board of Supervisors. These conditions are included as part of Attachment 1.

EXISTING CONDITIONS AND ZONING

Parcels within the project area are currently zoned General Agricultural District, with small portions of project parcels also within the Village Center District Zoning; the County's Future Land Use Map identifies subject areas as Agricultural, Forestry, Parks & Recreation, Crossroads Community, and Rural Areas. The project area includes forested and cleared land and has been used for timber production and 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, Sandy Creek, Horsepen Creek, Roanoke Creek, Wallace Branch and the Staunton/Roanoke River, and all of their named and unnamed tributaries, including a large section of associated wetlands that traverse the project area. The applicant proposes to use existing roads and culverts to avoid constructing new road crossings in wetlands.

According to the Department of Conservation and Recreation's ConserveVirginia data, there appears to be several known historic and scenic resources within the project limits (see Attachment 3, Exhibits A-I). Primarily the cultural and historic preservation category's potential for Civil War, architecture, community, resources, and direct working settlements. There are also historical state recognized persons of interest having homesteads and/or long-term association within the communities and state. Other notable resources in or near the proposed project area include:

- Natural habitat and ecosystem diversity resources primarily identified potential habitat areas. There are no identified endangered species.
- General, moderate and high value ecological cores. The portion of the site west of Scuffletown Road shows Very High to Outstanding for habitat & Ecosystem Diversity; a detailed study will be required before any vegetation removal.
- Average to outstanding forest conservation values, the highest outstanding classification falls within wetland areas already identified by the applicant to be preserved and left natural. and
- Class IV watershed conservation priority. The class IV classification falls within wetland areas already identified by the applicant to be preserved and left natural.

There are three areas within the project limits that are on both the Virginia Outdoor Foundation (VOF) and the Department of Conservation and Recreation (DCR) maps designated as conservation easements.

With respect to identified conservation easements, cultural areas and other similar excluded areas, the submitted concept plan includes the following note:

**THIS CONCEPTUAL PLAN DOES NOT SHOW PANELS WITHIN THE
CONSERVATION EASEMENTS, CULTURAL AREAS, AND EXCLUDED**

AREAS; HOWEVER THIS PROJECT RESERVES THE RIGHT TO DEVELOP WITHIN THEM BASED ON THE OVERALL PROJECT CONDITIONS AND FUTURE FIELD SURVEYS

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; the majority of the properties are used for residential dwellings or are active agricultural or timbered lands, or are simply vacant undeveloped open and forested lands not put to any active use. However, there are also numerous cemetery sites and churches, a few commercial, service, and recreational uses, and the Bacon District Elementary School. Further, as referenced above the project site encompasses several historical and scenic resources; it also abuts such resources.

Notable resources in close proximity to or immediately adjacent to project parcels include the 300-acre Staunton River Battlefield State Park, Mulberry Hill Plantation, and Annefield Plantation. Similar to the project parcels, the ConserveVirginia data would also suggest the potential for Civil War, architecture, community, resources, and direct working settlements to be located on adjacent properties.

It is also important to note, as it relates to scenic and natural resources, that the project area and adjacent parcels are located within areas covered by one of the 65 Virginia Department of Wildlife Resources, Virginia Bird and Wildlife Trail “trail loops.” The Staunton River Trail Loop (<https://dwr.virginia.gov/vbwt/piedmont-trail/PSR/>) includes the Staunton River Battlefield State Park and Mulberry Hill Plantation as sites along the loop, along with Mossingford Road Marsh, which is northeast of the project site along Roanoke Creek.

COMPREHENSIVE PLAN CITATIONS

Based upon the previous determination under Virginia Code Section 15.2-2232(A) 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. As noted above, 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 which may permit the proposed use;
2. The location is more than half (1/2) a mile from the nearest town boundary;
3. The facility generates alternative, clean energy;
4. The facility will require minimal county services to operate; and
5. The proposed project involves a small part of the total ag/forestral land in the County.

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 of 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

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). There have been no changes to the application to warrant reconsideration of this determination at this time.

Verification that the Use is Specifically Authorized within the District

While the use is allowed in the General Agriculture District zoning district with the issuance of a conditional use permit, the use is not allowed, either by-right or with a conditional use permit, in the Village Center District zoning district. No active development, including panels, is indicated to occur within the Village Center District zoning district, only portions of parcels included as part of the Conditional Use Permit are within the Village Center District zoning district. Therefore, no part of the proposed solar facility other than buffers or setbacks may occur on the portion of any parcel that is zoned Village Center District.

The use is allowed with the issuance of a conditional use permit, while subject to supplementary regulations, pursuant to Sec. 10-23, *Solar Energy Systems*. It is important to note that the project does not comply with the density limits established under Section 10-23-5, *Density*, without specific authorization by the Board of Supervisors. Based upon calculations presented by the Applicant, the project area encompasses a maximum of 6.11% of the land area within any given 5-mile radius, and within a 5-mile radius also encompassing the Moody Creek project, 5.62% of the land area is made up of solar facility project area. 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.

Related to project density, as noted herein, the area within the fence line, including the areas under panel, essentially the developed area, is identified to total 3,050 acres, or 3.8 acres per MW; using the 6,250 acres identified as the development envelope, the acreage per MW is 7.8. According to National Renewable Energy Laboratory (NREL) estimates, projects with rated capacities of at least one MW, on average, require 8.9 acres of land per MW. Further, with respect to addressing stormwater quantity and quality, the Virginia Department of Environmental Quality issued a policy on March 29, 2022 indicating that solar panels are to be considered impervious area. Based upon the above, Staff questions whether the proposed project area, given varying topography and the potential need to accommodate additional and/or larger stormwater BMPs, is accurate or may require further evaluation and refinement by the Applicant, and may result in a density more than 2x what is allowed by the Ordinance without authorization by the Board.

Furthermore, the previously referenced note on the concept plan indicating that the "CONCEPTUAL PLAN DOES NOT SHOW PANELS WITHIN THE CONSERVATION EASEMENTS, CULTURAL AREAS, AND EXCLUDED AREAS," but that the "PROJECT RESERVES THE RIGHT TO DEVELOP WITHIN THEM BASED ON THE OVERALL PROJECT CONDITIONS AND FUTURE FIELD SURVEYS," creates uncertainty as to overall compliance of the project and the Applicant's intent to develop the project consistent with the submitted plans.

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); 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 the principal issues with the project relate to its size and scale, which impacts the use of surrounding properties, adjacent historic, cultural, and scenic resources, public roadways, and County government services. As noted previously, the project exceeds the allowed density by more than double what is allowed by the Ordinance without Board of Supervisors' authorization.

With respect to impacts to adjacent properties, the project parcels abut over 500 parcels, as well as a number of historical, cultural and scenic resources. Additionally, the project proposes to utilize 13 existing vehicular ingress/egress points and add over 40 new ingress/egress points. Further, the significant size of the project will likely necessitate additional County staffing resources, during development and operation, to monitor development and operation compliance. The increased density of the project results in a concentration of this use in one area of the County that was not anticipated, and consideration should be given to whether an otherwise compliant project would impact the same number of properties and roadways in a relatively confined area.

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

Given the size and scale of the proposed use, Staff is of the opinion that it is not compatible with other existing, planned, or proposed uses in the neighborhood or on adjacent parcels. As noted, the proposal is seeking to increase allowable density, resulting in a concentration of this use in one area of the County. Further, the project is expected to be operational for up to 35 to 50 years, beyond the horizon to reasonably plan for the future of the County, or anticipate changing conditions and circumstances that may be presented. Given this uncertainty, consideration should be given to whether limiting the use of a significant area of the County for upwards of 50 years, especially

with an increase of density, will ultimately be compatible with and in the best long-term interests of the County with respect to planned development objectives.

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

With respect to the proposed development of the use, according to application materials, “construction is expected to proceed in three phases, each lasting approximately two (2) years plus an additional year at the start for engineering, for a total project duration of five (5) years.” The number of construction employees working within the project area peaks in Years 3 and Year 4, with approximately 350 employees working on the site on any given day. Beginning in Year 2, there will be no fewer than 100 employees working on the site until the 2nd Quarter of Year 5. With respect to deliveries, the Application notes that “Within each phase deliveries are expected to peak at approximately 1200-1300 per month, about 55 per day, with a peak of approximately 2200 per month, about 90 per day, when two (2) phases are in simultaneous construction.” As noted above, when in operation, the site would utilize 13 existing vehicular ingress/egress points, and add over 40 new ingress/egress points. It is not clear how many and which of these points would be utilized during the development of the project.

With respect to duration of the proposed use, the Project is expected to be operational for up to 35 to 50 years.

Staff is of the opinion that the duration and intensity of the development phase will have significant negative impacts on abutting properties and the general welfare of the public in the immediate area of the project, as well as on infrastructure in this area. Consideration should be given to conditions to mitigate for these impacts, as well as to whether an increase in allowed density exacerbates these impacts, and is therefore unwarranted. Similarly, with respect to the duration of the use, consideration should be given to whether limiting the use of a significant area of the County for upwards of 50 years is in the best long-term interests of the County.

- 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.*

There does appear to be known historic, scenic resources, scenic rivers and conservation areas within and/or near the project limits near the project area. Further, there does appear to be natural habitat and ecosystem diversity resources, general to high value ecological cores, average to outstanding forest conservation values, and lowest to medium priority watershed conservation priority within the project limits. Staff is of the opinion that the size and scale of the proposed project will have negative impacts on these resources; additionally the referenced plan notation that “THIS CONCEPTUAL PLAN DOES NOT SHOW PANELS WITHIN THE CONSERVATION EASEMENTS, CULTURAL AREAS, AND EXCLUDED

AREAS; HOWEVER THIS PROJECT RESERVES THE RIGHT TO DEVELOP WITHIN THEM BASED ON THE OVERALL PROJECT CONDITIONS AND FUTURE FIELD SURVEYS” clouds the understanding of all potential project impacts.

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

For the reasons stated within this section of the report, Staff is of the opinion that the proposed use will not contribute to or promote the welfare of the public. The proposed use, through a proposed increase of density, results in a significant concentration of development in a relatively confined area. During the 5-year development phase alone the project will likely have significant negative impacts on the character and welfare of the surrounding area. While the proposed use will result in some short-term benefits to the local economy, along with tax revenues, given the potential 50-year lifespan of the project, consideration should be given to opportunities that are foreclosed upon due to the project as proposed.

- 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 that action on the Application be deferred. Principally, Staff recommends that further information be provided on the development phase and the ingress/egress points to be utilized for construction, the Applicant’s intent with respect to the aforementioned note on the concept plan, compliance with the referenced policy issued by the Virginia Department of Environmental Quality on March 29, 2022, and support for the acreage per MW ratio proposed in light of well-established research to the contrary.

DRAFT PLANNING COMMISSION ACTIONS

Staff Recommendation: Option 1 – Deferral of the application

I move that the Planning Commission defer issuance of a recommendation on Randolph Virginia Solar, LLC's Conditional Use Permit for a proposed 800-megawatt solar energy generation facility until the Planning Commission meeting scheduled to begin at _____ p.m. on _____, in the Board of Supervisors meeting room. In taking such action, the Planning Commission requests that the Applicant present further information on the development phase and the ingress/egress points to be utilized for construction, the Applicant's intent with respect to the aforementioned note on the concept plan, compliance with the referenced policy issued by the Virginia Department of Environmental Quality on March 29, 2022, and support for the acreage per MW ratio proposed in light of research to the contrary.

Option 2 - Recommend Denial

Staff Note: This option is not recommended at this time.

I move to recommend to the Board of Supervisor's that Randolph Virginia Solar, LLC's Conditional Use Permit for a proposed 800-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;
3. The proposed use negatively impacts surrounding properties due to its size and scale, issues that cannot be sufficiently mitigated;
4. The proposed use is incompatible with other existing, planned, or proposed uses (such as agricultural and forestry activities), and would be detrimental to the public welfare; and
5. The proposed project is not definitive, with application contents noting development rights beyond what is reflected in submitted plan, therefore making true project impacts unknown.

Option 3 – Recommend Approval with Conditions

Staff Note: This option is not recommended at this time; further, the conditions provided below 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 Randolph Virginia Solar, LLC's Conditional Use Permit for a proposed 800-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.

Proposed conditions are as follows:

1. The project Owner/Developer shall develop, construct, operate, and maintain the site in substantial accordance with the conceptual plans and all assurances and commitments made within the Application materials.
2. Project capacity shall be limited to a maximum of 800 MW.
3. The density of the project shall be limited to a maximum of 6.11% within any given 5-mile radius, regulating in the manner outlined in Section 10-23-5, Density, of the County's Zoning Ordinance.
4. The active developed area of the site, within the fenceline, shall be limited to 3,050 acres; inverters, along with panels, shall be within the fenceline. Traffic control methods for all public roads to be used for ingress/egress (in coordination with the VDOT prior to initiation of construction) shall include: speed limit signs on each side of the road, signage indicating children at play where appropriate, and clear designation of any bike lanes.
5. The Applicant shall coordinate with VDOT prior to initiation of construction on the appropriateness of the speed limit on any public access road and support a speed limit reduction, if necessary.
6. The Applicant shall be responsible for repairing any damage to roadways occurring during development/construction or following commissioning of the project, or any portion thereof.
7. The Applicant shall coordinate with the County's Sheriff Department prior to initiation of construction on speed monitoring plans and devices.
8. Construction traffic shall be limited to 7:00 am to 9:00 pm, Monday through Saturday.
9. The Applicant shall coordinate with state and federal agencies to avoid or limit impacts to the maximum extent practicable to any state and federally listed threatened and endangered species that may occur and have suitable habitats in the project area.
10. The Erosion and Sediment Control plan shall comply with the most recent version of the Virginia Erosion and Sediment Control Handbook at the time of construction.
11. The stormwater control plan shall comply with the most recent State policies and regulations at the time of design and construction.
12. No fence or similar barrier shall cross the main channel of any stream flagged by County staff on a site plan.
13. All physically damaged panels or any portion or debris thereof shall be collected by the solar facility operator and removed from the site or stored on site in a location protected from weather and wildlife and from any contact with ground or water.
14. A bank letter of credit or a surety bond as a means of assuring payment of decommissioning costs. The letter or bond shall include language that failure to renew the current commitment, or provide a new guarantor acceptable to the County, at least ninety days prior to the termination date of the current commitment, will constitute an event of default.

15. Upon decommissioning, all physical improvements, materials, and equipment related to Solar Facilities, both surface and subsurface components, shall be removed in their entirety. The soil grade will also be restored following disturbance caused in the removal process. If the current or future landowner requests in writing that the fencing and/or materials greater than thirty-six (36) inches below the surface be exempt from removal, the facility owner or operator shall provide an itemized list of exempt items and copies of request letters in the decommissioning land disturbance application for review and approval by the County
16. Upon decommissioning, all access roads will be removed, including any geotextile material beneath the roads and granular material. Topsoil will be redistributed within areas that were previously used for agricultural purposes to provide substantially similar growing media as was present within the areas prior to access road construction. If the current or future landowner requests in writing that the access roads and associated culverts or their related material be exempt from removal, the facility owner or operator shall provide an itemized list of exempt items and copies of request letters in the decommissioning land disturbance application for review and approval by the County

Attachments:

Attachment 1 - SolUnesco Project Application Binders

Attachment 2 - Adjacent Land Information

Attachment 3 - Exhibits A – I, Virginia Conservation Resources