Lunenburg County Planning Commission
Agenda for November 2, 2023, at 7:00 p.m.

If anyone desires to speak during Citizen Time or a Public Hearing, please approach the lectern prior to the start of the meeting to provide your name and your address. Please place it under the appropriate section (Citizen Time or corresponding Public Hearing).

1. Call to Order
2. Roll Call of Members
3. Requests for Additions or Modifications to the Agenda*
4. Declaration of Conflict-Of-Interest Statements
5. Approval of Minutes
6. Planning and Economic Development Update
    a. Director of Planning and Economic Development October Monthly Report
7. Citizen Time*(Public Speaking Guidelines are to be followed)
8. Deferred Conditional Use Permit Applications for Recommendation:
    a. **CUP 5-23: Conditional Use Permit** for **Parrish View Farms** to operate an **Event Venue** on tax parcels 049-0A-0-68 and 049-0A-0-69A, 2571 Dundas Road, Kenbridge, VA 23944, consisting of 73.06 acres in an A-1 Agricultural zone.
    b. **CUP 7-23: Conditional Use Permit** for **Justin Clement—Impact Arms, LLC.** operate a **Retail Store and Shops, and Personal Service Business (mainly web-based and mail-order sales of firearms and ammunition, manufacturing/gunsmithing, cerakoting/hydrographic design for firearms and other items per customer request, and ATF Federally Licensed Firearms Licensee)** on tax parcel 022-0A-0-20, 3028 Poorhouse Road, Victoria, VA 23974, consisting of 17.819 acres in an A-1 Agricultural zone.
9. Public Hearing* for the following:
    a. **CUP 9-23: Conditional Use Permit** for **Jonathan and Jessica Shelton** to construct and operate a **Retail Store and Shop, and Personal Service Business as well as Office (primarily to repair/maintain the fleet for Shelton's Excavating, Inc. and Shelton's Outlaw Trucking, Inc., but the potential to broaden the customer base in the future)** on tax parcel 032-0A-0-82, 12570 Courthouse Road, Victoria, VA, 23974, consisting of 18.52 acres in an A-1 Agricultural zone.
10. Other Business
    a. Discussion on the Solar Facility Study
11. Attorney Update—if needed
12. Announcement of the Next Meeting Date
    a. December 7, 2023, at 7:00 p.m. (time may change to 6:00 p.m. depending on the agenda)
13. Adjournment

3* *To the extent necessary to consider items requiring Commission action, the order of the agenda for a regular Commission meeting shall be as followed, unless by majority vote and the Commission shall confine discussions to matters contained on the agenda. The Chairman may allow any agenda items to be called out of sequence.*

7* *Any member(s) of the public may speak on any item not on the current agenda under the Public speaking guidelines found in item 9**. At the beginning of the comments by a citizen, additional time may be requested by the speaker. The Chairman shall decide on the amount of time to be provided.*

Declaration of Conflict-Of-Interests

DECLARATION OF PERSONAL INTEREST

Pursuant to Virginia Code Section 2.2-3116, I have the following personal interest in Agenda Item#_____, on tonight's meeting agenda: I reside at_____, which is located in the immediate vicinity of the activities considered in the proposed agenda item.

Therefore, I am a member of a residential area that is affected by this item on tonight's agenda. However, I am able to participate in this matter fairly, objectively, and in the public interest.

_____
Lunenburg Planning Commission

_____
Date

DECLARATION OF PERSONAL INTEREST

Pursuant to Virginia Code Section 2.2-3116, I have the following personal interest in Agenda Item#_____ on tonight's meeting agenda: I am a family member of an applicant or proponent of this agenda item.

☐ I am able to participate in this matter fairly, objectively, and in the public interest; **or**

☐ I choose not to participate in any discussion or vote of the indicated agenda item.

_____
Lunenburg Planning Commission

_____
Date

DECLARATION OF PERSONAL INTEREST

Pursuant to Virginia Code Section 2.2-3116, I have the following personal interest in Agenda Item #_____on tonight's meeting agenda: I have a personal business interest in_____, which may be discussed during this agenda item.

Because of that interest, I will not participate in any discussion or vote of that agenda item.

_____
Lunenburg Planning Commission

_____
Date

Approval of Minutes

MINUTES OF THE LUNENBURG COUNTY PLANNING COMMISSION
October 5, 2023, AT 6:00 PM

The Lunenburg County Planning Commission held its meeting on October 5, 2023, at 6:00 p.m. in the 2nd floor courtroom, Lunenburg Courts Bldg., Lunenburg, VA.

The meeting was called to order at 6:02 p.m. Mrs. King conducted a roll call of Commissioners, which Commissioners Drummond, Garrett, Jennings, Pennington, Tharpe, Thompson, and Trent were present. Also, in attendance were Assistant County Attorney, Drew DiStanislao and Clerk of the Planning Commission, Taylor N. King. Commissioner Shell was absent.

Chairman Tharpe called for any additions or modifications to the agenda. None were brought forward.

Chairman Tharpe called for declarations of conflict of interest to be disclosed. None were brought forth by any member.

Chairman Tharpe called for action on the minutes of the September 7, 2023, meeting. There being no additions or corrections to the minutes, a motion was made by Commissioner Pennington and seconded by Commissioner Trent that the minutes be approved, as presented. Roll call vote conducted, which was unanimous.

The Director of Planning and Economic Development monthly report was provided. It was advised that it was in their packet. No questions arose from the Commission.

Chairman Tharpe called for Citizen Time. None came forward.

Chairman Tharpe read, "**CUP 5-23: Conditional Use Permit** for **Parrish View Farms** to operate an **Event Venue** on tax parcels 049-0A-0-68 and 049-0A-0-69A, 2571 Dundas Road, Kenbridge, VA 23944, consisting of 73.06 acres in an A-1 Agricultural zone."

Following the calling of the case, Commissioner Pennington made a motion to open the public hearing, which was seconded by Commissioner Garrett, which was unanimously approved.

The applicant, Mr. Jeff Parrish—2571 Dundas Road, Kenbridge, VA 23944, presented their application, where he highlighted that they have been a pumpkin patch for fifteen (15) years and then about a year and a half ago (1 ½), two (2) of their children decided to get married and wanted to do it at the farm, so they converted to an Event Venue, as well. They are not an Event Venue full-time; however, they are trying to utilize the Event Venue to supplement the current agriculture use of the property. He noted that the staff report highlighted much of the information that would have been presented.

Chairman Tharpe thanked Mr. Parrish for their business. A motion to exit the public hearing was made by Commissioner Pennington and seconded by Commissioner Thompson, which was unanimously approved. Chairman Tharpe said that due to the delay in receiving the staff report, he felt more comfortable with deferring a vote on recommendation to the Board of Supervisors. Chairman Tharpe made the motion, which was seconded by Commissioner Pennington. A roll call vote was conducted due to 4-3 vote:

- Brenda Jennings: Nay to defer recommendation: Read the report.
- Luther Drummond: Yah to defer recommendation.
- Harry C. Garrett: Nay to defer recommendation: Read the report.
- Buck Tharpe: Yah to defer recommendation.
- Edward Pennington: Yah to defer recommendation.
- Tony Trent: Yah to defer recommendation.

- Walter Thompson: Nay to defer recommendation. Read the report and the 4 closest residents have signed with approval.

The motion to defer a recommendation until the November meeting was passed.

Chairman Tharpe read, "**CUP 7-23: Conditional Use Permit** for **Justin Clement—Impact Arms, LLC.** operate a **Retail Store and Shops, and Personal Service Business (mainly web-based and mail-order sales of firearms and ammunition, manufacturing/gunsmithing, cerakoting/hydrographic design for firearms and other items per customer request, and ATF Federally Licensed Firearms Licensee)** on tax parcel 022-0A-0-20, 3028 Poorhouse Road, Victoria, VA 23974, consisting of 17.819 acres in an A-1 Agricultural zone."

Following the calling of the case, Commissioner Pennington made the motion to enter into public hearing, which was seconded by Commissioner Drummond and unanimously approved.

The applicant, Mr. Justin Clement—3028 Poorhouse Road, Victoria, VA 23974, presented the application. He provided a background of the business and his intent as well as the process he would go through to obtain his licensure from the ATF.

Chairman Tharpe questioned if there were any questions of the Commission. None were brought forth. Commissioner Pennington made a motion to exit the public hearing, which was seconded by Commissioner Trent and unanimously approved.

Chairman Tharpe said that due to the delay in receiving the staff report, he felt more comfortable with deferring a vote on recommendation to the Board of Supervisors. Chairman Tharpe made the motion, which was seconded by Commissioner Pennington. A roll call vote was conducted due to 4-3 vote:

- Brenda Jennings: Nay to defer recommendation: Read the report.
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- Harry C. Garrett: Nay to defer recommendation: Read the report.
- Buck Tharpe: Yah to defer recommendation.
- Edward Pennington: Yah to defer recommendation.
- Tony Trent: Yah to defer recommendation.
- Walter Thompson: Nay to defer recommendation. Read the report.

Chairman Tharpe read, "**CUP 9-23: Conditional Use Permit** for **Jonathan and Jessica Shelton** to construct and operate a **Retail Store and Shop, and Personal Service Business as well as Office (primarily to repair/maintain the fleet for Shelton's Excavating, Inc. and Shelton's Outlaw Trucking, Inc., but the potential to broaden the customer base in the future)** on tax parcel 032-0A-0-82, 12570 Courthouse Road, Victoria, VA, 23974, consisting of 18.52 acres in an A-1 Agricultural zone."

Following the calling of the case, Commissioner Pennington made the motion to enter into public hearing, which was seconded by Commissioner Trent and unanimously approved. The applicant was not present. A motion was made by Commissioner Thompson to exit the public hearing, which was seconded by Commissioner Drummond and unanimously approved.

Chairman Tharpe made the motion to defer the public hearing and recommendation to the next meeting due to the applicant not being present. The motion was seconded by Commissioner Thompson and unanimously approved.

Chairman Tharpe called for Old Business, where the Solar Facility Study was discussed. Chairman Tharpe noted that there is no timeline, the discussion among the Commission the addressed:

I. Comprehensive Plan:
    a. Loss of Agricultural Land and Open Space
        i. HB 206, but a decision has not been made on the HB.
    b. Protection of Water Resources

i. This is important.

c. Solar Facilities

II. Solar Ordinance:

a. Acreage Coverage
   i. Consider limiting the project size, i.e., 500 acres.
   ii. Fair Share—Calculate the County's electricity consumption then add a percentage for new business.

b. Density

III. Other aspects:

a. Sloping
   i. Impact of runoff/erosion on adjacent properties.

b. Adding language like DEQ regulations to the ordinance, which allows the County to step in if enforcement from DEQ is not occurring.

c. Utilization of third-party services.

d. Topography of the Eastern and Western portions of the County being drastically different, which could be an aspect, which is reviewed as it pertains to the location or size of projects.

e. Enforcement.

f. Keeping existing buffer during clearing of the land.

g. Fee schedule.

h. Need for a battery storage ordinance.

Mrs. King reiterated that this is a pause and not a moratorium.

Chairman Tharpe called for Attorney Update. Attorney DiStanislao advised that he only had one item, which is a motion to defer the public hearing for CUP 1-23: Oral Oaks Solar to the December meeting. The motion to defer the public hearing was made by Commissioner Thompson, which was seconded by Commissioner Pennington and unanimously approved.

The announcement of the next Planning Commission meeting on November 2, 2023, at 7:00 p.m. (time may be changed based on the number of agenda items) was made. On a motion by Commissioner Thompson, and seconded by Commissioner Trent, the meeting was adjourned.

_____
James Tharpe, Chairman
Lunenburg County Planning Commission

_____
Taylor N. King, Clerk
Lunenburg County Planning Commission

Planning and Economic Development Monthly Report

Planning Commission Meeting—November 2, 2023
Director of Planning and Economic Development's Monthly Report

Events in <u>October:</u>

October 2nd: *Drove for New Radio System Field Coverage*
October 3rd: *National Night Out—Kenbridge*
October 5th: *VGA Board Meeting—South Hill*
October 5th: *Planning Commission Meeting*
October 6th: *Kenbridge Construction Company's 75th Anniversary Party—Kenbridge*
October 9th: *Office Closed—Columbus Day Holiday*
October 10th through 11th: *Governor's Summit on Rural Prosperity—Blackstone*
October 11th: *Tobacco Region Revitalization Commission Fall Reception—Blackstone*
October 13th: *VATI Project Management Meeting—Virtual*
October 13th: *PTO (5 hours)*
October 16th: *WFH and PTO*
October 17th: *VATI Quarterly Site Visit—Kenbridge*
October 18th through 20th: *Rural Planning Caucus—Pembroke*
October 24th: *WFH and PTO*
October 26th: *VGA Marketing Committee Meeting—South Hill*
October 31st: *Project LUIS Meeting—Victoria*

Planning Commission

- There was a meeting held on September 7, 2023.

Broadband

- 911 Fiber (County Owned)
  - Continue to respond to Miss Utility tickets to mark the fiber.
  - Will be working to get the survey of the fiber route and easements with the Town of Victoria.
  - Received notice from Kinex that there was damage to County owned fiber that was on Dominion poles in the Town of Victoria. The damage was caused by the pole being replaced.
    - BCS (County's contractor) came out and completed the repairs.
- VATI/RDOF
  - Attended monthly project management meeting.
  - October monthly report from Kinex (see attached)
  - Responded to public questions pertaining to when they will receive broadband service.
  - Received concerns about the crews from citizens, which have been presented to Kinex.
  - Worked with Kinex to resolve the citizens' concerns about placing the vaults in the yard in the Historic District on E. Fifth Avenue in Kenbridge.
    - The vaults will be placed in sections of the sidewalk, so they are not placed in yards.
  - Complaints/concerns received pertaining to the restoration and/or lack thereof following the fiber crews concluding their work, complaints/concerns were addressed, and a crew was deployed solely to rectify restoration.
  - Attended the VATI quarterly site visit with CRC staff, Kinex President, Kenbridge Town Manager, and the Supervisors of Kinex's contract crews on Tuesday, October 17th.
  - For citizens that have questions about the status of the project and when work is anticipated to be completed in their area, they can call 434.392.4804 ext. 7 or go to https://signup.kinextel.net
- Citizen Broadband Advisory Board
  - Continuing working to address concerns that were brought forth in the Citizen Broadband Advisory Board meeting.

- Provided Advisory Board members with a monthly update following the monthly VATI Project Management Team meeting.

Solar

- Red Brick Solar
  - Monthly call with Jeff Hammond, Apex, was held on October 24th, 2023.
  - Still waiting for the decision of the panel before the project can move forward.
- Dogwood Lane Solar
  - Stormwater Management Plan has received DEQ approval.
  - Erosion and Sediment Control Plan was submitted to DEQ for review and approval.
  - Received reimbursement.
- Laurel Branch Solar
  - Continuing to work with the developer.
  - Received reimbursement.
- Laurel Branch Switchyard
  - Continuing to work with the developer.
  - Received reimbursement.
- Wheelhouse Solar
  - Received reimbursement.
- Oral Oaks Solar
  - Application deemed in *"substantial accord"* at the September Planning Commission meeting.
  - Answered questions and concerns from citizens.
  - Received reimbursement.
  - CUP Staff report received and reviewed by County Legal Counsel.
    - It has been provided to applicant and the County is awaiting questions/comments from the applicant.
- Lunenburg County, Virginia Resolution Regarding Conditional Use Applications for Solar Facilities
  - Answered citizen's questions pertaining to the resolution.
  - Continuing to discuss items for review for the study with the Planning Commission.
    - The solar study is a topic of discussion that is on each agenda for Planning Commission meetings.
    - The discussions during the Planning Commission meetings have been in-depth and continually reviewing numerous aspects.

Tourism

- Working with VTC/Kimley-Horne to determine if line items in the spending plan can be revised/removed as well as revising the timeline for projects.
- Determining if funding can be utilized for a recruitment/tourism video, which would be created in partnership with the School System.
  - Waiting to hear if the video would be able to be completed by June 30, 2024, before funds are obligated.
- Working to finalize locations of the *"Welcome to Lunenburg"* signs, so Martin Monument can begin on the signs.
- Directional signs for the Courthouse Complex
  - They have been constructed and will be picked up following issuance of payment.
  - Once the signs are picked up, they will be painted and lettered.
  - One sign will be dual-sided, and the second sign will be single-sided.
  - The location of the signs has been determined.
- Will be reaching out to the Lunenburg Historical Society to discuss the exhibit for the Historic Courthouse.

Grants

- Virginia Brownfields Assistance Fund (C. Garrett—Garrett's Ground Maintenance)
    - The contractor has begun structural stabilization.
    - Working with the structural engineer to obtain corrected drawings.
    - Project has a deadline of December 31st, 2023.
- PetcoLove Animal Welfare Organizations Grant
    - Waiting to hear if the County has been awarded.
- Aided the local business owners to locate funding sources for an economic development venture.
- Aided citizens impacted by the closure of Tyson with possible opportunities.

Other Activities

- Responded to public questions about cell towers and broadband.
- Met and spoke with citizens to determine if they would need a Conditional Use Permit to operate their business.
- J. Tuck and I are working on building permit fees for solar projects as it appears that $50,000 is not comparable to other localities.
- Working to complete the Enterprise Zone Amendment application, which will be submitted by November 1st.

UPCOMING dates of interest:

November 1st: *Enterprise Zone Amendment Due*
November 1st: *Unity Substation Community Meeting—Kenbridge*
November 2nd: *Planning Commission Meeting*
November 7th: *Office Closed—Election Day*
November 9th: *VGA Board Meeting—South Hill*
November 10th: *Office Closed—Veteran's Day Holiday Observed*
November 15th: *CRC Meeting—Keysville*
November 17th: *VATI Project Management Team Meeting—Virtual*
November 22nd: *Office Closed ½ Day—Thanksgiving Holiday*
November 23rd through 24th: *Office Closed—Thanksgiving Holiday*

UPCOMING Community Events:

November 4th: *Kenbridge's Holiday Festival*
November 17th: *Chamber of Commerce—Citizen, Non-Profit, and Business of the Year Nominations Due*
November 28th: *Chamber of Commerce—Holiday Decorating Judging for Businesses*
December 1st: *Christmas Parade—Victoria*
December 12th: *Chamber of Commerce—Holiday Decorating Judging for Homes*

CBG	Feet	Miles	Addresses - Total	Addresses - Kinex RDOF	RDOF Passings		Addresses - Unserved, No RDOF	VATI Passing	VATI Passing
510499301005	423185	80	798	745			53	Cumberland	Cumberland
510499302002	207795	39	326	321			5	Cumberland	Cumberland
510499302003	37017	7	97	97			0	Cumberland	Cumberland
510499302001	299015	57	309	158			151	Cumberland	Cumberland
510499301004	293602	56	416	277			139	Cumberland	Cumberland
511119303001	499961	95	459	370			89	Lunenburg	Lunenburg
511119302003	350640	66	441	400			41	Lunenburg	Lunenburg
511119301002	200292	38	363	248			115	Lunenburg	Lunenburg
511119302004	463093	88	87	86			1	Lunenburg	Lunenburg
511119303002	311394	59	859	0			0	Lunenburg	Lunenburg
511119301003	183894	35	839	408			431	Lunenburg	Lunenburg
511119302001	79842	15	0	0			0	Lunenburg	Lunenburg
511119302002	487805	92	518	425			93	Lunenburg	Lunenburg
511119301001	348986	66	425	176			249	Lunenburg	Lunenburg
511479303004	324170	61	933	870			63	Prince Edward	Prince Edward
511479302022	200475	38	483	0			0	Prince Edward	Prince Edward
511479302011	21767	4	376	346			30	Prince Edward	Prince Edward
511479302012	1906	0	583	144			439	Prince Edward	Prince Edward
511479302023	196186	37	550	502			48	Prince Edward	Prince Edward
511479303001	230035	44	399	380			19	Prince Edward	Prince Edward
511479303003	349324	66	43	20			23	Prince Edward	Prince Edward
511479301002	250956	48	361	312			49	Prince Edward	Prince Edward
511479303002	71580	14	510	483			27	Prince Edward	Prince Edward
511479303005	485985	92	155	152			3	Prince Edward	Prince Edward
511479302021	245996	47	893	635			258	Prince Edward	Prince Edward
511479301003	429813	81	853	422			431	Prince Edward	Prince Edward
Total	**6994714**	**1325**	**12076**	**7977**			**2757**		

532

RDOF Update Information

As of 10/07/2023					
	Required RDOF Miles	Current RDOF Miles	Required RDOF Passings	Certified RDOF Passings	Current RDOF Installs
Cumberland		1	1598	13	2
Lunenburg		162	2113	713	386
Prince Edward		170	4266	1487	142
Total		333	7977	2213	530

RDOF Required Passings: 7595

1st Year RDOF Passing Requirement:	1519
2nd Year RDOF Passing Requirement:	2279
3rd Year RDOF Passing Requirement:	3038
4th Year RDOF Passing Requirement:	4557
5th Year RDOF Passing Requirement:	6076
6th Year RDOF Passing Requirement:	7595

VATI Update Information

As of 10/07/2023					
		Current VATI Miles	Required VATI Passings - Underserved	Current VATI Passings	Current VATI Installs
Cumberland		2	348	158	31
Lunenburg		18	1019	248	32
Prince Edward		35	1390	1193	26
Total		55	2757	1599	89

1. The equipment cabinet at the western pasrt of Prince Edward County is now live. Power equipment has been burnt in, electronics installed, tests performed and several new clients have been installed and tested.

Total Miles	388
Total Passings	3812

OID	STATEFP10	COUNTYFI	TRACTCE1	BLOCKCE	BLOCKID10	PARTFLG	HOUSING1	AddressSit
2314	51	147	930201	2054	511479302012054	N	0	0

POP10	RDOF	Served_NI	BLOCKGROUP
0		No	511479302012

Citizen Time

Statement on Public Speaking for Planning Commission Meetings

Any member of the public addressing the Planning Commission shall approach the lectern, give his or her name and address in an audible tone of voice for the record, and address the Commission as a body rather than speak to any member. Unless further time is granted by the Commission, any member of the public shall address the Commission for a maximum of five (5) minutes, regardless of the number of issues he or she desires to discuss. The proponent of any application, petition, or plan that is the subject of a public hearing shall be allowed to address the Commission for a maximum of fifteen (15) minutes.

Citizen time

Any member of the public may speak on any item not on the current agenda under the above guidelines

Request for additional time to speak

At the beginning of the comments by a citizen additional time may be requested by the speaker. The Chairman shall decide on the amount of time to be provided.

Written comments

Written comments are most helpful in reviewing issues under consideration. Citizen input is valuable and appreciated. The Commission encourages citizens to submit their comments in writing or any information pertaining to the issues at hand. There is not a limit on written comments; clarity and succinctness is encouraged.

Deferred Conditional Use Permit Applications for Recommendation

CUP 5-23: Parrish View Farms— Event Venue

Lunenburg Planning Office
Application for Conditional Use Permit for **Non-Solar Facilities**
Case Number: CUP 5-23 (Office Use Only)

Section 1

Applicant Name: Parrish View Farms

Owner Name: Jeff Parrish

Owner Signature: W. Jeff Parrish

Contact Name for Application: Cary Parrish

Physical and Mailing Address: 2571 Dundas Rd, Kenbridge, VA 23944

Phone Number: 434-917-2279

Email Address: carytparrish@gmail.com

Fax Number (if applicable): —

Power of Attorney Name: _____

Power of Attorney Signature: _____

As owner or authorized agent of this property, I certify that this application is complete and accurate to the best of my knowledge, and I authorize the Lunenburg County representative(s) entry on the property for purposes of reviewing this application.

Section 2
Property Information

Parcel Number(s): 049-0A-0-68
049-0A-0-69A

Area (ac./sq. ft.): ~~+/- 58ac~~ total-73.06 049-0A-0-68-58.16ac & 049-0A-0-69A-14.9ac

Magisterial District: Brown's Store

Address: 2571 Dundas Rd Kenbridge VA 23944

Existing Zoning: ~~Residential~~ A-1 Agricultural

Requested Use: Event Venue

Does this property have a historical designation? If yes, describe: —

Parcel number(s), acreage, magisterial district and existing zoning can be located at: https://lunenburggis.timmons.com/#/mwl. The address can be typed into the "*By Parcel Address*" search bar followed by selecting search. This will pull up the information pertaining to the parcel.

The application deadline is the **1st of the month proceeding the month** in which the public hearing by the Planning Commission is to be held. The Planning Commission meeting is held on the 1st Thursday of the month at 7:00 p.m. Applications must be submitted in completed form a minimum of thirty (30) days prior to the scheduling of a public hearing by the Planning Commission. Notice of incomplete applications will be sent to the applicant at the listed address in Section 1.

The site plan must be submitted as described in the site plan requirements at the time of the application.

Application fee is $400.00, which must be paid at the time of application submission.

Incomplete applications will be returned to the applicant and not docketed for a public hearing

Section 3
Certification of Adjoining Property Owners, Board of Supervisors, and Planning Commissioners

Applicants Certification:

I certify that I have notified all adjacent property owners, to the property which is the subject of this application request, that this application is being filed. Notifications were sent via first class mail.

Adjacent property includes all property touching the project parcel, across roadways, watercourses, railroads, and/or municipal boundaries.

I further certify that the names and addresses below are those of the adjacent property owners as listed in the tax records of the Commissioner of Revenue of Lunenburg County.

Applicant's Signature: W. Jeffrey Parrish, II

State of: Virginia.

County of: Lunenburg.

Before me, Lanna J. Thompson, on this 27th day of
Name of Notary Public

April, 2023, W. Jeffrey Parrish, II, personally appeared, and
Applicant(s) Name

provided verification to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 27th day of April, 2023.

Lanna J. Thompson
Notary Public's Signature

Lunenburg County, State of Va.
Location of Commission

Registration #: 729586

Commission Expiration: 10/31/2026

LANNA J. THOMPSON
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7029586

Verification of Identity
[ ]Driver's License or Govt./State Identification Card:
State: _____ Number: _____
[ ] U. S. Passport: Number: _____
[ ] U. S. Military ID Card
[ ] Social Security Card
[ ] Birth Certificate
[ ] Other: _____

(Seal)

Adjacent Parcel (Property) Owners		
Parcel Number	**Name(s)**	**Address**
049-0A-0-68A	Wayne Dooley	2503 Dundas Rd Kenbridge VA 23944
049-0A-0-64A	Richard Jeter	2572
049-0A-0-69	Larry Way	2319
049-0A-0-57A	Jed Willis	2442
050-0A-0-12	John Hawthorne	2493 Gigg Rd Kenbridge VA 23944
049-0A-0-66	Diane Moore	2181

*If there are additional adjacent property owners, please include them on a separate sheet. Also, the letter that follows can be completed and mailed to adjacent property owners.

Section 4
Applicant's Report
Section 8.3(b) of Lunenburg Zoning Ordinance

Every application for a Conditional Use Permit shall be accompanied by a report from the applicant describing the proposed Conditional Use and explaining the manner which it complies with the requirements and standards of this article.

The following questions address the basic issues. The Planning Commission and/or Board of Supervisors may request additional information.

1.) What type of use is being requested?

Event venue

2.) Describe how you plan to develop the property for the proposed use and any associated uses.

Pumpkin patch since 2009. Property enhancements third years of operation to facilitate

3.) Describe why the proposed use is desirable and appropriate for the area. What measures will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity?

Always neighborly

Also, address the following:

a. Details of Operations: open for general admission events periodically / Pumpkin patch Fall / As well as private events
b. Hours of Operation:
c. Traffic: Adequate parking + access
d. Noise: DJ/Band off @ 11pm
e. Dust/Smoke: N/A
f. Runoff: waterways in use
g. Intensity of Use: 1-2 events month
h. Hazardous Materials: N/A
i. Outside Storage: none

4.) Is the use location on a floodplain, wetland area, or dam break inundation zone? N/A
5.) Are there any deed restrictions concerning the type of use proposed? If so, provide the date the said restrictions expire. N/A

6.) Has a survey of the parcel(s) been conducted to include project parcel, property boundaries, existing roadways and structures, and adjoining parcels, as well as, the parcel owner? If so, is it included in the application packet? N/A

7.) Has a site plan been included to note the information required on the survey, but also any new construction, parking, clearing, planting, etc.? none this year

8.) Has a business plan been established? If so, please provide it with application submittal. _____

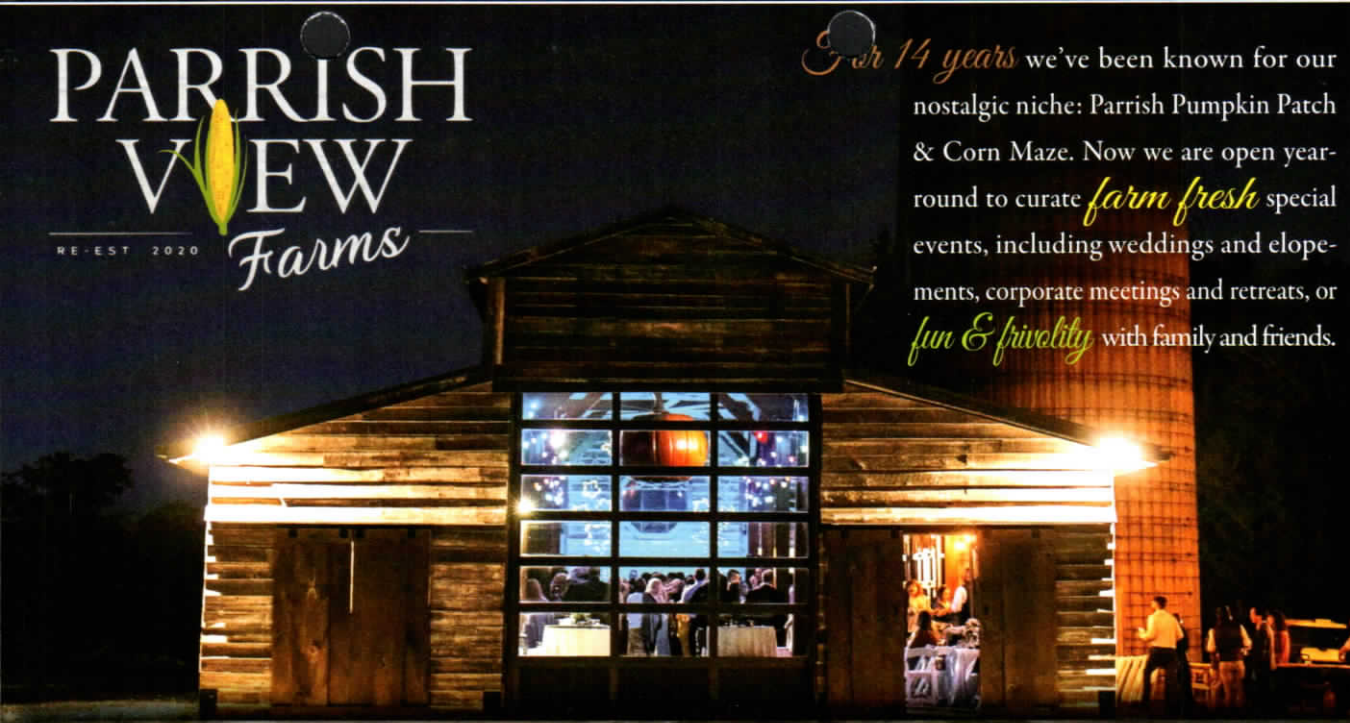
9.) Describe how the proposed project complies or refutes the goals and objectives noted in the Kenbridge-Victoria-Lunenburg Comprehensive Plan. This can be located the Lunenburg County, Virginia website.

See Attached sheet -

Requirements for telecom site plans can be found in Section 22 Article III, items 22-81 thru 22-112 of the Lunenburg County Code.

PARRISH VIEW Farms

RE-EST 2020



For 14 years we've been known for our nostalgic niche: Parrish Pumpkin Patch & Corn Maze. Now we are open year-round to curate *farm fresh* special events, including weddings and elopements, corporate meetings and retreats, or *fun & frivolity* with family and friends.

www.parrishviewfarms.com

2571 Dundas Road, Kenbridge, Virginia 23944
434-917-2670 events@parrishviewfarms.com

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WEDDINGWIRE


RESTROOMS
OVERFLOW PARKING/ TENT AREA
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ENTRANCE/EXIT

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
RICHMOND DISTRICT
2430 Pine Forest Drive
COLONIAL HEIGHTS, VA 23834
www.VDOT.Virginia.gov

Stephen C. Brich, P.E.
COMMISSIONER

June 5, 2023

Ms. Taylor N. Newton
Director of Planning and Economic Development
County of Lunenburg
11413 Courthouse Road
Lunenburg, VA 23952
(Sent Via E-mail)

SUBJECT: **Parrish View Farms-Event Venu**
Hwy. 137, Dundas Rd.
Lunenburg County, VA
Conditional Use Permit Application Review – CUP 5-23

Dear Ms. Newton:

The Virginia Department of Transportation, South Hill Residency Southern Region Land Development Office has reviewed the subject submission received by email on May 30, 2023. The existing Low Volume Commercial Entrance is adequate. Therefore we have no further comment and support the CUP application.

If you have any questions in the meantime please feel free to contact me at 434-774-2310 or by email, todd.cage@vdot.virginia.gov .

Sincerely,

C. Todd Cage
Land Development Engineer
Southern Region Land Development
Richmond District/South Hill & Petersburg Residencies

CC: Paul Hinson, P.E., LEED AP, VDOT Southern Region Area Land Use Engineer
John Legg, VDOT Southern Region Permits/Subdivision Specialist Sr.
Tommy Johnson, VDOT South Hill Residency Administrator
Kevin Smith, VDOT South Hill Assistant Residency Administrator

Lunenburg County Administration
11413 Courthouse Road
Lunenburg, VA 23952

Tracy M. Gee
County Administrator

Telephone: (434) 696-2142
Facsimile: (434) 696-1798

June 8, 2023

Parrish View Farms
Attn: Cary Parrish
2571 Dundas Road
Kenbridge, Virginia 23944

Re: Incomplete Application Notice

Dear Mr. Parrish,

A review of your application, CUP 2-23: Community Resource Services (Community Center—per Lunenburg County Code) has been conducted internally. The review has concluded that the application has been deemed incomplete. Enclosed with this letter is a copy of the portions of the application that need to be revised (highlighted yellow) or where I have made corrections (written in green). The following provides the list of deficiencies and/or questions that are required to be remedied/answered prior to application proceeding with the public hearing at the Planning Commission level:

1. Section 2
    a. Parcel Number(s):
        i. Parcel Number: 049-0A-0-69A is shown, on County GIS, as owned by Alpod Company.
            1. Who is the owner of Alpod Company?
            2. If the owner is not Jeff Parrish, then the "Owner Name" and "Owner Signature" will need to be added in Section 1.
            3. Please provide documentation as to who the owner(s) of Alpod Company are.
    b. Area (ac./sq.ft.):
        i. The application notes that the total of two (2) parcels is +/- 58 acres. According to County GIS, 049-0A-0-68 consists of 58.16 acres and 049-0A-0-69A consists of 14.9 acres, which totals 73.06 acres.
            1. Will only +/- 58 acres be utilized for the Event Venue, or will there be a different number of acres utilized?
                a. Per the Lunenburg County Event Venue Ordinance enacted November 10th, 2022, "…The whole property must be used an Event Venue…", as such, if both parcels are being utilized, then the entire parcel acreage must be included.
            2. If a different number of acres are anticipated to be utilized, then you are required to provide the total acreage of each parcel, which will be utilized as the Event Venue.

a. Be sure to include parking, entrances/exits, tour/ride routes, etc., in the acreage total.

c. Magisterial District:
    i. This is noted in the "Parcel Information" on County GIS.
        1. I have made the correction, so no action is required by you.

d. Existing Zoning:
    i. County GIS shows "R-1: Residential", which is for tax purposes; however, it is not the actual zoning as it pertains to a business and actual district regulations.
        1. I have made the correction, so no action is required by you.

2. Section 3
    a. Certification of Adjoining Property Owners, Board of Supervisors, and Planning Commissioners:
        i. The "Verification of Identity" box needs to be completed by the Notary, then the Notary is required to initial and/or sign and date beside the box to verify they have made the revision.
    b. Adjacent Parcel (Property) Owners:
        i. Please note the revisions made in this section.
            1. I have made the corrections, so no action is required by you.
    c. Notification of Application Submittal to Adjacent Property Owners:
        i. You are required to submit a copy of one of the letters, which was sent to the adjacent property owners.
3. Section 4
    a. Question 1:
        i. What type of events will be expected to be held at the Event Venue (i.e., social gatherings, weddings, wedding rehearsals, wedding parties, corporate outings, and education and cultural events, with or without live entertainment, where food and drink may be consumed on site, etc.)?
        ii. Will general admission events be held (i.e., Easter Egg Hunt, Concerts, Vendor Events, "A Harvest Hoedown", Monster Truck Rides, Hot Air Balloon Rides, etc.)?
        iii. Will you be operating a bar, where alcohol is sold, used, and/or consumed?
            1. If you will not be sole person(s) providing alcohol, will the renter(s) be providing it with or without a fee associated?
        iv. Is there an intent to have a commercial kitchen placed on site for the owner(s)/operator(s) of the Event Venue to utilize for the service/sale of food and beverages to Event/General Admission Attendees?
            1. If a Commercial Kitchen is anticipated, will it be available for use by the renter(s) and/or their caterer?
            2. If not, will it just remain a prep/warming kitchen?
    b. Question 2:
        i. The response notes, "Pumpkin Patch since 2009, property enhancements have been made this year to facilitate."
            1. What property enhancements have already been done?
                a. Please be very detailed when providing what enhancements have been made.
            2. Is there an intent to build/add new structures/buildings now or in the future?
            3. Will there be an expansion of any existing structures/buildings now or in the future?
            4. Will a Commercial Kitchen be added?
                a. Duplicate of previous question asked in Section 4, Question 1.

5. Will additional restrooms be added?
6. Do you anticipate expanding to do anything other than operate as an Event Venue, Pumpkin Patch, Christmas Tree/Wreath Farm, or General Admission Events as described in Section 4, Question 1?
    a. It is imperative to provide this to ensure that it conforms with the Event Venue definition.

c. Question 3:
    i. Please explain what measures will be in place to ensure that the Event Venue, if approved, does not have any negative impacts on neighbors and/or the neighborhood.

d. Question 3a—Details of Operation:
    i. Please explain further as to what "General Admission" events would occur.
        1. Please define what is anticipated when it is states, "periodically" for "General Admission" events.
    ii. How often will the Pumpkin Patch operate?
        1. What days of the week?
        2. What hours of operation are there each day?
        3. How often will the Pumpkin Patch be closed for "Private Events"?
        4. How often and what type of "General Admission" events will be held during the Pumpkin Patch operating hours?
        5. How often are outside food, retail, etc., vendors expected to be present?

e. Question 3b—Hours of Operation:
    i. Will the Event Venue abide by the house of operation set forth in the Event Venue Ordinance? (The hours of operation do not include set-up and take-down hours.)
        1. Hours of Operation as specified in the Event Venue Ordinance:
            a. Monday through Thursday—9:00 a.m. to 10:00 p.m.
            b. Friday and Saturday—9:00 a.m. to 11:00 p.m.
            c. Sunday—11:00 a.m. to 10:00 p.m.
    ii. Do you anticipate any events that will require the Event Venue to operate outside the specified hours of operation in the ordinance?
        1. If so, are you aware that a variance will be required from the Board of Supervisors?

f. Question 3c—Traffic:
    i. Virginia Department of Transportation ("VDOT") has deemed the existing "Low Volume Commercial Entrance" as adequate.
        1. This is just information being provided, no action is required by you.
    ii. Will there be parking attendants to ensure the flow of traffic on the property?
    iii. Do you anticipate any vehicles to be parked along Route 137 (Dundas Road)?
        1. If so, how do you anticipate preventing the traffic flow on Route 137 (Dundas Road) from being impeded?
    iv. How will traffic be directed to the overflow parking area without place attendees at risk?
    v. Has a traffic control plan been established?
        1. If so, it needs to be submitted with the revised application.
        2. If not, one needs to be created and submitted.
            a. The application will not be deemed complete until this plan is submitted.

g. Question 3d—Noise:
    i. Are you willing to abide by the County's Noise Ordinance?

ii. If the County is required to conduct field testing to verify the noise levels, are you aware that it will be at your expense (per the Lunenburg Event Venue Ordinance enacted November 10th, 2022)?
iii. Are you anticipating that any engines will be revved or loud vehicles?
1. If so, how will you prevent the noise from being a nuisance?

h. Question 3e—Dust/Smoke:
i. Due to the driveway being dust/gravel, how will the dust be created from vehicles entering and exiting the property be mitigated (i.e., wetting the driveway, etc.)?
ii. Is there any intention to pave the driveway in the future?

i. Question 3f—Runoff:
i. Describe in detail, what is meant by "waterways in use."
ii. Is there any sloping greater than 15%, which can result in significant erosion and/or sediment runoff?
1. If so, how will it be mitigated?
iii. How will mud/clay being carried on the road from vehicles exiting be removed?

j. Question 3g—Intensity of Use:
i. You note "1-2 events month", does this pertain to 1-2 private events a month or 1-2 General Admission Events a month?
ii. Please provide the number of days a month for each category: weddings, wedding rehearsals, wedding parties, social gatherings, corporate outings, educational/cultural events, and general admission events.
1. Are any of the above expected to last more than twenty-four (24) hours?

k. Question 3h—Hazardous Materials:
i. Will gas, diesel, kerosene, pesticides, fertilizers, other hazardous materials, etc., be store on site?

l. Question 3i—Outside Storage:
i. Are any outside storage facilities anticipated to be added in the future?
ii. Are any sheds (open or closed), silos, etc., currently being utilized for storage items related to the operation of the Event Venue?
iii. Will trash be stored outside?
1. What type of storage will be utilized for the trash?
2. How often will trash be hauled off or picked up from the property?

m. Question 6—Survey:
i. The recent survey of the property needs to be submitted, which depicts the property boundaries, adjoining property owners, existing structures, etc., for the application to be deemed complete.

n. Question 7—Site Plan:
i. A preliminary site plan has been submitted; however, the following need to be included in the site plan:
1. All temporary structure proposed locations (i.e., tents, stages, outdoor dance floors, etc.),
2. Setbacks from adjoining property owners (i.e., specify the distance from the property lines [minimum 150 feet], distance from all locations, including but not limited to, buildings, fields, etc., being utilized for the operation of the Event Venue from all adjoining property boundaries, etc.),
3. Flow of traffic,
4. Vendor locations for proposed General Admission Events,
5. PortaJohn location(s) (if anticipated),
6. Ticket booth (General Admission Entrance),

7. General Admission Exit,
8. Setback from the roadway (minimum of 150 feet),
9. Setback of sign from the roadway (minimum of 15 feet), and
10. Any location where events may occur (i.e., monster truck ride area, etc.).

o. Question 8—Business Plan:
   i. Please provide your business plan, if you currently have one; however, if you do not have a current business plan, you will need to establish one and submit it.
      1. If you need assistance creating a business plan, you can contact the Longwood Small Business Development Center.

p. Question 9:
   i. Please review the Lunenburg-Kenbridge-Victoria Joint Comprehensive Plan 2019-2024 to identify the specific goals and objectives, which will be met if this project is approved.
      1. The Joint Comprehensive Plan can be viewed at: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://cms5.revize.com/revize/lunenburg/Document%20Center/Government/Board%20Of%20Supervisors/Comprehensive%20Plan/LKV-Comp-Plan-2019-2024.pdf
      2. Goals and objectives are on pages 122 through 134.

4. General Questions/Concerns/Clarifications
   a. You are required to provide an Event Management Plan (annually), which must include:
      i. A plot plan delineating the structure or facility located at the Event Venue,
      ii. A parking plan,
      iii. A plan for sanitary facilities,
      iv. Proof of Insurance,
      v. Trash disposal plan,
      vi. Description of all uses,
      vii. An estimated number of events to be held at the Event Venue per annum,
      viii. An exhibit map showing the location and distances from the Event Venue to all surrounding residences, roadways, and adjoining properties,
      ix. Evidence that the facility's use as an Event Venue will not be incompatible with surrounding land uses,
      x. A fire safety plan, and
      xi. Written permission by all adjoining neighbors to the Event Venue expressing consent of the Owner/Operator's use of the property as an Event Venue.
   b. Are you willing to abide by all the Conditions set forth in the Lunenburg Event Venue Ordinance (enacted November 10th, 2022)?
   c. Do you understand that you will be required to pay an annual license fee of $1,500 by December 31st of each year?
      i. If you do not anticipate purchasing an annual license, you will be required to apply for an Event Permit and pay any fees associated.
   d. Do you understand there shall not be any animated, flashing, or moving lights on business signage?
   e. Are you willing to obtain any permits and pass any inspections required by the Virginia Department of Health?
   f. What is the maximum occupancy of the primary structure, which will be utilized for the Event Venue?
   g. How many restrooms are currently available for public use?
   h. What is the current capacity of the septic system?
   i. Are you willing to report all business tangible property to the Commissioner of Revenue by January 31st of each year?

j. Do you understand that in order to be in compliance with the Event Venue Ordinance, you will be required to submit the Event Management Plan annually?
k. If more than twelve (12) General Admission Events are planned within a calendar year, you will be required to obtain an Event Permit for each event in excess of twelve (12) events.
    i. Do acknowledge and agree to comply with this condition?
l. Do you understand the penalties for violating the Lunenburg Event Venue Ordinance?
m. Do you currently have any signage at the roadway to identify your business?
    i. If so, is it compliant with the Lunenburg County Code?
    ii. If not, are you willing to rectify the issue, so you are in compliance with the Lunenburg County Code?
    iii. If there is not any existing signage, do you anticipate adding any?
n. Will you be selling, providing, or allowing alcohol consumption?
    i. Are you willing to abide by any and all rules, regulations, and licensing required by the Virginia ABC?
o. How many employees do you currently have (include family members, full-time, full-time equivalent, part-time, or seasonal)?
    i. Do you anticipate hiring any more employees?
        1. If so, please provide the number of employees anticipated to be hired for each category (listed above).
p. Are you anticipating the Event Venue to be handicap accessible (i.e., ramps, bathrooms, etc.)?
    i. If so, are you willing to comply with all the conditions to be ADA Compliant, you will need to consult with the Building Inspector.
q. Are you willing to comply with all Uniform Building Codes?
r. If there are any items and/or additions that are anticipated for the facility/parcel in the future, please be sure to note them in this application. If they are not noted in this application, then when and/or if the changes come up in the future, it may require an additional Conditional Use Permit to be submitted for amendment.

To proceed with the Conditional Use Permit process, the noted deficiencies will be remedied and provided to the Lunenburg Department of Planning a minimum of thirty (30) days prior to the next Planning Commission meeting. The Planning Commission meetings are scheduled for the 1st Thursday of each month, so to be placed on the August agenda, the revisions would be required to be submitted no later than **noon on Monday, July 3rd, 2023.** If you anticipate being placed on the agenda for the September Planning Commission meeting, the revisions and/or concerns need to be provided no later than **noon on Monday, August 7th, 2023.**

If you have any questions or concerns, please do not hesitate to contact me. Email is the preferred means of contact as I am often frequently in and out of the office for meetings and/or site visits.

Respectfully,

Taylor N. King

Taylor N. King, CZA
Director of Planning and Economic Development
Local Zone Administrator
11413 Courthouse Road
Lunenburg, VA 23952
434.696.2142 (phone)
taylor@lunenburgva.gov

The application deadline is the **1st of the month proceeding the month** in which the public hearing by the Planning Commission is to be held. The Planning Commission meeting is held on the 1st Thursday of the month at 7:00 p.m. Applications must be submitted in completed form a minimum of thirty (30) days prior to the scheduling of a public hearing by the Planning Commission. Notice of incomplete applications will be sent to the applicant at the listed address in Section 1.

The site plan must be submitted as described in the site plan requirements at the time of the application.

The application fee is $400.00, which must be paid at the time of application submission.

Incomplete applications will be returned to the applicant and not docketed for a public hearing

Section 3
Certification of Adjoining Property Owners

Applicants Certification:

I certify that I have notified all adjacent property owners, to the property, which is the subject of this application request, that this application is being filed. Notifications were sent via first class mail.

Adjacent property includes all property touching the project parcel, across roadways, watercourses, railroads, and/or municipal boundaries.

I further certify that the names and addresses below are those of the adjacent property owners as listed in the tax records of the Commissioner of Revenue of Lunenburg County.

Applicant's Signature: W. J. Parrish, II

State of: VA

County of: Lunenburg.

Before me, Lanna J. Thompson, on this 6th day of
Name of Notary Public

September, 2023, W. J. Parrish, II, personally appeared, and
Applicant(s) Name

provided verification to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6th day of September, 2023.

Lanna J. Thompson
Notary Public's Signature

Lunenburg County
Location of Commission

Registration #: 7029586

Commission Expiration: 10/31/2026

LANNA J. THOMPSON
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7029586
(Seal)

Verification of Identity
[ ]Driver's License or Govt./State Identification Card:
State: _____ Number: _____
[ ] U. S. Passport: Number: _____
[ ] U. S. Military ID Card
[ ] Social Security Card
[ ] Birth Certificate
[✓]Other: Known to me

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) Larry + Terri Way

From: Parrish View Farms

Date: 9/5/2023

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[X] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:

Event Venue

The application will be available for viewing at the Lunenburg County Planning Office and on the Lunenburg County website at:
https://www.lunenburgva.gov/government/planning_commission/pending_conditional_use_permit_applications.php
The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

Sign: Laurence Way

Print: Laurence Way

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) John Hawthorne

From: Parish Views Farms

Date: 9/5/2023

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[x] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:

Event Venue

The application will be available for viewing at the Lunenburg County Planning Office and on the Lunenburg County website at:
https://www.lunenburgva.gov/government/planning_commission/pending_conditional_use_permit_applications.php
The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

Sign: John Hawthorne

Print: John W. Hawthorne

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) Kenneth + Misty Dooley

From: PARISH VIEW FARMS

Date: 9/5/2023

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[X] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:
EVENT VENUE

The application will be available for viewing at the Lunenburg County Planning Office and on the Lunenburg County website at:
https://www.lunenburgva.gov/government/planning_commission/pending_conditional_use_permit_applications.php
The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

Sign: Kenneth W. Dooley

Print: Kenneth W. Dooley

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) Diane Thackston

From: Parrish View Farms

Date: 9/5/2023

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[X] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:

Event Venue

The application will be available for viewing at the Lunenburg County Planning Office and on the Lunenburg County website at:
https://www.lunenburgva.gov/government/planning_commission/pending_conditional_use_permit_applications.php
The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

Sign: Deane Thackston

Print: Diane Thackston

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) Jed & Lucy Willis

From: Paradise View Farms

Date: 9/5/2023

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[X] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:
Event Venue

The application will be available for viewing at the Lunenburg County Planning Office and on the Lunenburg County website at:
https://www.lunenburgva.gov/government/planning_commission/pending_conditional_use_permit_applications.php
The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

Sign: 

Print: Jed A Willis

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) Richard Jeter

From: Parrish View Farms

Date: 9/5/2023

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[X] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:
Event Venue

The application will be available for viewing at the Lunenburg County Planning Office and on the Lunenburg County website at:
https://www.lunenburgva.gov/government/planning_commission/pending_conditional_use_permit_applications.php
The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

Sign: Richard V Jeter

Print: RICHARD V. JETER

OCTOBER 2022-OCTOBER 2023

BUSINESS & EVENT MANAGEMENT PLAN

For six weeks every Fall, Parrish View Farms does business as Parrish Pumpkin Patch, celebrating 15 years of agritourism in 2023. Last year, Parrish View Farms expanded to offer year-round rental opportunities for weddings and various other private events. In addition to agritourism-related programming, Parrish View Farms's annual goal is to host quarterly, special events while working diligently to promote and execute private event and wedding rentals throughout the calendar year.

Past Private Events

2022:

October - Many birthday parties during Parrish Pumpkin Patch public hours
October 22-23 - Virginia Giant ride truck at PPP
October 28 - (*Public/Ticketed)* PVF-hosted concert with visiting food/beverage vendors
October 29 - Wedding
November 19 - Wedding

2023:

March 18 - Birthday party rental
April 2 - PVF-hosted Easter event (*Public agritourism as Parrish Pumpkin Patch, with visiting food/beverage vendors*)
April 15 - Wedding
April 22 - Wedding
May 6 - Corporate event rental
June 25 - Baby shower rental

Upcoming Private Events

2023:

September 16 - Wedding

September 23 - Wedding

September 29 - Anniversary party rental

October - Many birthday parties during Parrish Pumpkin Patch public hours

October 11 - Baby shower rental

October 14 - Wedding

October 28th - PVF hosted concert


RESTROOMS /
KITCHEN(PREP ROOM)
SILO
THEATER
OVERFLOW LOT /
FOOD TRUCK
SPACE
FANCY
BARN
LOG
BARN
GRAIN BIN
BAR
BRIDE'S
BIN
BASKETBALL
COURT
WEDDING
CEREMONY SCENE
PARRISH
HOME


TO OVERFLOW
LOT
PARKING

Virginia Farm Bureau Mutual Insurance Company

P.O. Box 27552 ♦ Richmond, Virginia 23261
vafb.com ♦ (888) 236-7716

Farmowners Policy

RENEWAL OF POLICY FR 3508885

** RENEWAL NOTICE: THIS POLICY WILL EXPIRE AT 12:01 A.M. ON 07/11/2023 UNLESS THE MINIMUM PAYMENT IS MADE BY THE DUE DATE. THIS RENEWAL DECLARATION SUPERSEDES ANY DECLARATION ISSUED EARLIER.

Policy Number	Effective 12:01 AM Eastern Standard	Code
FR 3508885 - 38	From: 07/11/2023 To: 07/11/2024	1553

Named Insured and Address
JEFFREY PARRISH
2571 DUNDAS RD
KENBRIDGE, VA 23944

Full Named Insured(s)

JEFFREY PARRISH

Coverages - Dwelling

Insured Location 1: 2571 DUNDAS RD , KENBRIDGE, VA, 23944

Description Dwelling 1: Owner Primary 0 Masonry

Rating Information: Standard, Masonry, Primary, Automatic Value-Up at Renewal 10.0%,Constructed in 0, Protection Class 10, Rating Territory 055, Lunenburg, Initial Acres: 99, Number Of Families: 1

Coverage at the above described location is provided only where a limit of liability is shown or a premium is stated.

PRINCIPAL PROPERTY COVERAGES	Limits of Liability		Premium
Coverage A - Residence	$468,041		$3,294.00
Coverage B - Related Private Structures	$46,804		$ Included
Coverage C - Personal Property	$327,629		$ Included
Coverage D - Additional Living Costs and Loss of Rents	$93,608		$ Included
LIABILITY COVERAGES			
Coverage L - Liability	$300,000	Each Occurrence	$10.00
Coverage M - Medical Payment to Others	$1,000	Each Person	$ Included
Coverages L and M Combined Annual Aggregate Limit – Incidental Business Operations (applies collectively to all such covered operations on the policy)	$600,000		$ Included
DISCOUNTS APPLIED			
Loss Free Payment Credit	15%		$494.00CR
Multi-Policy Discount	8%		$264.00CR
Loyal Member Discount	1%		$33.00CR

Continued Next Page

DEDUCTIBLES		
Principle Property Coverages Deductible	$250	
Windstorm or Hail Deductible (FBFO405)	$1,000	
Deductible Charge/Credit:		$168.00CR
ADDITIONAL COVERAGES		
Replacement Value Coverage C - Personal Property (FO-55)		$461.00
TOTAL DWELLING PREMIUM		**$2,806.00**

Dwelling Forms

Form Number/ Edition Date	Form Description
FO-55 1.4	Replacement Value
FO-3 1.0	Dwelling Coverage - Special Form
FBFO405 10-06	Windstorm or Hail Deductible
FBFO526 06-04	Automatic Value Up Coverage

Coverage E - Farm Barns, Buildings and Structures
Coverage F - Scheduled Farm Personal Property in a Building

$250 deductible applies to Coverage E
$250 deductible applies to Coverage F

		Limit Of Liability	Premium
Loc. 1 Unit 2:	**Barns, Out Buildings, And Other Structures**	$10,000	$120.00
	Frame, Type 3		
	BARN, 200' W OF MAIN DWELLING		
	Total Farm Building Premium:		**$120.00**
Loc. 1 Unit 3:	**Barns, Out Buildings, And Other Structures**	$5,000	$31.00
	Masonry, Type 3		
	MILKING PARLOR		
	Total Farm Building Premium:		**$31.00**
Loc. 1 Unit 4:	**Barns, Out Buildings, And Other Structures**	$200,000	$1,444.00
	Frame, Type 1		
	FARM BARN 250' E OF MAIN DWELLING		
	Total Farm Building Premium:		**$1,444.00**
Loc. 1 Unit 5:	**Grain Bin**	$50,000	$207.00
	Masonry, Type 1		
	Metal Grain Bin, 75' E of Main Dwelling		
	Total Farm Building Premium:		**$207.00**

TOTAL COVERAGE E & F (SCHEDULED FARM PERSONAL PROPERTY IN A BUILDING) PREMIUM: **$1,802.00**

Coverage F - Scheduled Farm Personal Property (Out of a Building)

$250 deductible applies

		Limit Of Liability	Premium
Scheduled Equipment With Open Perils			
Item 1	2009 Case International 3150 Spray Rig V8T024599	$27,500	**$129.00**

Continued Next Page

	Number of Units: 1		
	Limit per Unit: $27,500.00		
	Farm Machinery (FO-360)		**$ Included**
Item 2	1969 Oliver 1850 Deisel Tractor 1850	$7,000	**$31.00**
	Number of Units: 1		
	Limit per Unit: $7,000.00		
	Farm Machinery (FO-360)		**$ Included**
Item 3	2016 New Holland TL.100 Tractor w/ Front End Loader ZGLE50880	$45,000	**$200.00**
	Number of Units: 1		
	Limit per Unit: $45,000.00		
	Farm Machinery (FO-360)		**$ Included**
Total Scheduled Equipment With Open Perils Premium:			**$353.00**
TOTAL COVERAGE F (OUT OF A BUILDING) PREMIUM:			**$353.00**

Other Additional Coverages

	Premium
ACH AGREEMENT (ACH)	**$ Included**
Employer's Liability - Farm Employees (GL-76)	**$15.00**
Class C Total Number of Man Days for Employees working 40 or less days / year: 100.0000	
Class C Rate: 0.15	
Class C Premium: $15.00	
Fruit or Vegetable Picking - By Public (FBGL78)	**$80.00**
Fruit or Vegetable Picking - By The Public	
Description:pumpkin picking	
Location:99 ACRES, 4 MILES E OF KENBRIDGE VA ON N SIDE OF RT 137 IN LUNENBURG COUNTY	
Estimated Receipts:$1,000	
Incidental Business Operations - Excluding Products/Completed Works (FBGL90)	**$19.00**
Name of Insured(s): JEFFREY PARRISH	
Business: Corn Mazes	
Number of persons annually 199	
Incidental Business Operations - Excluding Products/Completed Works (FBGL90)	**$79.00**
Name of Insured(s): JEFFREY PARRISH	
Business: Hay Rides/Wagon Transport	
Number of days annually 10	
Incidental Business Operations - Excluding Products/Completed Works (FBGL90)	**$158.00**
Name of Insured(s): JEFFREY PARRISH	
Business: Special Events - NOC	
Number Admissions Annually 2000	
Farm Chemicals Limited Liability (FBGL614)	**$ Included**
12-Month Aggregate Limit: $300,000	
Amendatory Endorsement - Virginia (FBFO0748)	**$ Included**
TOTAL ADDITIONAL COVERAGES PREMIUM	**$351.00**

TOTAL POLICY PREMIUM:	**$ 4,476.00**

Continued Next Page

Virginia Farm Bureau Mutual Insurance Company

P.O. Box 27552 ♦ Richmond, Virginia 23261
vafb.com ♦ (888) 236-7716

Farm Umbrella Liability Policy **RENEWAL OF POLICY UMF 2084263**

** RENEWAL NOTICE: THIS POLICY WILL EXPIRE AT 12:01 A.M. ON 12/23/2022 UNLESS THE MINIMUM PAYMENT IS MADE BY THE DUE DATE. THIS RENEWAL DECLARATION SUPERSEDES ANY DECLARATION ISSUED EARLIER.

Policy Number	Effective 12:01 AM Eastern Standard	Code
UMF 2084263 - 25	From: 12/23/2022 To: 12/23/2023	1553

Named Insured and Address
JEFFREY PARRISH
2571 DUNDAS RD
KENBRIDGE, VA 23944

Full Named Insured(s)

JEFFREY PARRISH

Named Insured Type: Individual

Limits Of Liability	
Farm Umbrella Liability - Occurrence Limit	$1,000,000
Farm Umbrella Liability - Aggregate Limit	$1,000,000
Retained Limit	$1,000

Schedule of Underlying Insurance

Type of Policy	Company Name	Policy Number	Limits of Liability	Coverages
Automobile	Virginia Farm Bureau	1708284	$250,000 $500,000 $100,000	Bodily Injury Each Person Bodily Injury Each Occurrence Property Damage Each Occurrence
Farmowners	Virginia Farm Bureau	3508885	$300,000	Each Occurrence

TOTAL POLICY PREMIUM: $ 492.00

Policy Endorsements

Vehicle Exclusion: Buses (FUB-58)

Forms and Endorsements

Form Number/ Edition Date	Form Name
FUB-2 10-09	Farm Personal Umbrella Liability Coverage
FUB-20 10-09	Farm Personal Amendatory Endorsement

Continued Next Page

Process Date: 11/08/2022

FUB-45 08-16	Certified Terrorism Loss
FUB-46 08-16	Certified Terrorism Loss Disclosure of Premium and Federal Share of Insured Losses
FUB-47 10-09	Cargo Exclusion
FUB-48 10-09	Cross Suits Exclusion
FUB-49 10-09	Logging & Lumbering Exclusion Endorsement
FUB-56 10-09	Seedman's Errors and Omissions Exclusion
FUB-58 10-09	Vehicle Exclusion: Buses
FUB-59 10-09	Horse Limitation Endorsement
FUB-60 10-09	Tanning Operations Exclusion

Staff Report

Office of Planning and Economic Development

Planning Report

Case Number: CUP- 5-23
Applicants: Parrish View Farms
Parcel Number: 049-0A-0-68 and 049-0A-0-69A

Owner of Record: W. Jeffrey Parrish II or Elizabeth W. Parrish (049-0A-0-68) and Parrish View Farms (049-0A-0-69A)

Proposed Use: Event Venue

Location: 2571 Dundas Road, Kenbridge, VA 23944

Tax Information

Assessment and Status	
Area: 58.16 acres	14.9 acres
Current Land: $118,600	$41,000
Current Building: $151,200	N/A
Current Improvements: $101,200	N/A
Current Total: $371,000	$41,000

Property Description: A 58.16- and 14.9-acre parcel located in the Brown's Store District off Route 137 (Dundas Road). The 58.16-acre parcel has existing structures, which includes a residence, Event Venue "Fancy Barn" that has the restrooms and prep kitchen, "Log Barn", "Silo Theater", "Grain Bin Bar", and Bride's Bin. The 58.16-acre parcel is also the location of the driveway, parking lot, overflow lot/food truck space, basketball court, and wedding ceremony scene. Th 14.9-acre parcel is utilized for agriculture operations, but the Event Venue may expand in the future to utilize this parcel.

History of Property or Operation: The property has been previously utilized for a single-family residence, agriculture operations, and Pumpkin Patch/agritourism operations.

Potential Impact of Proposed Use:

- Community Impact:
  - Adjacent Property: YES
  - Proximate Community: YES
- Infrastructure:
  - Schools: NO
  - Fire and EMS: YES
  - Transportation: POSSIBLE
    - The applicant advises that there will not be any parking on Route 137 (Dundas Road).

        - Parking attendants will be present to ensure the flow of traffic making ingress and egress.
    - Community and Social Services: POSSIBLE
    - Criminal Justice: YES
        - The applicant agrees to comply with the County's Noise Ordinance.
- Economic:
    - Community Enhancement: YES
        - Providing a location for Lunenburg residents as well as others to rent the facility for the utilization of weddings, birthday parties, baby showers, corporate events, etc.
    - Employment: YES
        - The Event Venue does not anticipate employing anyone outside of the family; however, dependent upon the business growth, there is potential in the future.
    - Other revenue: YES
        - Payment of taxes
        - The applicant agrees to report annually to the Commissioner of Revenue.
- Environmental:
    - Soil Quality: NO
    - Ground Water: NO
        - The waterways are tied to the farm and follow all requirements.
    - Sewer: NO
        - Recently upgraded the septic system, which includes two (2) 1500-gallon tanks.
    - Solid Waste: POSSIBLE
        - The applicant has indicated that the trash will be hauled off the day after the event or the following business day.
        - The applicant has also indicated interest in contractual services for solid waste disposal.
    - HazMat: NO
        - No hazardous materials will be utilized for the purpose of the Event Venue.
    - Air Quality: NO

Additional Information

- The applicants indicate that the request is for an event venue to host:
    - Weddings,
    - Baby showers,
    - Birthday parties,
    - Corporate events,
    - General admission events, etc.
- Enhancements that have been made to the property include:
    - Fancy Barn

        - Primary location of the Event Venue.
        - Location of the restrooms.
        - Location of the warming/prep kitchen.
    - Silos
        - Converted into:
            - Bridal suite,
            - Bar, and
            - Theater.
    - Log Barn
    - Ceremony Scene
    - Septic System upgrades
- The applicant does not intend to add any other structures in the future.
- The applicant indicates that the bar is utilized if the renter obtains an ABC license and Parrish View Farms does not sell any alcohol.
    - In the past, Three Roads Brewery out of Farmville, VA has provided alcohol for an event and the brewery did so under their Manufacturer's License.
    - The applicant is willing to abide by the conditions set forth by the Virginia ABC.
- The applicant anticipates to:
    - Host a "Hoedown Event" (general admission event) at least once per quarter,
    - Rent the facility for private events,
    - Host vendor events (general admission events),
    - Host monster truck rides, Easter Egg hunts, etc. (general admission events), and
    - Any events requested by the renter.
- The applicant indicates that some private events may occur during the operating hours for the Pumpkin Patch, and the renter will be made aware. Events will primarily be held on weekends.
- The applicant indicates that there are two (2) bathrooms within the "Fancy Barn" that each have a toilet and urinal.
    - PortaJohns will be utilized on an as needed basis.
- The applicant does not anticipate any outside storage being utilized for the Event Venue now or in the future.
- The applicant currently does not have a sign at the road, but indicates that if they decide to add one, it will comply with the County's Sign Ordinance and will not be animated.
- The applicant denies that there will not be food prepared on site in a commercial kitchen; however, if the applicant opts to host their own event, they will be providing the food and beverages, but not in a manner that requires a commercial kitchen.
- The applicant accepts that all uniform building codes will be followed.
- The applicant agrees to pay the annual Event Venue License.
- The applicant indicates that a variance for the hours of operation will be requested.
    - Their current rental agreement indicates that the music shall end promptly at 12:00 a.m. and the renter must be out by 1:00 a.m.

- The applicant has interest in the utilization of the facility for a New Year's Eve event, which would require the Venue to operate outside of the hours indicated in the Event Venue Ordinance.

Suggested Conditions of Approval:

Provide adequate room for fire, EMS, and law enforcement to make entrance to the parking area, residence, "Fancy Barn", silos, "Log Barn", and ceremony area on the parcel and can exit the location. Also, allowing access to any adjacent properties.

Obtain Event Permits/Event Venue License through the Lunenburg County Administration Office.

Comply with VDH rules and regulations and pass their inspection for the preparation and service of food from the facility.

Hours of operation for the **Event Venue** shall comply with the regulations set forth in the Event Venue Ordinance unless a variance is obtained from the Board of Supervisors.

No event shall last longer than two (2) days, not including set-up and take-down.

An annual Event Management Plan be provided to the Department of Planning and Zoning Development.

No overnight accommodations.

Must adhere to the Lunenburg County Noise Ordinance (Section 58-79).

Adhere to the County's Event Permit/Event Venue Ordinance.

Adhere to the County's A-1 District Sign Regulations.

Comply with the County and Virginia ABC requirements and regulations.

Comply with the Virginia Department of Health's requirements and regulations.

Report all tangible property to the Commissioner of Revenue no later than the 31st of January of each year.

Agrees to host no more than twelve (12) general admission events per year; however, if more are hosted, then the applicant agrees to obtain Event Permits for any general admission outside of the twelve (12) permitted by the ordinance.

Agress to provide a potable domestic water supply on-site sewage disposal or sewer service connection necessary to accommodate all events to the satisfaction of the Virginia Health Department.

Comply with all federal, state, and local regulations.

The Conditional Use Permit is limited to the applicant and does not run with the property.

Options of the Commission

1. I move that CUP 5-23: Parrish View Farms Event Venue, as described in the Conditional Use Permit application, **be approved** with conditions listed above and/or any added or removed by the Commission. Failure to comply with the conditions noted and required will result in the revocation of the Conditional Use Permit.

2. I move that CUP 5-23: Parrish View Farms Event Venue, as described in the Conditional Use Permit application, **be denied** because: (explanation)

   _____

   _____

   _____

   _____

   _____

3. I move that the Planning Commission **defer a decision** on CUP 5-23: Parrish View Farms Event Venue, as described in the Conditional Use Permit application, until the Planning Commission meeting scheduled to begin at 7:00 p.m. on _____, in the 2nd Floor Courtroom of the Lunenburg Courts Building.

Public Comments Received

CUP 7-23: Justin Clement—— Impact Arms, LLC.

Lunenburg Planning Office

Application for Conditional Use Permit for **Non-Solar Facilities**

Case Number: 7-23 (Office Use Only)

Section 1

Applicant Name: Justin R. Clement

Owner Name: Justin R. Clement

Owner Signature:

Contact Name for Application: Justin R. Clement

Physical and Mailing Address: 3028 Poorhouse Road, Victoria, VA 23974

Mailing address: P.O. Box 113, Victoria, VA 23974

Phone Number: 434-321-9493

Email Address: jrclement01@yahoo.com

Fax Number (if applicable):

Power of Attorney Name:

Power of Attorney Signature:

As owner or authorized agent of this property, I certify that this application is complete and accurate to the best of my knowledge, and I authorize the Lunenburg County representative(s) entry on the property for purposes of reviewing this application.

Section 2
Property Information

Parcel Number(s): 022-0A-0-20

Area (ac./sq. ft.): 17.819 acres

Magisterial District: Plymouth

Address: 3028 Poorhouse Road, Victoria, VA 23974

Existing Zoning: A-1

Requested Use: Business

Does this property have a historical designation? If yes, describe: no

Parcel number(s), acreage, magisterial district and existing zoning can be located at: https://lunenburggis.timmons.com/#/mwl. The address can be typed into the "*By Parcel Address*" search bar followed by selecting search. This will pull up the information pertaining to the parcel.

The application deadline is the **1st of the month proceeding the month** in which the public hearing by the Planning Commission is to be held. The Planning Commission meeting is held on the 1st Thursday of the month at 7:00 p.m. Applications must be submitted in completed form a minimum of thirty (30) days prior to the scheduling of a public hearing by the Planning Commission. Notice of incomplete applications will be sent to the applicant at the listed address in Section 1.

The site plan must be submitted as described in the site plan requirements at the time of the application.

Application fee is $400.00, which must be paid at the time of application submission.

Incomplete applications will be returned to the applicant and not docketed for a public hearing

Section 3
Certification of Adjoining Property Owners, Board of Supervisors, and Planning Commissioners

Applicants Certification:

I certify that I have notified all adjacent property owners, to the property which is the subject of this application request, that this application is being filed. Notifications were sent via first class mail.

Adjacent property includes all property touching the project parcel, across roadways, watercourses, railroads, and/or municipal boundaries.

I further certify that the names and addresses below are those of the adjacent property owners as listed in the tax records of the Commissioner of Revenue of Lunenburg County.

Applicant's Signature: Justin R Clement

State of: Virginia.

County of: Lunenburg.

Before me, Beverly Gail Gregoric (Name of Notary Public), on this 2nd day of August, 20 23 Justin R. Clement (Applicant(s) Name), personally appeared, and provided verification to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 2nd day of August, 20 23

Beverly Gail Gregoric
Notary Public's Signature

Lunenburg County
Location of Commission

Registration #: 7594872

Commission Expiration: 7-31-26

Verification of Identity
[ ]Driver's License or Govt./State Identification Card:
State: _____ Number: _____
[ ] U. S. Passport: Number: _____
[ ] U. S. Military ID Card
[ ] Social Security Card
[ ] Birth Certificate
[X] Other: Personally known to me

(Seal)

Adjacent Parcel (Property) Owners

Parcel Number	Name(s)	Address
022-0A-0-21	John A. Nelson	3374 Poorhouse Road Victoria, VA 23974
033A6-0A-0-4	Robert and Diana Clement	2421 Sixth Street Victoria, VA 23974
022-0A-0-19	Ruth Aisha G. or James G. III	3081 Poorhouse Rd Victoria, VA 23974
034-0A-0-1	Jason Shifflett or Rohana R.	669 Tomlinson Rd Victoria VA 23974

*If there are additional adjacent property owners, please include them on a separate sheet. Also, the letter that follows can be completed and mailed to adjacent property owners.

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) _____

From: Justin R. Clement

Date: _____

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[x] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:

Business at outbuilding behind residence. Business of firearm sales, online sales, gunsmithing, ammunition sales, cerakoting and hydrographics for adding designs to the outer works of firearms and miscellaneous item

The application will be available for viewing at the Lunenburg County Planning Office. The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

Section 4
Applicant's Report
Section 8.3(b) of Lunenburg Zoning Ordinance

Every application for a Conditional Use Permit shall be accompanied by a report from the applicant describing the proposed Conditional Use and explaining the manner which it complies with the requirements and standards of this article.

The following questions address the basic issues. The Planning Commission and/or Board of Supervisors may request additional information.

1.) What type of use is being requested?
Business in outhouse building behind residence to be selling firearms, cerakoting and hydrographics firearms and other items , sales online, ammunition sales, and gunsmithing.

2.) Describe how you plan to develop the property for the proposed use and any associated uses.
improving of interior of outbuilding which already has existing brick walls, shingle roof, cement floor, etc. Driveway circles across front yard for convenient access and safe entry and exit.

3.) Describe why the proposed use is desirable and appropriate for the area. What measures will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity?
I will be providing services as described for which there a great demand. Many of my contacts are very interested in having me put designs on their firearms and other items. The town of Victoria lost one gun store a few years ago. My location makes me available to citizens of Lunenburg County. There will not be heavy traffic. I anticipate no more than one or two customers every few days. The majority of my customers will be online business. I do not anticipate having a large inventory of firearms and ammunition. I will be placing special orders from my suppliers online when customer has committed to the purchase.

Also, address the following:

a. Details of Operations: See No. 3 above.

b. Hours of Operation: Monday - Saturday as needed, but no earlier than 8:00 a.m. and no later than 10:00 p.m.

c. Traffic: Minimal traffic. No more than one or two vehicles every two days or so. UPS or FedEx deliveries no more than once per day.

d. Noise: Occasional shooting of firearms as needed for gunsmithing purposes. No more than what I shoot now for personal use.

e. Dust/Smoke: none

f. Runoff: none

g. Intensity of Use: one or two customers in person every few days

h. Hazardous Materials: none other than gunpowder

i. Outside Storage: Within the building.

4.) Is the use location on a floodplain, wetland area, or dam break inundation zone? no

5.) Are there any deed restrictions concerning the type of use proposed? If so, provide the date the said restrictions expire. no

6.) Has a survey of the parcel(s) been conducted to include project parcel, property boundaries, existing roadways and structures, and adjoining parcels, as well as, the parcel owner? If so, is it included in the application packet? yes

7.) Has a site plan been included to note the information required on the survey, but also any new construction, parking, clearing, planting, etc.? yes

8.) Has a business plan been established? If so, please provide it with application submittal. yes

9.) Describe how the proposed project complies or refutes the goals and objectives noted in the Kenbridge-Victoria-Lunenburg Comprehensive Plan. This can be located the Lunenburg County, Virginia website.

The business is located on property adjacent to the boundary line of the Town of Victoria.

It involves only a shop-building, approximately 20'x20' in the backyard of the applicant approximately 30 feet from applicant's backdoor of the residence. The shop building is unviewable from the road.

There would be no interference with agricultural uses.

Of applicant's 18 acres, the building is not located on open land or forest land being used for such purposes.

There will be no interference with any other residences in the area.

There will be no sewer requirements.

Requirements for telecom site plans can be found in Section 22 Article III, items 22-81 thru 22-112 of the Lunenburg County Code.

Impact Arms LLC
BUSINESS PLAN

Prepared by:

Justin R. Clement

3028 Poorhouse Rd
Victoria, Virginia 23974
434-321-9493
jrclement01@yahoo.com

I. EXECUTIVE SUMMARY

Impact Arms LLC (referred to from hereon in as the "Company")is intended to be established as a Limited Liability Company at 3028 Poorhouse Rd, Victoria, Virginia 23974 with the expectation of rapid expansion in the firearm sales, gunsmithing, cerakoting, hydrographics, etc. industry.

Business Description

The Company shall be formed as Limited Liability Company under Virginia state laws and headed by Justin R. Clement.

New Service

The Company is prepared to introduce the following service to the market:

gunsmithing: Building, repairing firearms. Cerakoting and hydrographics for adding designs to outer works of firearms and other miscellaneous items.

Will also be selling firearms and ammunition.

II. BUSINESS SUMMARY

Industry Overview

In the United States, the firearm sales, gunsmithing, cerakoting, hydrographics, etc. are very popular.

Research shows that consumers in this industry primarily focus on the following factors when making purchasing decisions: Business owner's expertise, honesty, experience.

Business Goals and Objectives

Short Term:
Successful business to the point of providing income for my family, and perhaps retire early from present employement.

Long Term:
same as short-term

Legal Issues

The LLC/owner will obtain his federal firearms license once the CUP is approved by Lunenburg County Board of Supervisors. This is a requirement of the federal government before granting the license.

III. MARKETING SUMMARY

Target Markets
The Company's major target markets are as follows:

Persons interested in purchasing, repairing, and improving appearance of firearms.

Promotional Strategy
The Company will promote sales using the following methods:

Word of mouth, online access.

Services
First-rate service is intended to be the focus of the Company and a cornerstone of the brand's success. All clients will receive conscientious, one-on-one, timely service in all capacities, be they transactions, conflicts or complaints. This is expected to create a loyal brand following and return business.

IV. FINANCIAL PLAN

12-Month Profit and Loss Projection

Monthly expense for salaries and overhead (projected):	$500.00
Revenue and sales for first year of business (projected):	$10,000.00
Gross profit for first year of business (projected):	$4,000.00

Lunenburg County Administration
11413 Courthouse Road
Lunenburg, VA 23952

Tracy M. Gee
County Administrator

Telephone: (434) 696-2142
Facsimile: (434) 696-1798

August 25, 2023

Impact Arms, LLC.
Attn: Mr. Justin Clement
P. O. Box 113
Victoria, Virginia 23974

Re: Additional Information Requested

Dear Mr. Clement,

A review of your application, CUP 7-23: Impact Arms, LLC. has been conducted internally. The review has concluded that additional information is needed prior to your application being deemed complete. The additional information will aid in addressing questions and/or concerns, which are considered by the Planning Commission and/or Board of Supervisors as well as aid in the County potentially relay funding opportunities for your business in the future. Enclosed with this letter is a copy of the application that requires further explanation (highlighted yellow on the application) or where I have made corrections (written in red). Below are the items where additional information is being requested prior to the application being able to proceed to public hearing at the Planning Commission level:

1. Section 1
    a. Owner Signature:
        i. Your signature is required on this line.
2. Section 3
    a. Adjacent Parcel (Property) Owners:
        i. Please note the revisions made in this section.
            1. I have made the corrections, so no action is required by you.
    b. Notification of Application Submittal to Adjacent Property Owners:
        i. Did you place the date and your parcel number on the letter to adjacent property owners?
        ii. In the "Requested Use or Exception" section, you indicate "…and miscellaneous items", could you please explain what is meant by miscellaneous items (i.e., does it pertain to the proposed firearm business, another form of business you anticipate operating from the location, etc.).
3. Section 4
    a. Question 1:
        i. In the response, you indicate, "cerakoting and hydrographics firearms and other items…", what other items are anticipated?
    b. Question 2:
        i. Does the interior of the outbuilding currently have electricity, plumbing, and/or HVAC?

1. If not, do you intend to add any of the above-listed features?
2. Will you obtain all the required building permits if you intend to add any of these features?

ii. On the survey, it indicates a "Brick Shop" and "Metal Shop", which will the business primarily be operated out of?

iii. When the application was submitted, you indicated that there is a possibility in the future that you may add a shed to be utilized for the business, is this still being considered?

1. If so, could you explain in detail what you anticipate the approximate size and features (i.e., electricity, etc.) of the shed will include?

c. Question 3b—Hours of Operation:

i. In your response, you note that your hours are "…as needed…", could you please explain the following further:

1. Will this be your full-time employment?
   a. If so, will you have set hours?
   b. If not, will there be specific days of the week and times of the day that the business will be open?
2. Will your business be by appointment only or will the public be able to come during the posted business days and hours?

d. Question 3c—Traffic:

i. Virginia Department of Transportation ("VDOT") has deemed the existing "Low Volume Commercial Entrance" as adequate—no action is required.

ii. Will your business require daily drop-offs from delivery vehicles?

iii. Do you anticipate any tractor trailers to make deliveries and/or come to the property as a client?

e. Question 3d—Noise:

i. Are you willing to abide by the County's Noise Ordinance?

ii. Approximately how many hours per day, week, month, do you anticipate testing firearms for the purpose of gunsmithing?

iii. What time is the earliest that you would start testing firearms?

iv. What time is the latest that you would be testing firearms?

v. If a noise complaint is received due to the firearm testing, how do you anticipate handling it?

vi. Are you anticipating that any engines will be revved or loud vehicles?

1. If so, how will you prevent the noise from being a nuisance?

f. Question 3e—Dust/Smoke:

i. Is the driveway paved or dust/gravel?

1. If it is dust/gravel, will there be a large amount of dust from vehicle ingress and egress?

ii. Will there be a large amount of smoke caused by the testing of firearms?

g. Question 3f—Runoff:

i. If there is an intent to build an additional structure for business purposes in the future, are you willing to comply with any regulatory requirements to prevent erosion and stormwater runoff?

h. Question 3h—Hazardous Materials:

i. Will gas, diesel, kerosene, pesticides, fertilizers, other hazardous materials, etc., be stored on site?

ii. Will the ammunition be stored in a climate control environment?

iii. Are any of the materials utilized for cerakoting and hydrogrphics considered hazardous?

i. Question 3i—Outside Storage:

i. Are any outside storage facilities anticipated to be added in the future?
ii. Are any sheds (open or closed) anticipated to be utilized for the business?

4. General Questions/Concerns/Clarifications
   a. Are you willing to comply with all policies, procedures, and regulations required by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), which pertains to reporting, licensure, record keeping, determination if a customer is eligible to purchase a firearm, etc.?
   b. Will the primary and/or secondary buildings for the business be properly secured to prevent/reduce the chance of any children or those not permitted to enter the structures?
   c. Do you have any restrooms that would be available for public use?
   d. Do you intend to have any signage at the roadway entrance to identify your business?
   e. How many employees do you currently have (include family members, full-time, full-time equivalent, part-time, or seasonal)?
      i. Do you anticipate hiring any more employees?
         1. If so, please provide the number of employees anticipated to be hired for each category (listed above).
   f. Are you anticipating the business to be handicap accessible (i.e., ramps, bathrooms, etc.)?
   g. Are you willing to comply with all Uniform Building Codes?
   h. If there are any items and/or additions that are anticipated for the facility/parcel in the future, please be sure to note them in this application. If they are not noted in this application, then when and/or if the changes come up in the future, it may require an additional Conditional Use Permit to be submitted for amendment.

To proceed with the Conditional Use Permit process, the additional information requested will need to be submitted to the Lunenburg Department of Planning a minimum of thirty (30) business days prior to the next Planning Commission meeting. The Planning Commission meetings are scheduled for the 1st Thursday of each month, so to be placed on the November agenda, the revisions would be required to be submitted no later than **noon on Tuesday, September 19, 2023.** If you anticipate being placed on the agenda for the December Planning Commission meeting, the revisions and/or concerns need to be provided no later than **noon on Thursday, October 19, 2023.**

If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

Taylor N. King

Taylor N. King, CZA
Director of Planning and Economic Development
Local Zone Administrator
11413 Courthouse Road
Lunenburg, VA 23952
434.696.2142 (phone)
taylor@lunenburgva.gov

Lunenburg Planning Office

Application for Conditional Use Permit for **Non-Solar Facilities**

Case Number: 7-23 (Office Use Only)

Section 1

Applicant Name: Justin R. Clement

Owner Name: Justin R. Clement

Owner Signature:

Contact Name for Application: Justin R. Clement

Physical and Mailing Address: 3028 Poorhouse Road, Victoria, VA 23974

Mailing address: P.O. Box 113, Victoria, VA 23974

Phone Number: 434-321-9493

Email Address: jrclement01@yahoo.com

Fax Number (if applicable):

Power of Attorney Name:

Power of Attorney Signature:

As owner or authorized agent of this property, I certify that this application is complete and accurate to the best of my knowledge, and I authorize the Lunenburg County representative(s) entry on the property for purposes of reviewing this application.

Section 2
Property Information

Parcel Number(s): 022-0A-0-20

Area (ac./sq. ft.): 17.819 acres

Magisterial District: Plymouth

Address: 3028 Poorhouse Road, Victoria, VA 23974

Existing Zoning: A-1

Requested Use: Business

Does this property have a historical designation? If yes, describe: no

Parcel number(s), acreage, magisterial district and existing zoning can be located at: https://lunenburggis.timmons.com/#/mwl. The address can be typed into the "*By Parcel Address*" search bar followed by selecting search. This will pull up the information pertaining to the parcel.

The application deadline is the **1st of the month proceeding the month** in which the public hearing by the Planning Commission is to be held. The Planning Commission meeting is held on the 1st Thursday of the month at 7:00 p.m. Applications must be submitted in completed form a minimum of thirty (30) days prior to the scheduling of a public hearing by the Planning Commission. Notice of incomplete applications will be sent to the applicant at the listed address in Section 1.

The site plan must be submitted as described in the site plan requirements at the time of the application.

Application fee is $400.00, which must be paid at the time of application submission.

Incomplete applications will be returned to the applicant and not docketed for a public hearing

Section 3
Certification of Adjoining Property Owners, Board of Supervisors, and Planning Commissioners

Applicants Certification:

I certify that I have notified all adjacent property owners, to the property which is the subject of this application request, that this application is being filed. Notifications were sent via first class mail.

Adjacent property includes all property touching the project parcel, across roadways, watercourses, railroads, and/or municipal boundaries.

I further certify that the names and addresses below are those of the adjacent property owners as listed in the tax records of the Commissioner of Revenue of Lunenburg County.

Applicant's Signature: Justin R Clement

State of: Virginia.

County of: Lunenburg.

Before me, Beverly Gail Gregoric, on this 2nd day of
Name of Notary Public

August, 2023 Justin R. Clement, personally appeared, and
Applicant(s) Name

provided verification to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 2nd day of August, 2023

Beverly Gail Gregoric
Notary Public's Signature

Lunenburg County
Location of Commission

Registration #: 7594872

Commission Expiration: 7-31-26

Verification of Identity

[ ]Driver's License or Govt./State Identification Card:
State: _____ Number: _____
[ ] U. S. Passport: Number: _____
[ ] U. S. Military ID Card
[ ] Social Security Card
[ ] Birth Certificate
[X] Other: Personally known to me

BEVERLY GAIL GREGORIC
NOTARY PUBLIC
REG. #7594872
MY COMMISSION EXPIRES
7-31-26
COMMONWEALTH OF VIRGINIA
(Seal)

Adjacent Parcel (Property) Owners		
Parcel Number	**Name(s)**	**Address**
022-0A-0-21	John A. Nelson	3374 Poorhouse Road Victoria, VA 23974
033-0A-0-107 033A6-0A-0-4	Robert and Diana Clement	2421 Sixth Street Victoria, VA 23974
022-0A-0-19	~~Ruth~~ Ruth Aisha G. or James G. III	3081 Poorhouse Rd Victoria, VA 23974
034-0A-0-1	Jason ~~Shifflett~~ Shifflett or Rohana R.	669 Tomlinson Rd Victoria VA 23974
033A3-0A-0-2	Norman A. Wall	2551 Smith Road Oxford, NC 27565

*If there are additional adjacent property owners, please include them on a separate sheet. Also, the letter that follows can be completed and mailed to adjacent property owners.

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) _____

From: Justin R. Clement

Date: _____

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[x] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:

Business at outbuilding behind residence. Business of firearm sales, online sales, gunsmithing, ammunition sales, cerakoting and hydrographics for adding designs to the outer works of firearms and miscellaneous item

The application will be available for viewing at the Lunenburg County Planning Office. The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

Section 4
Applicant's Report
Section 8.3(b) of Lunenburg Zoning Ordinance

Every application for a Conditional Use Permit shall be accompanied by a report from the applicant describing the proposed Conditional Use and explaining the manner which it complies with the requirements and standards of this article.

The following questions address the basic issues. The Planning Commission and/or Board of Supervisors may request additional information.

1.) What type of use is being requested?
Business in outhouse building behind residence to be selling firearms, cerakoting and hydrographics firearms and other items , sales online, ammunition sales, and gunsmithing

2.) Describe how you plan to develop the property for the proposed use and any associated uses.
improving of interior of outbuilding which already has existing brick walls, shingle roof, cement floor, etc. Driveway circles across front yard for convenient access and safe entry and exit

3.) Describe why the proposed use is desirable and appropriate for the area. What measures will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity?
I will be providing services as described for which there a great demand. Many of my contacts are very interested in having me put designs on their firearms and other items. The town of Victoria lost one gun store a few years ago. My location makes me available to citizens of Lunenburg County. There will not be heavy traffic. I anticipate no more than one or two customers every few days. The majority of my customers will be online business. I do not anticipate having a large inventory of firearms and ammunition. I will be placing special orders from my suppliers online when customer has committed to the purchase.

Also, address the following:

a. Details of Operations: See No. 3 above
b. Hours of Operation: Monday - Saturday as needed, but no earlier than 8:00 a.m. and no later than 10:00 p.m.
c. Traffic: Minimal traffic. No more than one or two vehicles every two days or so. UPS or FedEx deliveries no more than once per day.
d. Noise: Occasional shooting of firearms as needed for gunsmithing purposes. No more than what I shoot now for personal use.
e. Dust/Smoke: none
f. Runoff: none
g. Intensity of Use: one or two customers in person every few days
h. Hazardous Materials: none other than gunpowder
i. Outside Storage: Within the building.

4.) Is the use location on a floodplain, wetland area, or dam break inundation zone? no
5.) Are there any deed restrictions concerning the type of use proposed? If so, provide the date the said restrictions expire. no

6.) Has a survey of the parcel(s) been conducted to include project parcel, property boundaries, existing roadways and structures, and adjoining parcels, as well as, the parcel owner? If so, is it included in the application packet? yes

7.) Has a site plan been included to note the information required on the survey, but also any new construction, parking, clearing, planting, etc.? yes

8.) Has a business plan been established? If so, please provide it with application submittal. yes

9.) Describe how the proposed project complies or refutes the goals and objectives noted in the Kenbridge-Victoria-Lunenburg Comprehensive Plan. This can be located the Lunenburg County, Virginia website.

The business is located on property adjacent to the boundary line of the Town of Victoria.

It involves only a shop-building, approximately 20'x20' in the backyard of the applicant approximately 30 feet from applicant's backdoor of the residence. The shop building is unviewable from the road.

There would be no interference with agricultural uses.

Of applicant's 18 acres, the building is not located on open land or forest land being used for such purposes.

There will be no interference with any other residences in the area.

There will be no sewer requirements.

Requirements for telecom site plans can be found in Section 22 Article III, items 22-81 thru 22-112 of the Lunenburg County Code.

To: Robert + Diana Clement, 2421 6th St., Victoria, VA 23974
Parcel 033A6-0A-0-4

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) 022-0A-0-20

From: Justin R. Clement

Date: 8-28-23

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[x] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:

Business at outbuilding behind residence. Business of firearm sales, online sales, gunsmithing, ammunition sales, cerakoting and hydrographics for adding designs to the outer works of firearms and miscellaneous items.

The application will be available for viewing at the Lunenburg County Planning Office. The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
RICHMOND DISTRICT
2430 Pine Forest Drive
COLONIAL HEIGHTS, VA 23834
www.VDOT.Virginia.gov

Stephen C. Brich, P.E.
COMMISSIONER

August 23, 2023

Mrs. Taylor N. King, CZA
Director of Planning and Economic Development
Local Zoning Administrator
County of Lunenburg
11413 Courthouse Road
Lunenburg, VA 23952

(Sent Via E-mail)

SUBJECT: **CUP 7-23 Justin R. Clement**
3028 Poorhouse Rd.
Victoria, VA 23974
Lunenburg County, VA
Rte. 653, Poorhouse Rd.
VDOT Response

Dear Ms. King:

The Virginia Department of Transportation, Southern Region Land Development Office has reviewed the subject CUP application received on August 22, 2023 by email. At this time, we have no objections to the CUP application.

The existing entrance to this proposed facility will be classified as a Low Volume Commercial Entrance. It appears the existing entrance in place meets the minimum requirements for a Low Volume Commercial Entrance. Therefore, no upgrades are needed currently.

If you have any questions, please feel free to contact me at 434-774-2310 or by email, todd.cage@vdot.virginia.gov
.

Sincerely,

C. Todd Cage
Land Development Engineer
Southern Region Land Development
Richmond District

CC: Paul Hinson, P.E., LEED AP, VDOT Southern Region Area Land Use Engineer
John Legg, VDOT Southern Region Permits/Subdivision Specialist Sr.
Tommy Johnson, VDOT South Hill Residency Administrator
Kevin Smith, VDOT South Hill Assistant Residency Administrator

Staff Report

Office of Planning and Economic Development

Planning Report

Case Number: CUP- 7-23
Applicant: Justin Clement
Parcel Number: 022-0A-0-20

Owner of Record: Justin Clement

Proposed Use: Utilization of an existing outdoor shed with enhancements for the purpose of a "Retail Store and Shop, and Personal Service Business", which is mainly web based and mail order, for the sale of firearms and ammunition, manufacturing/gunsmithing, cerakoting/hydrographic design for firearms and other items per customer request.

Location: 3028 Poorhouse Road, Victoria, VA 23974

Tax Information:

Assessment and Status
Area: 17.891 acres
Current Land: $21,200
Current Building: $70,400
Current Improvements: $2,000
Current Total: $93,600

Property Description: A 17.891-acre parcel with a single-family residence. The parcel is located within the Plymouth district. Entrance into the property is off Poorhouse Road into the private driveway. The private driveway consists of gravel. Sewer and water are present on the property with a well for water supply.

History of Property or Operation: The property has been previously utilized as a single-family residence. The CUP application proposes the utilization of an existing shed with enhancements to provide a workspace for a personal service business (sale of firearms and ammunition, manufacturing/gunsmithing, cerakoting/hydrographic design for firearms and items per customer request).

Potential Impact of Proposed Use:

- Community Impact:
  - Adjacent Property: YES
  - Proximate Community: YES
- Infrastructure:
  - Schools: NO
  - Fire and EMS: NO
  - Transportation: NO
    - The applicant indicates that he only anticipates one (1) to two (2) delivery vehicles per week.
    - The driveway is paved, so no dust/debris is expected.

    - Community and Social Services: NO
    - Criminal Justice: NO
- Economic:
    - Community Enhancement: YES
        - Providing a new location to the County where residents, as well as, non-residents can receive personal services (sale of firearms and ammunition, manufacturing/gunsmithing, cerakoting/hydrographic design for firearms and items per customer request).
    - Employment: NO
        - The applicant will be the sole employee of the business.
    - Other revenue: YES
        - Payment of taxes
            - Personal property
            - Real estate
            - Machinery and Tools
- Environmental:
    - Soil Quality: N/A
    - Ground Water: N/A
    - Sewer: N/A
    - Solid Waste: N/A
    - HazMat: YES
        - Ammunition will be stored in a climate-controlled environment.
        - The materials for cerakoting and hydrographic design can be considered flammable or hazardous, but they will be stored properly.
    - Air Quality: N/A

Additional Information Provided:

The applicant indicates the intent to enhance the existing shed to include plumbing for the utilization of the cerakoting/hydrogrphic design. He indicated that the building currently has electricity and HVAC. He has agreed to obtain any necessary building permits and follow all Uniform Building Codes.

The applicant indicates that there is a possibility for an additional building to be added in the future. The building would be approximately 16' x 16' and would have electricity and a split HVAC unit. The building would be utilized for the storage of finished products.

The applicant has noted that the business will begin on a part-time basis, where clients come by appointment only. However, there is an opportunity in the future for the business to expand into a full-time operation. He anticipates the hours of operation to be Monday through Friday from 9:00 a.m. to 5:00 p.m. or 9:00 a.m. to 4:00 p.m., and weekends by appointment only.

The applicant indicates that he is willing to abide by the County's Noise Ordinance. He anticipates a maximum of ten (10) minutes per day for firearm testing, which would start no earlier than 9:00 a.m. and would stop no later than 8:00 p.m. He noted that if any

complaints/concerns were brought forth, then he would meet with the complainant, so the issue can be resolved.

The applicant will be pursuing the proper procedure with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) following the determination by the County. This will include, but is not limited to, reporting, licensure, record keeping, determination of customer purchase eligibility, etc.

The applicant indicates that the buildings utilized for the business will be properly secured with keypad locks. Firearms and ammunition will also be secured.

There will not be any public restrooms.

Suggested Conditions of Approval:

- Adhere to the fire code maximum occupancy of the building
- Provide adequate room for law enforcement, fire, and EMS to make entrance to the parking area, building and surrounding areas on the parcel and can exit the location.
- Comply with ATF rules and regulations for the sale of firearms and ammunition, manufacturing/gunsmithing, cerakoting/hydrographic design for firearms.
- Maintain licensure through the ATF. Display license as required by the ATF.
- Comply with all Uniform Building Codes
- Receive a Certificate of Occupancy/Final Inspection from the County of Lunenburg prior to the operation of the shop.
- Contact the Commissioner of Revenues office within thirty (30) days prior to operation to notify of the new business and complete any requirements of their office.
- Comply with the County's Noise Ordinance.
- Comply with all federal, state, and local regulations.
- The Conditional Use Permit is limited to the applicant and does not run with the land.

Options of the Commission

1. I move that CUP 7-23: Justin Clement-Impact Arms, LLC., as described in the Conditional Use Permit application, **be approved** with conditions listed above and/or any added or removed by the Commission. Failure to comply with the conditions noted and required will result in the revocation of the Conditional Use Permit.

2. I move that CUP 7-23: Justin Clement-Impact Arms, LLC., as described in the Conditional Use Permit application, **be denied** because: (explanation)

   _____

   _____

   _____

   _____

   _____

_____

_____

3. I move that the Planning Commission **defer a decision** on CUP 7-23: Justin Clement-Impact Arms, LLC., as described in the Conditional Use Permit application, until the Planning Commission meeting scheduled to begin at 7:00 p.m. on _____, in the 2nd Floor Courtroom of the Lunenburg Courts Building.

Public Comments Received

Public Hearing

CUP 9-23: Jonathan and Jessica Shelton

Lunenburg Planning Office

Application for Conditional Use Permit for **Non-Solar and Non-Utility Businesses**

Case Number: 9-23 (Office Use Only)

Section 1

Applicant Name: Shelton Excavating Inc. Shelton's Outlaw Trucking Inc.

Owner Name: Jonathan D. Shelton Jessica Shelton

Owner Signature: Jonathan Shelton Jessica Shelton

Contact Name for Application: Jonathan Shelton Jessica Shelton

Physical and Mailing Address: 3440 Poorhouse Rd
Victoria, VA 23974

Phone Number: 434-321-2321 434-321-3577

Email Address: jshelton00576@outlook.com

Fax Number (if applicable): —

Power of Attorney Name: —

Power of Attorney Signature: —

As owner or authorized agent of this property, I certify that this application is complete and accurate to the best of my knowledge, and I authorize the Lunenburg County representative(s) entry on the property for purposes of reviewing this application.

Section 2

Property Information

Parcel Number(s): 032-0A-0-82

Area (ac./sq. ft.): 18.52 ac.

Magisterial District: Lewiston

Address: 12570 Courthouse Rd.
Victoria, VA 23974

Existing Zoning: A-1 Agricultural

Requested Use: Shop to work on/maintain our tractor trailers + potentially an office for Shelton Excavating + Shelton's Outlaw Trucking Inc. There also may be an opportunity to work on trucks outside of our company.

Does this property have a historical designation? If yes, describe: NO

Parcel number(s), acreage, magisterial district, and existing zoning can be located at: https://lunenburggis.timmons.com/#/mwl. The address can be typed into the "*By Parcel Address*" search bar followed by selecting search. This will pull up the information pertaining to the parcel.

The application deadline is the **1st of the month proceeding the month** in which the public hearing by the Planning Commission is to be held. The Planning Commission meeting is held on the 1st Thursday of the month at 7:00 p.m. Applications must be submitted in completed form a minimum of thirty (30) days prior to the scheduling of a public hearing by the Planning Commission. Notice of incomplete applications will be sent to the applicant at the listed address in Section 1.

The site plan must be submitted as described in the site plan requirements at the time of the application.

The application fee is $400.00, which must be paid at the time of application submission.

Incomplete applications will be returned to the applicant and not docketed for a public hearing

Section 3
Certification of Adjoining Property Owners

Applicants Certification:

I certify that I have notified all adjacent property owners, to the property, which is the subject of this application request, that this application is being filed. Notifications were sent via first class mail.

Adjacent property includes all property touching the project parcel, across roadways, watercourses, railroads, and/or municipal boundaries.

I further certify that the names and addresses below are those of the adjacent property owners as listed in the tax records of the Commissioner of Revenue of Lunenburg County.

Applicant's Signature: Jessica Reed Shelton

State of: Virginia.

County of: Lunenburg.

Before me, Beverly Gail Gregoric, on this 11th day of
(Name of Notary Public)

September, 2023. Jessica Reed Shelton, personally appeared, and
(Applicant(s) Name)

provided verification to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11th day of September, 2023

Beverly Gail Gregoric
(Notary Public's Signature)

Lunenburg Co., Virginia
(Location of Commission)

Registration #: 7594872

Commission Expiration: 7-31-26

BEVERLY GAIL GREGORIC NOTARY PUBLIC REG. #7594872 MY COMMISSION EXPIRES 7-31-26 COMMONWEALTH OF VIRGINIA
(Seal)

Verification of Identity

[ ]Driver's License or Govt./State Identification Card:
State: _____ Number: _____
[ ] U. S. Passport: Number: _____
[ ] U. S. Military ID Card
[ ] Social Security Card
[ ] Birth Certificate
[ ] Other: _____

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) 032-0A-0-82

From: Jonathan + Jessica Shelton

Date: 9-11-2023

The following application will be submitted for review to the Lunenburg County Planning Office:

[ ] Rezoning

[X] Conditional Use Permit

[ ] Special Exception

Requested Use or Exception:
Shop to work on/maintain our tractor trailers + potentially an office for Shelton Excavating Inc. + Shelton's outlaw Trucking Inc. There also may be an opportunity to work on trucks outside of our company.

The application will be available for viewing at the Lunenburg County Planning Office and on the Lunenburg County website at:
https://www.lunenburgva.gov/government/planning_commission/pending_conditional_use_permit_applications.php
The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.gov.

Adjacent Parcel (Property) Owners		
Parcel Number	**Name(s)**	**Address**
2861	Chris + Tracy Stephens	12510 Courthouse Rd. Victoria, VA 23974
2914	David Dalton	24 Nebleh field Rd. Victoria, VA 23974
2862	Laverne Hamilton Jones	505 Alstonefield Dr. Alpharetta, GA 30004
2864	Bobby + Jeanette Shelton	12567 Courthouse Rd. Victoria, VA 23974

*To obtain the information for adjacent property owners (adjacent to application parcel, across a roadway, across a waterway, can be impacted by the traffic or sound from the proposed business, etc.) can be obtained at https://lunenburggis.timmons.com/#/mwl.

**If there are additional adjacent property owners, please include them on a separate sheet. Also, the letter that follows can be completed and mailed to adjacent property owners.

Section 4
Applicant's Report
Section 8.3(b) of Lunenburg Zoning Ordinance

Every application for a Conditional Use Permit shall be accompanied by a report from the applicant describing the proposed Conditional Use and explaining the way it complies with the requirements and standards of this article.

The following questions address the basic issues. The Planning Commission and/or Board of Supervisors may request additional information.

1.) What type of use is being requested?

2.) Describe how you plan to develop the property for the proposed use and any associated uses.

3.) Describe why the proposed use is desirable and appropriate for the area. What measures will be taken to ensure that the proposed use will not have a negative impact on the surrounding vicinity?

Also, address the following:

a. Details of Operations: _____

b. Hours of Operation: _____

c. Traffic: _____

d. Noise: _____

e. Dust/Smoke: _____

f. Runoff: _____

g. Intensity of Use: _____

h. Hazardous Materials: _____

i. Outside Storage: _____

4.) Is the use location on a floodplain, wetland area, or dam break inundation zone? If so, please specify.
NO

5.) Are there any deed restrictions concerning the type of use proposed? If so, provide the date the said restrictions expire. NO

6.) Has a survey of the parcel(s) been conducted to include project parcel, property boundaries, existing roadways and structures, and adjoining parcels, as well as the parcel owner? If so, is it included in the application packet? (A recent survey is required to be submitted for the application to be deemed complete.) –please circle one: **YES** **NO**

7.) Has a site plan been included to note the information required on the survey, but also any new construction, parking, clearing, planting, etc.? (A site plan is required to be submitted for the application to be deemed complete.) –please circle one: **YES** **NO**

8.) Has a business plan been established? If so, please provide it with application submittal. (A business plan is required to be submitted for the application to be deemed complete.) (If you need help with the development of a business plan, you can contact the Longwood Small Business Development Center at 434.395.2086 to obtain assistance.) —please circle one: **YES** **NO**

9.) Describe how the proposed project complies or refutes the goals and objectives noted in the Kenbridge-Victoria-Lunenburg Comprehensive Plan. This can be found on the Lunenburg County, Virginia website. The Goals, Objectives, and Strategies are located on pages 122 through 134 of the Kenbridge-Victoria-Lunenburg Comprehensive Plan. (This is required to be completed for the application to be deemed complete.)

Documents Required at Application Submittal:

1. A copy of one (1) Notification of Application Submittal to Adjacent Property Owners
2. Survey
3. Site Plan
4. Business Plan
5. Fire Safety Plan
6. Traffic Plan (if applicable)
    a. Must include adequate ingress and egress for fire, EMS, and law enforcement.
    b. Ingress and egress for patrons.
    c. Traffic flow within the parcel(s) of the application.
7. Plan for Sanitary Facilities (if applicable)
8. Proof of Insurance (if applicable)
9. Trash Disposal Plan (if applicable)

Section 4
Applicant's Report

1. A shop to work on/maintain our tractor trailers and potentially an office for Shelton Excavating Inc. and Shelton's Outlaw Trucking Inc. There also may be an opportunity to work on trucks outside of our company.

2. Addition of a 60ft. X 80 ft. building, small shed for outside storage, potential structures for materials and items necessary for operation of the business. We are willing to abide by all building code requirements.

3. Availability of land, close proximity to existing business, easily accessible from route 49.

    a. Shop to work on/maintain our tractor trailers and potentially an office for Shelton Excavating Inc. and Shelton's Outlaw Trucking Inc. There also may be an opportunity to work on trucks outside of our company.

    b. 8 a.m. – 5 p.m. outside hours as needed.

    c. Approximately 5 or less tractor trailers. Approximately 5-6 personal vehicles.

    d. Back side of 18 acres, buffer in place, no revving engines, no excessively loud machinery.

    e. Willing to wet down driveway if complaint arises. No smoke expected from machines or truck.

    f. Contractor handling sediment and erosion control and storm water management.

    g. Approximately 5-10 vehicles per day.

    h. Oil, diesel fuel. Spill kit(s) and impervious barriers on premises

    i. Potential building for utilization of business.

4. No

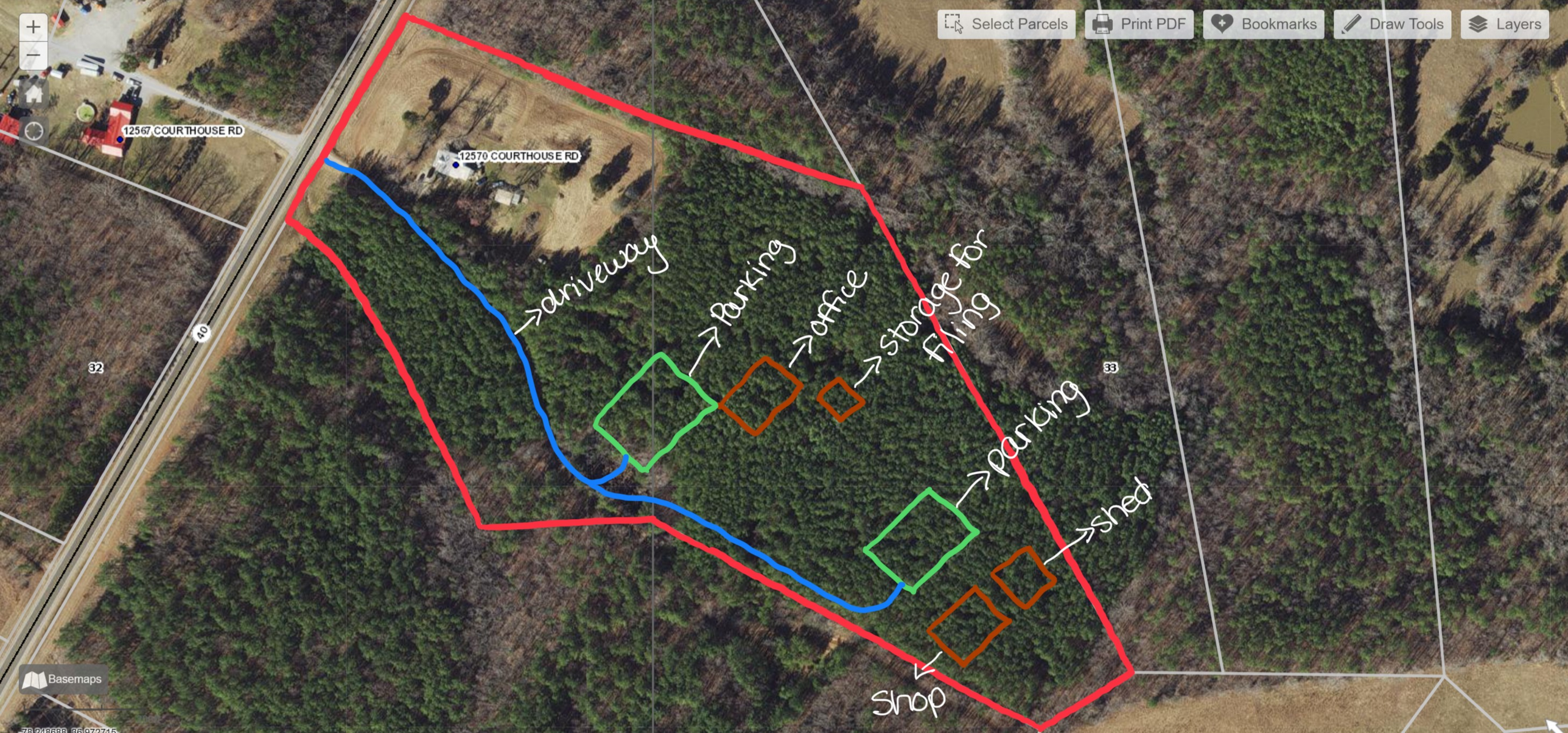
5. No

6. Yes

7. Yes

8. Revenue = $337,000.00
   Expenses = $190,500.00
   Employees = 7 Full-time
   1 Part-time

9. Promote expansion of diversified economy, improve employment opportunities for residents, promote a balance of land use that meets the economic and demographic needs of Lunenburg County. Protect and preserve natural resources of the community, will not create a burden on Emergency Services on the county, and there is potential opportunity for internships.


Select Parcels
Print PDF
Bookmarks
Draw Tools
Layers
12567 COURTHOUSE RD
12570 COURTHOUSE RD
40
32
33
driveway
Parking
office
storage for filing
parking
shed
Shop
Basemaps

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
RICHMOND DISTRICT
2430 Pine Forest Drive
COLONIAL HEIGHTS, VA 23834
www.VDOT.Virginia.gov

Stephen C. Brich, P.E.
COMMISSIONER

September 21, 2023

Mrs. Taylor N. King, CZA
Director of Planning and Economic Development
Local Zoning Administrator
County of Lunenburg
11413 Courthouse Road
Lunenburg, VA 23952

(Sent Via E-mail)

SUBJECT: **CUP 9-23 - Shelton's Excavating, Inc. & Shelton's Outlaw trucking, Inc.**
Hwy, 40 & 49, Courthouse Rd.
Lunenburg County, VA
VDOT Response

Dear Ms. King:

The Virginia Department of Transportation, Southern Region Land Development Office has reviewed the subject CUP application received on September 18, 2023 by email. At this time, we offer the below comments.

- The entrance to this proposed facility will be classified as a Commercial Entrance. Therefore, the existing entrance will need to be upgraded to VDOT Commercial Entrance standards before the business is operational.
- A plan submission, review and a Land Use Permit is required before any upgrades can be done within the VDOT right-of-way.

If you have any questions, please feel free to contact me at 434-774-2310 or by email, todd.cage@vdot.virginia.gov
.
Sincerely,

C. Todd Cage
Land Development Engineer
Southern Region Land Development
Richmond District

CC: Paul Hinson, P.E., LEED AP, VDOT Southern Region Area Land Use Engineer
John Legg, VDOT Southern Region Permits/Subdivision Specialist Sr.
Tommy Johnson, VDOT South Hill Residency Administrator
Kevin Smith, VDOT South Hill Assistant Residency Administrator
Johnathon Shelton, Applicant

Taylor King

From: Cage, Todd (VDOT) <Todd.Cage@VDOT.Virginia.gov>
Sent: Monday, October 16, 2023 10:26 AM
To: Taylor King
Subject: Shelton

Follow Up Flag: Follow up
Flag Status: Completed

Taylor,

He needs to submit a plan/sketch showing the below. The entrance can be classified as a Low Volume Commercial Entrance if he will have 50 or fewer vehicle trips a day at the entrance. On the plan/sketch is will have to demonstrate he can meet the stopping distance requirements. A surveyor and or a PE can handle all this. All this information is in Access Management section, Appendix F of the VDOT Road Design Manual. It can easily be found online.

- Low Volume Commercial Entrance: Any entrance, other than a private entrance, serving five or fewer individual residences or lots for individual residences on a privately owned and maintained road or land uses that generate 50 or fewer vehicular trips per day using the methodology in the Institute of Transportation Engineers Trip Generation.

- Low Volume Commercial Entrance Stopping Sight Distance Adequate stopping sight distance is required for low volume commercial entrances, as specified in the Stopping Sight Distance Tables A1-1 and A1-2 in Appendix A1 Geometric Design Standards

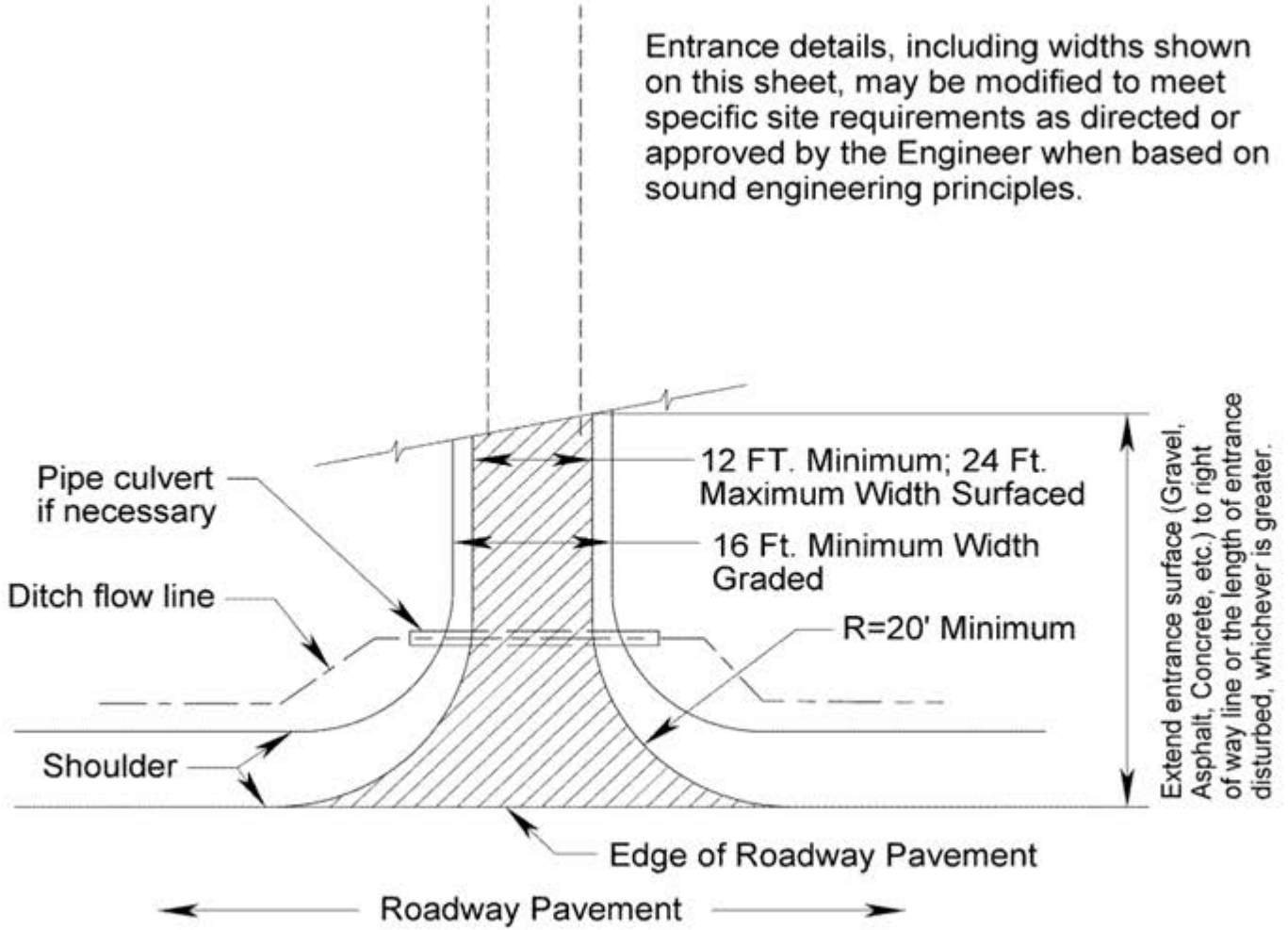


FIGURE 4-1 PRIVATE ENTRANCE AND LOW VOLUME COMMERCIAL ENTRANCE DETAIL

Staff Report

Office of Planning and Economic Development

Planning Report

Case Number: CUP- 9-23
Applicant: Jonathan and Jessica Shelton
Parcel Number: 032-0A-0-82

Owner of Record: Jonathan and Jessica Shelton

Proposed Use: Construction of a 60' x 80' building to be utilized for the purpose of maintaining the fleet for Shelton's Excavating and Shelton's Outlaw Trucking as well as the potential for additional customers in the future.

Location: 12570 Courthouse Road, Victoria, VA 23974

Tax Information:

Assessment and Status
Area: 9.52 acres
Current Land: $34,000
Current Building: $39,200
Current Improvements: $700
Current Total: $93,900

Property Description: A 9.52-acre parcel with a single-family residence. The parcel is located within the Lewiston district. Entrance to the property is off Courthouse Road (Route 49) into the private driveway. The private driveway consists of gravel. The driveway bears to the right to get to the residence and then bears to the left to get to the proposed location of the shop.

History of Property or Operation: The property has been previously utilized as a single-family residence. The CUP application proposes the construction of a 60' x 80' shop for the purpose of maintaining the fleet for Shelton's Excavating and Shelton's Outlaw Trucking as well as the potential for additional customers in the future.

Potential Impact of Proposed Use:

- Community Impact:
  - Adjacent Property: YES
  - Proximate Community: YES
- Infrastructure:
  - Schools: NO
  - Fire and EMS: POSSIBLE
  - Transportation: POSSIBLE
    - The applicant indicates approximately five (5) tractor trailers and five (5) to six (6) personal vehicles are expected per day.
    - The driveway is currently gravel, but the applicant is willing to wet it to reduce/minimize dust and debris.
  - Community and Social Services: NO

    - Criminal Justice: NO
- Economic:
    - Community Enhancement: YES
        - Providing a new location in close proximity to their existing businesses, so they can maintain their fleet. Also, may provide the opportunity in the future to maintain tractor trailers not owned by their businesses.
    - Employment: YES
        - The applicant currently has seven (7) full-time and one (1) part-time employee.
        - There is the opportunity for additional employment in the future.
        - There is the possibility for internships.
    - Other revenue: YES
        - Payment of taxes
            - Personal property
            - Real estate
            - Machinery and Tools
- Environmental:
    - Soil Quality: N/A
    - Ground Water: N/A
    - Sewer: N/A
    - Solid Waste: N/A
    - HazMat: YES
        - Oil and diesel.
        - The applicant indicates that spill kits and impervious barriers will be on site.
    - Air Quality: N/A

Additional Information Provided:

The applicant indicates the intent to construct a 60' x 80' shop for the maintenance of their fleet. He has agreed to obtain any necessary building permits and follow all Uniform Building Codes.

The applicant advised that the contractor would be responsible for ensuring proper Erosion and Sediment Control measures are in place as well as Stormwater Management.

The applicant indicates the potential for the addition of an office and storage building in the future.

The applicant notes the hours of operation to be Monday through Friday from 8:00 a.m. to 5:00 p.m. with possible hours outside as needed.

The applicant indicates that he is willing to abide by the County's Noise Ordinance.

There will not be any public restrooms.

CUP 9-23: Jonathan and Jessica Shelton

The Virginia Department of Transportation (VDOT) reviewed the application and determined that the current entrance is not satisfactory. The entrance will need to be upgraded to a Commercial Entrance.

Suggested Conditions of Approval:

- Adhere to the fire code maximum occupancy of the building
- Provide adequate room for law enforcement, fire, and EMS to make entrance to the parking area, building and surrounding areas on the parcel and can exit the location.
- Comply with all Uniform Building Codes
- Receive a Certificate of Occupancy/Final Inspection from the County of Lunenburg prior to the operation of the shop.
- Contact the Commissioner of Revenues office within thirty (30) days prior to operation to notify of the new business and complete any requirements of their office.
- Comply with the County's Noise Ordinance.
- Comply with the Virginia Department of Transportation's standards for a Low Volume Commercial Entrance.
- Comply with all federal, state, and local regulations.
- The Conditional Use Permit is limited to the applicant and does not run with the property.

Options of the Commission

1. I move that CUP 9-23: Jonathan and Jessica Shelton, as described in the Conditional Use Permit application, **be approved** with conditions listed above and/or any added or removed by the Commission. Failure to comply with the conditions noted and required will result in the revocation of the Conditional Use Permit.

2. I move that CUP 9-23: Jonathan and Jessica Shelton, as described in the Conditional Use Permit application, **be denied** because: (explanation)

   _____

   _____

   _____

   _____

   _____

   _____

   _____

3. I move that the Planning Commission **defer a decision** on CUP 9-23: Jonathan and Jessica Shelton, as described in the Conditional Use Permit application, until the Planning Commission meeting scheduled to begin at 7:00 p.m. on _____, in the 2nd Floor Courtroom of the Lunenburg Courts Building.

Public Comments Received

Urgent ☐

FOR Taylor

DATE 9-22-23 TIME 4:02

While You Were Out

M Gene Hart

OF is an

PHONE adjoining

CELL / FAX land owner

- [x] TELEPHONED
- [ ] CAME TO SEE YOU
- [ ] RETURNED YOUR CALL
- [ ] PLEASE CALL
- [ ] WILL CALL AGAIN
- [ ] WANTS TO SEE YOU

Message to Jonathan Shelton - He has no objections to the proposed CUP application.

SIGNED JJ.

A-9711
T-3002

FOR Taylor Urgent ☐

DATE 9-26-23 TIME 11:53

While You Were Out

M Nancy (Anne) Dutton

OF

PHONE 434-321

CELL

FAX 3047

- ☑ TELEPHONED
- ☐ CAME TO SEE YOU
- ☐ RETURNED YOUR CALL
- ☑ PLEASE CALL
- ☐ WILL CALL AGAIN
- ☐ WANTS TO SEE YOU

Message

Jonathan Shelton - adjoining landowner She has questions

rtnd call on 9/26/23 at 1506 - lives in New York - wanted to make sure it wouldn't be able to be seen from her prop at ~~24 Nesbitt~~ Field Rd - advised w/ setbacks/ buffers - it should not be seen

A-9711
T-3002

SIGNED

Other Business

Discussion on Solar Facility Study

Items of Review/ Discussion

Lunenburg County Planning Commission and Solar Committee

The Lunenburg County Board of Supervisors has requested the Planning Commission and Solar Committee, by resolution, to conduct a study on the impact of Solar Facilities in Lunenburg County and to provide recommendations regarding future solar development in the County.

We are tasked with determining if there is a need to amend the County's Comprehensive Plan, Zoning Ordinance, and/or Solar Facilities Ordinance and making recommendations to the Board.

Some areas to look at further are:

Comprehensive Plan ---

Pg 116 – Loss of Agricultural Land and Open Space

Pg 117 – Protection of Water Resources

Pg 120 & 121 – Solar Facilities

Solar Ordinance ---

Pg 3 – Acreage Coverage

Pg 4 – Project Area

Pg 6 – Fees

Pg 10- Draft Decommission and Reclamation Plan

Pg 15- #2 Setbacks, #3 Vegetative Buffers

Pg 16- #1 Density

Pg 17- Vegetative Buffers

Pg 18- whole page

Pg 19- Prime Farm Land and total land

Zoning ---

--- And any other pertinent issues that may arise.

Articles/Sources from Other Organizations

ENERGY

A historic agreement aims to pave the way for large scale solar farms

October 13, 2023 · 4:43 PM ET
Heard on All Things Considered

By Kai McNamee, Patrick Jarenwattananon, Ari Shapiro

3-Minute Listen

PLAYLIST Download Transcript

NPR's Ari Shapiro talks with Dan Reicher of Stanford University's Woods Institute for the Environment about a historic agreement addressing land-use for large scale solar projects.

ARI SHAPIRO, HOST:

To avoid the worst effects of climate change, the U.S. is going to need a lot more solar panels. Those solar arrays need to go somewhere, sometimes in forests or on farmland or on Indigenous lands. And that can pit the solar industry against people inclined to support them, like conservation groups or agricultural interests or Native tribes. Yesterday some of those major stakeholders announced what they are calling an historic agreement to address land use issues and hopefully make it easier to install more panels in more places. Dan Reicher led these talks. He is a senior research fellow at the Stanford University's Woods Institute for the Environment. Thanks for joining us.

DAN REICHER: Good to be with you.

SHAPIRO: Walk us through what this agreement achieves.

REICHER: The agreement, we hope, will advance large-scale solar development to fight climate change but, at the same time, promote land conservation and support local community interests. It's a tall order, but we think we can get there.

SHAPIRO: Can you give us a specific example of a place where you think this might open the door for a project that could otherwise have been caught up?

REICHER: There's a variety of places. One is - you mentioned agricultural lands. You know, there's increasingly the ability to integrate solar panels into farm fields by raising the height of the panels, by spreading them apart. Another would be on what we call disturbed lands - old surface mining sites, old toxic waste sites that have been cleaned up, shut down. There's a great example in Kentucky where an old coal surface mine is being redeveloped, and it'll have enough solar panels to serve almost 175,000 people. So we've got good places to do it.

SHAPIRO: What do you do about the large, influential groups that actively oppose and continue to fight solar projects? I mean, how much of the basic problem of finding locations for these developments does the deal actually solve?

REICHER: Well, I think that's part of the problem. There is some active opposition. But if you can make the projects more attractive to communities, if you can make the projects more acceptable to conservation and environmental groups, we're bringing the price of solar down dramatically. Give you an example - you know, say you've got to build a thousand-acre solar project. Well, what about protecting - permanently protecting another thousand acres adjacent to it and not just protecting but restoring parts of it? That's a deal you can really work out.

SHAPIRO: To take a step back, the U.S. has a lot of homes, businesses, shopping malls, warehouses. Why isn't roof space enough? Why are solar farms needed in the first place?

REICHER: I would love to think that the rooftops of America could do it, but the problem is we are talking about an absolutely massive amount of land to really address climate. We're talking about land that's roughly the equivalent of the entire state of Massachusetts and Connecticut combined. We might be able to do 15 or 20% of what we need to do in this country with rooftop solar and urban projects, but we got to go to the big, big properties if we're going to really make a big difference.

SHAPIRO: Given the scale of the need, you offered a couple examples of easy wins - an unused mine that can now be turned into a solar development. But are there going to have to be a lot of projects that aren't easy wins, that don't have an ideal resolution, where there are going to have to be trade-offs?

REICHER: There are indeed going to be trade-offs. There are, you know, ideal places where you want to go initially. There are going to be tougher places where you need to go. But I think as communities get more comfortable with this, as conservation groups get more comfortable - you know, we have the largest conservation group in the country, the Nature Conservancy, having led this negotiation from the environmental side. But the good news is there are plenty of places to build these projects where I think we can find acceptable resolutions and get these built and really address climate change.

SHAPIRO: That's Dan Reicher, a senior research fellow at the Stanford Woods Institute for the Environment and lead broker of a new solar development agreement. Thank you very much.

REICHER: My pleasure.

More Stories From NPR

CLIMATE

Major U.S. science group lays out a path to smooth the energy transition

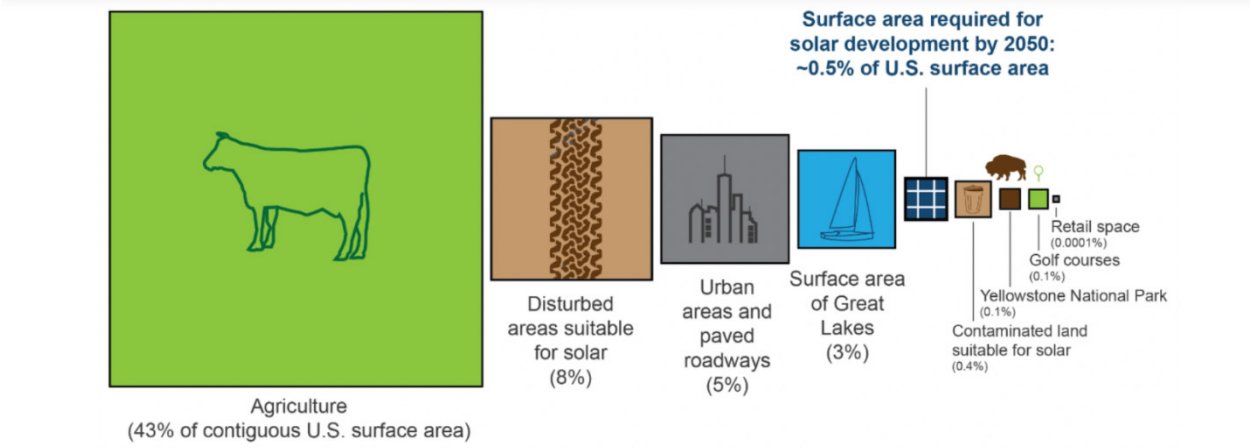


Figure 8 - 7. Maximum land use required for solar in 2050 in the *Solar Futures* scenarios compared with solar-suitable disturbed and contaminated areas and examples of other U.S. areas

CLEAN POWER

Rural Solar Opponents About to Face Tsumani of PV

Who's Afraid Of Rural Solar?

To be clear, the practice of felling virgin forests and steamrolling over sensitive native habitats to install acres of solar panels is not a particularly helpful solution in the context of the looming biodiversity crisis. However, much of the organized opposition to rural solar development has focused on the issue of farmland conversion.

One is tempted to ask where these newly birthed rural solar opponents have been hiding while housing developments, corporate campuses, warehouses, and other elements of the built infrastructure have run amok over the amber fields of grain, but that is also beside the point. In terms of farmland conversion, the arguments against rural solar ignore the fact that the industrialized, monoculturized, chemical-heavy nature of the modern American farm has already converted millions of acres of native habitats into shells of their former selves.

The reliance on diesel-powered equipment, the rise of energy sucking factory-type livestock operations, the copious use of plastic in modern farming, and in particular, the growth of the energy crop industry further undercut the argument that farmland should be broadly immune to solar development.

Also pounding a nail in the coffin of the anti-solar argument is the emerging field of agrivoltaics, which deploys solar panels to coexist with grazing lands, pollinator habitats, and human food crops, enabling farmers to continue working the land while also realizing income from the solar array.

A New Coalition To Support Rural Solar

Where were we? Oh right, a new alliance in support of rural solar aims to pull the rug out from under the opposition, in part by beating them to the land conservation punch.

The effort was organized under the umbrella of the Solar Uncommon Dialogue initiative of the Woods Institute for the Environment at Stanford University in partnership with the Solar Energy Industries Association (SEIA) and The Nature Conservancy.
The solar effort is one in a series of Uncommon Dialogue programs, and these are no ivory tower academic exercises. A previous group on hydropower and river conservation won $2.3 billion worth of federal funding to implement their recommendations, and the solar team is aiming for a similar impact.

The solar discussions resulted in an agreement to develop a best-practices framework for resolving conflicts over solar development, land conservation, and community concerns.

"Over the next 10 years, U.S. solar energy output is expected to increase five-fold, helping to address climate change and bring clean and affordable energy to more communities," SEIA noted in an embargoed press release shared with *CleanTechnica* by email. "The rapid increase in utility-scale solar also means that the industry must address various issues, including agricultural land conversion, wildlife and habitat impacts, and community engagement."
"The Solar Uncommon Dialogue agreement stresses that the development of large solar projects must be transparent, equitable and efficient and acknowledges that this will require many trade-offs."

Next Steps For Responsible Solar Development

Now comes the hard part. "The signatories are convening six working groups that will address key issues and opportunities including community engagement, siting-related risk assessment and decision-making, energy and agricultural technologies, tribal relations, and policy solutions," SEIA explains. Public participation, solar siting, regulatory issues, financial incentives, and information sharing are among the key elements to be hammered out.

SEIA, for one, seems to have gotten the memo about bringing local stakeholders on board. "As the solar and storage industry grows, it's critical that we prioritize local engagement," explains Abigail Ross Hopper, SEIA president and CEO. "We're confident that by thoughtfully addressing stakeholder concerns from the start, we'll be able to deliver the equitable clean energy future we need to see."

That remains to be seen, but the solar group has some heavy hitters on its side. In addition to The Nature Conservancy, the initiative has enlisted other high profile conservation groups including the Audubon Society and the Natural Resources Defense Council.

Also on board are American Farmland Trust, Appalachian Voices, Association of Fish and Wildlife Agencies, Climate Adaptive Infrastructure, EDP Renewables, energyRe, Intersect Power, Invenergy, Land Trust Alliance, Lightsource bp, National Wildlife Refuge Association, North American Indian Center of Boston, Pine Gate Renewables, The Lyme Timber Company, Theodore Roosevelt Conservation Partnership, Union of Concerned Scientists, and WE ACT for Environmental Justice.

Farmers Are Hearting Solar Panels

On its part, American Farmland Trust already has a headstart through its Smart solar program for rural solar development. The organization was founded in 1980 with the mission of preserving farmland. With a focus on sustainable practices, AFT embraces beneficial technology including solar panels.

"Smart solar guides solar development to where it has the least negative impact on land well suited for farming, ensures that agricultural land where projects are sited can be farmed in the future, and promotes 'agrivoltaics' solar projects to create opportunities for both farming and solar energy on the same land," AFT explains. "If done well, Smart Solar projects can provide income for farmers and landowners and protect land well-suited for agriculture."

No word yet on whether or not the US Department of Agriculture is interested in joining the collaboration, but the agency also seems to be running ahead of the curve. USDA has been supporting rural solar projects since the Obama administration and it has raised the stakes with an assist from the 2022 Inflation Reduction Act.

Among other activities, USDA has also expanded its Emerging Farmers program to explore the potential for making land available for growing vegetables within rural solar arrays, with a focus on new farmers and newcomers to the US, with the support of Connexus Energy, Great Plains Institute, and Big River Farms. The US Department of Energy is also chipping to support the program as well as other agrivoltaic research.

Where's Congress?

Of course, no news about accelerating solar adoption in the US would be complete without a mention of Republican leadership in Congress, or lack thereof. Two US allies — Ukraine and Israel — are under threat, while the Republican-led House of Representatives plays Whack-a-Mole with their own leadership.

For those of you keeping score at home, House Republicans fired Speaker Kevin McCarthy of California from his Speaker of the House role on October 4 without a replacement. Seven days later they finally managed to eke out a nomination for Representative Steve Scalise of Louisiana on the afternoon of October 11. As of this writing (that same afternoon), Scalise still needs 217 votes to win the Speaker's gavel, which he hasn't got.

Meanwhile, the razor-slim Democratic majority in the Senate has been handcuffed by rules that enabled Republican Tommy Tuberville of Alabama to single-handedly hold up hundreds of military promotions, while his Republican colleagues Rand Paul (Kentucky), JD Vance (Ohio), and Ted Cruz (Texas) have forced the State Department to drift along the explosive chain of current events with top positions unfilled in the Middle East and elsewhere.
So much for the party of American Exceptionalism. If you have any thoughts about that, drop us a note in the comment thread.

Link to Article: https://cleantechnica.com/2023/10/12/rural-solar-opponents-about-to-face-tsunami-of-pv/

ENERGY + ENVIRONMENT

Dominion proposes pilot to test longer-lasting battery storage

BY: **CHARLIE PAULLIN** - SEPTEMBER 26, 2023 12:04 AM

A battery system operated by Dominion Energy in Powhatan County, Virginia. (Sarah Vogelsong / Virginia Mercury)

Dominion Energy is seeking regulatory approval for a battery storage pilot that would be capable of discharging stored power over longer periods of time than its current technology allows, a development seen as a key component of the transition to renewable energy.

At its Darbytown Power Station in Henrico County, Dominion wants to try out two batteries: one 5 megawatt iron-air battery from Form Energy that uses a rust oxidation process and another 4 megawatt zinc-hybrid battery from Eos Energy that uses a zinc reaction process.

The two technologies, which are being proposed as part of a portfolio of battery pilots by Dominion, have the ability to dispatch energy for up to 100 hours and 16 hours, respectively. The most common form of battery technology uses lithium, which can dispatch stored energy for up to roughly four hours.

As Virginia utilities increasingly generate power from renewable sources like solar and wind, reliability concerns have put a stronger focus on battery storage as a way to provide power to the grid when weather conditions are poor.

Energy storage is the 'Swiss army knife' of the renewables transition, but it's still evolving

Hang around any debate about clean energy and you're bound to hear one question: What do you do when the sun isn't shining and the wind isn't blowing? The answer, at least in theory, is straightforward: energy storage. Storage can be thought of as the third leg of the stool Virginia will use to reach ... Continue reading

Virginia Mercury

"We want to discharge this energy sometimes when the sun isn't shining and the wind isn't blowing," said Tim Eberly, a Dominion spokesperson. "That's why these longer-duration batteries are so critical when it comes to this transition to a clean energy grid and renewable energy."

The two new batteries also have safety and other benefits compared to lithium batteries, the company says.

The non-lithium technologies avoid the risk of "thermal runaway," which is when one lithium cell in the battery overheats and leaks into another cell, causing a chain reaction.

Furthermore, said Brandon Martin, manager of business development at Dominion, because demand for lithium is so high, the use of other materials for batteries could ease supply worries.

"The electric vehicle market and other sources of demand are expected to be about 90% of the total lithium produced," he said. "Standalone energy storage is expected to be about 10%. And that's our utility. … Other utilities across the U.S. … have energy storage goals as well."

Ram B. Gupta, a professor at Virginia Commonwealth University's College of Engineering who has studied the mining of minerals for battery storage technology, noted non-lithium batteries may not be as efficient at storing electricity as lithium batteries. But the iron and zinc they rely on is also more prevalent and less toxic than lithium, he said.

"We really need technology that uses elements that are not too toxic and not too expensive," Gupta said.

Dominion isn't the only utility experimenting with longer-duration batteries. At a press conference Monday, the U.S. Department of Energy's Office of Clean Energy Demonstrations detailed nine long-duration energy storage projects around the country, including one in Maryland. Currently, said Juan Alvarez, a program manager for the office, only 2% of the 1,325 energy storage projects in North America have a duration of over 10 hours.

"Cheaper, longer energy storage can support the expansion of renewables like solar and wind by providing stability, flexibility and optionality to the grid," said Alvarez.

If they receive State Corporation Commission approval, Dominion's proposed projects would be operational by 2026. They come with an estimated price tag of $70.6 million, but Martin said there would be no change in customer bills since the costs for the projects will be recovered through the current base rates.

Virginia's 2018 Grid Transformation and Security Act directed the SCC to establish pilot programs for Dominion to test out battery technologies capable of storing up to 30 megawatts of electricity. The utility is already running three lithium battery pilots in

Powhatan, Hanover and New Kent counties totaling 16 megawatts and recently broke ground on a 50 megawatt battery storage facility, the company's largest.

The Virginia Clean Economy Act calls for Dominion to develop 2,700 megawatts of battery storage by 2035.

CHARLIE PAULLIN

Charles Paullin covers energy and environment for the Mercury. He previously worked for Northern Virginia Daily in the Northern Shenandoah Valley and for the New Britain Herald in central Connecticut. An Alexandria native, Charles graduated from the University of Hartford initially wanting to cover sports. He's received several Virginia Press Association awards for his coverage of crime, local government and state politics.

MORE FROM AUTHOR

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CARDINAL NEWS
SERVING SOUTHWEST AND SOUTHSIDE VIRGINIA

OPINION

Rural counties stand to play a critical role in Virginia's move to solar

Rural counties are in an excellent position to help steer the renewable energy transition.

by **Josephus Allmond**
September 8, 2023

A Dominion Energy solar farm in Powhatan County. Courtesy of Dominion Energy.

We are in the midst of a renewable energy transition — increasing our use of solar, wind and battery storage for our electricity grid while moving us away from an energy system that is doing active harm to the health of low-income and minority communities. It is crucial if we are to avoid the worst effects of climate change. Moreover, this transition means cleaner air, cheaper energy bills, and new economic development opportunities.

Rural counties in Virginia are in an excellent position to lead this transition, especially with respect to solar energy. However, communities must be in the driver's seat and well equipped to take advantage of and manage the many utility-scale solar proposals being offered. And we need thoughtful and engaged project developers to support them.

Three years ago, the Virginia Clean Economy Act established the commonwealth as the first southern state on a path to a reliable, affordable, zero-carbon electricity grid by 2050.

As a commonwealth, we should be doing everything imaginable to increase the installed amount of rooftop and community solar — that cuts down on the amount of utility-scale electricity we must produce. But of course, no matter how we do the math, utility-scale solar must play a central role in Virginia's clean energy transition. The fact is, it is one of the cheapest sources of energy, especially on large tracts of flat land. Unfortunately, it is these large systems that are causing concern at the local level.

We've seen some rural counties push back against solar development by placing moratoriums on new utility-scale applications until they have updated their solar ordinances. Others have placed restrictive caps on the amount of solar permitted in the county. If this trend continues, the costs of our clean energy transition will rise for all Virginians. It doesn't have to be that way.

Many of these counties' concerns are valid and heard loud and clear. However, progress never comes without tough decisions. These projects will sometimes impact forests and agricultural areas. But unlike our existing energy infrastructure, which continues to disproportionately affect the health of people of color like me, these utility-scale projects will not emit powerful greenhouse gases or particulate matter that is especially damaging to communities with pre-existing respiratory conditions.

Virginia has enough land to meet our renewable energy goals, conserve key natural areas such as forest habitats and wetlands, and support our No. 1 industry — agriculture.

To effectively realize this, Virginia's energy policy should prioritize siting utility-scale solar projects on already disturbed lands and the built environment: places like brownfields, former coal mines, highway medians, warehouses, big box stores, and parking decks.

The Inflation Reduction Act contains stackable tax credits that add up to huge incentives for these projects. All solar projects are eligible for an investment tax credit (ITC) of 30% of the project's cost. On top of that, solar projects in "energy communities" like those with brownfields or former coal mines can receive an additional 10% bonus ITC and solar projects in low-income communities are eligible for another 10-20% ITC. Some solar projects will be able to take advantage of other credits as well. These tax credits should mean that the kinds of solar projects that solar developers keep telling us just don't pencil out, could now.

How about projects that can't be sited on these previously disturbed lands? For projects under 150 MW that are sited on forest lands or prime agricultural soils, the Department of Environmental Quality is conducting a rulemaking that will dictate what types of mitigation efforts developers must pursue when siting projects on these important resources. That rulemaking will dictate how DEQ will evaluate these projects, and it should also be a helpful resource to the State Corporation Commission when it considers projects over 150 MW through its certificate of public convenience and necessity process.

So, how do we balance the need for low-cost renewables with the need to protect vital natural resources, all while ensuring that these utility-scale projects benefit communities?

The way forward requires placing community members at the table with solar developers. Development of these utility-scale systems cannot make the same mistakes the fossil fuel industry has made and continues to make. That industry, almost like clockwork, sited the most harmful energy infrastructure in poor and minority communities, often making promises of jobs and economic changes that never materialized.

Developers of utility-scale solar can, and must, be better. And counties in Virginia have the power to make sure they do. A commonly used tool for utility-scale projects are siting agreements. Siting agreements can require developers to mitigate the impacts of projects. In addition, developers can help the locality meet other needs, such as deploying broadband and providing funds for needs set out in the locality's capital improvement plan, fiscal budget, or fiscal fund balance policy. If that sounds like a powerful tool, it is. Counties have received considerable sums of money from solar developers in the form of one-time payments or revenue sharing agreements. These projects also generate significantly more tax revenue for the county than most prior land uses.

As powerful as siting agreements may be, they may not be enough if a locality's fiscal plans do not address the specific impacts of these utility-scale projects.

One reason counties give for rejecting utility-scale solar is that they just do not have the resources to properly vet these utility-scale proposals. When possible, they can prepare for this by adjusting fiscal plans to earmark a percentage of funds received through siting agreements to fund a qualified, full-time employee to help evaluate proposals.

These areas can also utilize community benefits agreements. CBAs are contracts between developers and community groups, where community groups commit to supporting a project in exchange for the specific benefits that the developer will bring to the community. The benefits can be additional environmental remediation projects, workforce development or even local hiring requirements. The beauty of CBAs lies in their flexibility.

Rural counties are in an excellent position to help steer the renewable energy transition. Instead of reacting to these utility scale proposals with moratoriums and restrictive caps, these counties should use siting agreements, CBAs and other creative solutions to mitigate the impacts of these projects and get to "yes." Our clean energy transition depends on it.

Josephus Allmond is a senior associate attorney at the Southern Environmental Law Center, where he helps lead the Virginia office's solar and environmental justice work.

Tentative Interim Amendment

NFPA® 855

Standard for the Installation of Stationary Energy Storage Systems

2023 Edition

Reference: 15.3.1, 15.12(new), and 5.13(new)
TIA 23-1
(SC 23-8-64 / TIA Log #1727)

Pursuant to Section 5 of the NFPA *Regulations Governing the Development of NFPA Standards*, the National Fire Protection Association has issued the following Tentative Interim Amendment to NFPA 855, *Standard for the Installation of Stationary Energy Storage Systems*, 2023 edition. The TIA was processed by the Technical Committee on Energy Storage Systems, and was issued by the Standards Council on August 25, 2023, with an effective date of September 14, 2023.

1. Revise paragraph 15.3.1 to read as follows:

15.3.1 ESS Spacing. Individual ESS units shall be separated from each other by a minimum of 3 ft (914 mm) unless smaller separation distances are documented to be adequate based on fire and explosion testing complying with ~~9.1.5~~15.13.

2. Add new section 15.12 and associated Annex text to read as follows:

15.12* Test Reports. ESS installed in accordance with Chapter 15 shall be provided with a product-level evaluation by an approved qualified person with expertise in energy storage as a supplemental safety document to be used by the AHJ and the installing contractors.

A.15.12 The test report will provide information that, among other things, describes the size and energy capacity rating of the unit being tested, model numbers of the modules and ESS units, orientation of ESS in the test facility, and proximity of the ESS unit under test to adjacent ESS, walls, and monitoring sensors. The test report also includes a complete set of test results and measurements. For example, a complete UL 9540A test report that includes a unit-level test should also include the UL 9540A cell and module-level test.

3. Add new section 15.13 and associated Annex text to read as follows:

15.13 Fire and Explosion Testing.

15.13.1* Where required by 15.3.1, fire and explosion testing shall be conducted on a representative ESS in accordance with UL 9540A or equivalent test standards.

A.15.13.1 A UL 9540A or equivalent test should evaluate the fire characteristics of the composition of gases generated at the cell, module, and unit and installation levels for ESS undergoing thermal runaways, such as what might occur due to a fault, physical damage, or exposure hazard. The evaluation of the fire characteristics during fire vent testing at the unit-level and installation-level testing should document whether the fire event propagates to the neighboring ESS units and include radiant heat flux measurements at enclosing wall surfaces and at various distances from the ESS being tested at the unit level. The fire and explosion testing data is intended to be used by manufacturers, system designers, and AHJs to determine if the required separation distance for an ESS installation can be reduced.

15.13.1.1 The complete UL 9540A or equivalent test report shall be provided to the authority having jurisdiction, including the cell, module, and unit level.

15.13.1.2 Lead-acid and nickel-cadmium batteries used in standby power systems and listed to UL 1973 shall not require UL 9540A testing when installed with a charging system listed to UL 1012, UL 60950-1, or UL 62368-1, or a UPS listed to UL 1778.

15.13.1.3 The testing shall be conducted, witnessed, and reported by an approved testing laboratory to characterize the composition of the gases generated and show that a fire involving one ESS unit will not propagate to an adjacent unit.
15.13.1.4* The representative cell, modules, and units tested, including any optional integral fire suppression system, shall match the intended installation configuration other than the addition of the cell failure mechanism utilized for cell thermal runaway initiation.
A.15.13.1.4 Changes in an installation configuration, including the internal architecture of modules and units that don't match the parameters tested, such as size and separation, cell type, or energy density, should only be accepted if it can be shown that the configuration provides equivalent results. For example, scaling such as height, depth, and spacing need to conform to the configuration of the test. Changes also might include multiple levels of units on top of each other, located on a mezzanine floor above, or back-to-back units. These configurations might have yet to be evaluated in the test.
15.13.1.5 The testing shall include evaluating deflagration mitigation measures when designed into ESS cabinets.

Issue Date: August 25, 2023

Effective Date: September 14, 2023

FACT SHEET

ENERGY STORAGE SYSTEMS SAFETY FACT SHEET

Because of the growing concerns surrounding the use of fossil fuels and a greater demand for a cleaner, more efficient, and more resilient energy grid, the use of energy storage systems, or ESS, has increased dramatically in the past decade. Renewable sources of energy such as solar and wind power are intermittent, and so storage becomes a key factor in supplying reliable energy. ESS also help meet energy demands during peak times and can supply backup power during natural disasters and other emergencies. However, the rise in the number of ESS installations requires the need for a heightened understanding of the hazards involved and more extensive measures to reduce the risks.

What Is an ESS?

An energy storage system, often abbreviated as ESS, is a device or group of devices assembled together, capable of storing energy in order to supply electrical energy at a later time. Battery ESS are the most common type of new installation and are the focus of this fact sheet.

DID YOU KNOW?

According to the US Department of Energy, in 2019, about 18 percent of electricity generated at utility-scale electricity generation facilities in the United States was from renewable energy sources.

What Are the Advantages?

ESS have many useful applications.

Supplement Renewables

Renewable energies such as solar panels or wind turbines only produce electricity when the sun is out or the wind is blowing. Supplementing these with ESS allows users to take advantage of the electricity that is generated when the renewable energy technologies are not producing electricity.

Peak Shaving

ESS allows a user to shift where their electricity comes from by drawing power from the batteries during the higher-cost daytime hours then recharging during the lower-cost nighttime hours. This practice is referred to as peak shaving.

Load Leveling

When power generation facilities ramp up and ramp down to keep up with the changing demand for electricity, it puts stress on the system. ESS can help flatten out the demand curve by charging when electrical demand is low and discharging when it is high.

Uninterruptible Power Supply

ESS can provide near instantaneous protection from power interruptions and are often used in hospitals, data centers, and homes.

What Are Some of the Hazards?

Thermal Runaway

Thermal runaway is a term used for the rapid uncontrolled release of heat energy from a battery cell; it is a condition when a battery creates more heat than it can effectively dissipate. Thermal runaway in a single cell can result in a chain reaction that heats up neighboring cells. As this process continues, it can result in a battery fire or explosion. This can often be the ignition source for larger battery fires.

Stranded Energy

As with most electrical equipment there is a shock hazard present, but what is unique about ESS is that often, even after being involved in a fire, there is still energy within the ESS. This is difficult to discharge since the terminals are often damaged and presents a hazard to those performing overhaul after a fire. Stranded energy can also cause reignition of the fire hours or even days later.

ENERGY STORAGE SYSTEMS SAFETY FACT SHEET *CONTINUED*

Toxic and Flammable Gases Generated

Most batteries create toxic and flammable gases when they undergo thermal runaway. If the gases do not ignite before the lower explosive limit is reached, it can lead to the creation of an explosive atmosphere inside of the ESS room or container.

Deep Seated Fires

ESS are usually comprised of batteries that are housed in a protective metal or plastic casing within larger cabinets. These layers of protection help prevent damage to the system but can also block water from accessing the seat of the fire. This means that it takes large amounts of water to effectively dissipate the heat generated from ESS fires since cooling the hottest part of the fire is often difficult.

Failure Modes

These are ways the batteries can fail, often leading to thermal runaway and subsequent fires or explosions.

Mechanical Abuse

Mechanical abuse is when a battery is physically compromised by either being dropped, crushed, or penetrated.

Thermal Abuse

Thermal abuse can occur when a battery is exposed to external heat sources.

Electrical Abuse

Electrical abuse can happen when the battery is overcharged, charged too rapidly or at high voltage, or discharged too rapidly.

Environmental Impacts

Environmental impacts that can lead to battery failure include seismic activity, rodent damage to wiring, extreme heat, and floods.

How Do We Help Keep People and Property Safe?

For the Designer/Installer:

Explosion Protection/Prevention
If there are enough batteries in a room to create an explosive atmosphere, then explosion prevention systems or deflagration venting should be installed per NFPA 69, *Standard on Explosion Prevention Systems,* and NFPA 68, *Standard on Explosion Protection by Deflagration Venting.*

Fire Suppression System
Testing has shown water to be the most effective medium for cooling an ESS fire. A sprinkler system that complies with NFPA 13, *Standard for the Installation of Sprinkler Systems,* should be installed in buildings where an ESS is installed.

Battery Management System
A system that monitors, controls, and optimizes performance of an individual or multiple battery modules in an ESS and can control the disconnection of the module(s) from the system in the event of abnormal conditions.

Spacing
ESS units should be grouped into small segments limited to certain kilo-watt hours (kWh) and spaced from other segments and walls to prevent horizontal propagation. The table below, which summarizes information from a Fire Protection Research Foundation (FPRF) report, "Sprinkler Protection Guidance for Lithium-Ion Based Energy Storage Systems" (2019), demonstrates the recommended spacing for the testing for specific chemistries and arrangements.

Recommended Separation of Lithium-Ion Battery Energy Storage Systems

ESS Type & Capacity	Object Combustibility	Sprinklered	Nonsprinklered
LFP 83 kWh	Combustible	–	1.8 m (6 ft)
	Noncombustible	–	1.2 m (4 ft)
NMC 47 kWh	Combustible	2.7 m (9 ft)	4.0 m (13 ft)
	Noncombustible	1.8 m (6 ft)	2.4 m (8 ft)
NMC 125 kWh	Combustible	–	1.2 m (4 ft)
	Noncombustible	–	< 0.9 m (< 3 ft)
LFP 31 kWh	Combustible	1.5 m (5 ft)	1.8 m (6 ft)
	Noncombustible	0.9 m (3 ft)	1.2 m (4 ft)

For the AHJ:

Permitting Checklist
Permits should be issued by and in accordance with the procedures of all authorities having jurisdiction and should bear the name and signature of each authority having jurisdiction or their designated representative(s). In addition, the permit should indicate the following:

1. Purpose of the ESS for which the permit is issued

ENERGY STORAGE SYSTEMS SAFETY FACT SHEET *CONTINUED*

2. Type of ESS, size, weight broken down by subcomponents or subsystems, type, and amount of any hazardous materials, general arrangement of the system, and extent of work to be performed
3. Address where the ESS is to be installed and operated
4. Name and address of the permittee
5. Permit number and date of issuance
6. Period of validity of the permit
7. Inspection requirements

For the Fire Service:

Pre-Incident Planning

The fire department should develop a pre-incident plan for responding to fires, explosions, and other emergency conditions associated with the ESS installation, and the pre-incident plan should include the following elements:

1. Understanding the procedures included in the facility operation and emergency response plan described
2. Identifying the types of ESS technologies present, the potential hazards associated with the systems, and methods for responding to fires and incidents associated with the particular ESS
3. Identifying the location of all electrical disconnects in the building and understanding that electrical energy stored in ESS equipment cannot always be removed or isolated
4. Understanding the procedures for shutting down and de-energizing or isolating equipment to reduce the risk of fire, electric shock, and personal injury hazards
5. Understanding the procedures for dealing with damaged ESS equipment in a post-fire incident, including the following:
   a. Recognizing that stranded electrical energy in fire-damaged storage batteries and other ESS has the potential for reignition long after initial extinguishment
   b. Contacting personnel qualified to safely remove damaged ESS equipment from the facility (This contact information is included in the facility operation and emergency response plan.)

Emergency Operations Planning

An emergency operations plan should be created and contain elements such as procedures to safely shut down the system, procedures for the removal of damaged ESS, general emergency procedures, and annual staff training.

CASE STUDY: Kahuku Wind Farm Fire

A fire broke out at the Kahuku wind farm in the north shore of Oahu, Hawaii in the summer of 2012. This was a 10,000 ft^2 battery warehouse where a 15 mega-watt system containing approximately 12,000 lead acid batteries was located. The fire was a challenge to extinguish, burning for over 13 hours and smoldering for over 36 hours. Extensive damage was caused to the system. This event demonstrated the need for first responders to have more education in this area.

Frequently Asked Questions About Battery ESS

Q: Which NFPA standard covers the installation of ESS?

A: If you are installing ESS for either new construction or a renovation, you should review the requirements of NFPA 855, *Standard for the Installation of Energy Storage Systems.*

Q: What is the best extinguishing agent for a fire in a battery ESS?

A: Testing has shown that water is the most effective agent for cooling for a battery ESS. For this reason, a sprinkler system designed in accordance with NFPA 13, *Standard for the Installation of Sprinkler Systems,* is required by NFPA 855, *Standard for the Installation of Energy Storage Systems.*

Q: I've heard that an ESS can reignite several days after a fire has been extinguished, is this true?

A: Lithium-ion batteries have shown they can ignite, or reignite, long after they have been damaged or involved in a fire—hours, days, or even weeks later.

Q: Is it OK to use a fire hose to extinguish a lithium-ion battery fire?

A: The UL study "Firefighter Safety and Photovoltaic Installations Research Project" (2011) showed that for voltages up to 1000 volts dc, water can be safely applied given the right conditions. This study demonstrated that using an adjustable nozzle at a minimum of a 10 degree fog pattern allowed for the safe application of water at a distance of 5 ft from the 1000 volts dc electrical source; however, due to the potential conductivity of pooling water, contact with it may expose you to shock.

ENERGY STORAGE SYSTEMS SAFETY FACT SHEET *CONTINUED*

NEXT STEPS

- Visit nfpa.org/ess to learn more and to access the latest research and reports.
- Take Energy Storage and Solar Systems Safety Online Training for fire service personnel.

RESOURCES

US Department of Energy
Energy Storage System Safety: Plan Review and Inspection Checklist (2017)

Underwriters Laboratories Inc.
Firefighter Safety and Photovoltaic Installations Research Project (2011)

FPRF Reports
Projects currently underway:

Stranded Energy within Lithium-Ion Batteries

Firefighter Safety in Battery Energy Storage System Fires (advisory project with the University of Texas)

Report: Energy Storage System Research and Design Challenge (2019)

Report: Sprinkler Protection Guidance for Lithium-Ion Based Energy Storage Systems (2019)

Reports: Lithium ion batteries hazard and use assessment Phase I (2011), Phase II (2013), Phase III (2016).

Report: Hazard Assessment of Lithium Ion Battery Energy Storage Systems (February 2016)

Report: Development of Fire Mitigation Solutions for Photovoltaic (PV) Systems Installed on Building Roofs (2016)

Report: Commercial Roof-Mounted Photovoltaic System Installation Best Practices Review and All Hazard Assessment (2014)

Report: Property Insurance Research Group Forum on PV Panel Fire Risk (2014)

Workshop: Energy Storage Systems and the Built Environment (November 2015)

Report: Emergency Response to Incident Involving Electric Vehicle Battery Hazards (July 2013)

NFPA Information Sheets
Energy Storage Systems: Is Your Community Ready?

Lithium Ion Battery Safety for Consumers

Relevant NFPA Standards
Get free access to NFPA codes and standards at nfpa.org.

- NFPA 1, *Fire Code,* 2018 edition
- NFPA 13, *Standard for the Installation of Sprinkler Systems,* 2019 edition
- NFPA 68, *Standard on Explosion Protection by Deflagration Venting,* 2018 edition
- NFPA 69, *Standard on Explosion Prevention Systems,* 2019 edition
- NFPA 70®, *National Electrical Code®,* 2020 edition
- NFPA 110, *Standard for Emergency and Standby Power Systems,* 2019 edition
- NFPA 111, *Standard on Stored Electrical Energy Emergency and Standby Power Systems,* 2019 edition
- NFPA 855, *Standard for the Installation of Energy Storage Systems,* 2020 edition
- NFPA 1620, *Standard for Pre-Incident Planning,* 2020 edition

IT'S A BIG WORLD.
LET'S PROTECT IT TOGETHER.®

2 Understanding Utility-Scale and Large Commercial-Scale ESS Projects

While there is no universally accepted definition for "utility-scale" energy storage, the US Department of Energy's Energy Information Administration uses a nameplate capacity of 1 MW as its threshold for "large-scale" energy storage systems. More distinctively than capacity of the system, utility-scale ESS (such as the one shown in Figure 2-1) are generally installed at a dedicated point on the distribution network or in front of the meter at a commercial facility. This allows the ESS to participate in a variety of potential markets and revenue streams, such as:

- Capacity market participation
- Frequency regulation
- Spinning reserve
- Energy arbitrage

With these revenue streams comes added financial opportunity for owners but this also creates added complexity, as discussed in this chapter.

Figure 2-1
This utility-scale ESS in Vermont is using li-ion batteries to provide peak reduction and frequency regulation services. Photo courtesy of WEG.

2.1 Major Parties Involved in Utility-Scale ESS Projects

Utility-scale ESS projects are typically financed and may involve complex ownership structures with multiple financing parties. In these cases, the project developer, site owner, project owner, technology vendor and engineering, procurement and construction (EPC) contractor may all be distinct firms or entities; the role of each of these participants is summarized in Table 2-1. The development process for utility-scale ESS can vary widely but the projects are generally easier to construct than other types of large energy projects and typical construction timelines range from 6 to 12 months, including site preparation, civil infrastructure, electrical works, installation and associated commissioning and performance testing.

Table 2-1 *Summary of Main Participants in Utility-Scale ESS Projects*

ROLE	RESPONSIBILITIES
Developer	Developers find potential projects and pursue the initial work of securing land/site control, obtaining initial permits and interfacing with the utility to receive interconnection approvals. These longer lead time items require engineering, surveying, and financial analysis but the purpose is to package a potential project for construction. Developers may sell the rights to a project, including all permits and interconnection approvals, to another firm for construction or they may continue managing construction.
Integrator	BESS are made of many components and the Integrator is the party responsible for assembling these subsystems into a functional BESS that includes enclosures, battery modules, PCS, transformers and associated software controls. Note that, in some cases, the integrator, EPC contractor and supplier may overlap. Some (typically larger) suppliers will provide a fully packaged BESS (enclosure, batteries, software, PCS), eliminating the need for a separate Integrator.
EPC Contractor	The engineering, procurement and construction (EPC) contractor handles the physical design, equipment procurement and construction of the project. Their scope of work usually includes permitting, design, equipment procurement, installation, site work, commissioning and obtaining the necessary operating permits/permissions for the project. If there is a separate integrator, the EPC contractor will likely manage construction of the overall project except for the BESS enclosures and subsystems. The exact division of labor will vary but, in these cases, close coordination between the integrator and the EPC contractor is essential.
Supplier	Typical utility-scale ESS may involve multiple equipment suppliers or manufacturers who are responsible for supplying key equipment, such as enclosures, modules, inverters or transformers. The project owner will procure equipment directly or via the EPC contractor and the key equipment will be provided under the terms of a supply agreement.
Site Owner	The site owner is the entity owning the real estate that the project is located on. This entity will often simply lease the land to the project owner and, as a result, be a passive participant in the BESS project.
Project Owner	The project owner is an entity, usually a special purpose corporate entity (such as a LLC) that owns the project and assumes all operating costs and revenues. Behind this corporate entity will often sit a financier, such as a private equity investor, that maintains the controlling interest in the project. Typically, the project owner will purchase the project once it reaches key development milestones (i.e., from a developer).

ROLE	RESPONSIBILITIES
Equity Investor	In addition to the project owner, which typically provides equity for the project, other firms may contribute equity as well. This could be in the form of "tax equity" (i.e., cash in exchange for access to lucrative tax credits or other benefits) or direct equity. In either case, the investor's income is tied to their level of ownership in the project, so they have a vested interest in things like safety, performance and technology and may be able to influence design and technology elements of the project.
Lender/Bank	Many utility-scale ESS projects are financed through a combination of equity and debt. The equity generally comes from the project owner but debt may be provided by specialized financiers, regional banks, credit unions or other types of financing institutions. Typically, these entities will provide a portion of the overall project cost, in exchange for repayment over several years. Such loan payments are generally not tied explicitly to project performance, so lenders are exposed to less risk and have corresponding less influence over design and technology than investors contributing equity to the project.
Asset Manager	Asset managers are employed by asset owners to provide administrative oversight for projects, covering aspects such as invoicing, periodic reporting, interfacing with utilities and overseeing operations and maintenance (O&M) activities.
Operations and Maintenance (O&M) Contractor	The O&M contractor is responsible for maintaining the ESS, performing routine site maintenance, managing warranties, performing periodic testing and similar activities.
Energy Manager	Energy managers are employed by project owners to manage the participation of the project in relevant markets and revenue streams. While not generally responsible for physical maintenance of the project and its facilities, the energy manager will make charge and discharge decisions (possibly several times per day) for the project, generally in an attempt to maximize revenues for the project owner.
Authorities Having Jurisdiction (AHJs)	Local entities, including the building inspector, electrical inspector and fire official, that have a role in reviewing, permitting and/or inspecting the project. These individuals will be acting on behalf of the municipality or local government in which the project is located and will have substantial ability to influence the design and technology of the project.
Owner's Engineer (OE)	The OE is generally hired by the project owner to provide technical oversight of project design and construction. The OE may perform activities such as design reviews, reviewing key warranties and agreements, equipment selection, field inspections, construction monitoring, and commissioning oversight on the project, acting as the owner's technical representative, particularly in reviewing and approving routine technical matters related to the project. Project owners will generally select third-party technical consultants and engineering firms as OEs based on ESS technology and construction expertise.
Independent Engineer (IE)	While performing functions similar to the OE, the IE represents the project investors, as a whole, and their interests in the project. The IE will review the contractual and technical aspects of the project and provide the investors with a detailed report noting any potential risks associated with the project. The IE's findings will potentially influence how the investors participate in the project. The IE will be a third-party technical consultancy with relevant ESS expertise.

2.2 Major Equipment on Utility-Scale ESS

The majority of utility-scale ESS consists of arrangements of battery enclosures, either large (40 foot or 53 foot) enclosures or smaller, more modular units. Each enclosure includes racks of batteries and the battery management system, HVAC systems and fire safety systems. The ESS may also include a power conversion system (PCS) or inverter, often located adjacent to the enclosure. From there, the output of the PCS (alternating current) is stepped up via a transformer to reach the relevant distribution voltage compatible with the local distribution system, as shown in Figure 2-2. Additional equipment onsite will include code-required disconnects, overcurrent protection devices, system control and data acquisition (SCADA) systems, metering equipment and similar electrical infrastructure. Major equipment found on a utility-scale ESS is discussed further in subsequent sections.

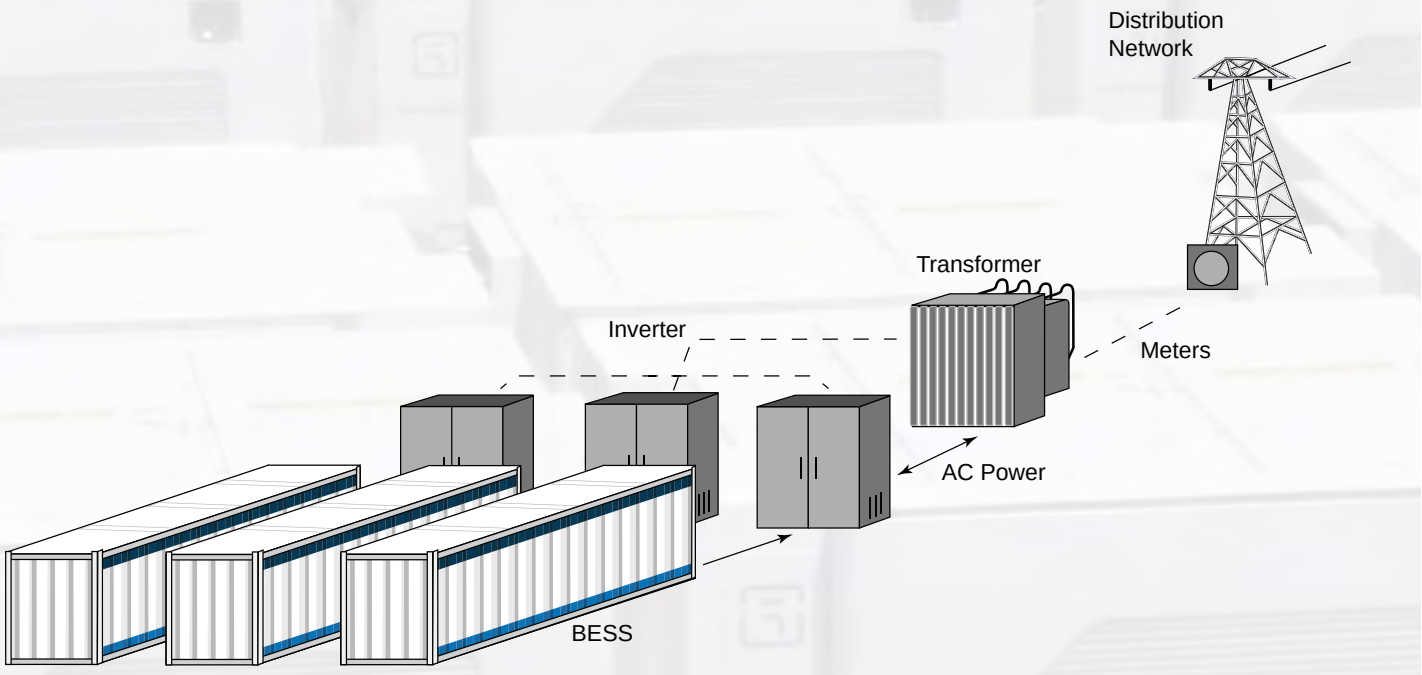


Figure 2-2
This diagram illustrates a typical utility-scale ESS layout and major components.

This section describes several of these specialized pieces of equipment that might be found on a BESS project during design review or inspection activities.

Enclosures

Battery cells are vulnerable to weather and temperature effects and are generally protected inside of some form of enclosure or container. These enclosures, broadly speaking, provide a physical structure to house and protect the sensitive electronics and batteries that allow the ESS to operate. Historically, BESS enclosures were made from ISO shipping containers, particularly for early BESS projects, as these containers were already designed to protect their contents against a variety of weather conditions and were structurally durable, with nonflammable construction. This led to the evolution of 20-foot, 40-foot, and 53-foot containers as a relatively standardized form factor. From there, containers were modified to add HVAC units to provide thermal management and various types of fire safety systems to reduce the risk from thermal runaway and fires. In a typical utility-scale BESS project, the enclosures are shipped to the site with racks installed but the added weight of the battery modules would preclude readily shipping and moving them, so the battery modules are shipped separately and installed by field crews.

Early, walk-in style enclosures required personnel to enter to service and monitor the batteries. These early enclosure interiors typically included a central walkway, computer terminals to access the battery management system and racks of batteries in all available space flanking the central corridor. This approach posed an increased safety risk as it required emergency personnel to enter enclosure interiors to assess conditions after an alarm event, as only minimal observations could be made from outside the enclosure. Today's larger enclosures provide for all equipment to be accessed via exterior doors around the perimeter of the enclosure, so technicians are not required to enter the enclosure during normal operations and maintenance activities. Figure 2-3 shows an example of an exterior access enclosure. With the door open, the battery racks and modules are accessible for inspection and servicing without entering the enclosure.

Figure 2-3
This image shows a utility-scale ESS enclosure with doors opened for easy access to key equipment. Photo courtesy of Matt Paiss, Pacific Northwest National Laboratory, and Snohomish PUD.

Figure 2-4

Cabinet-based ESS, like the Fluence 6th generation system shown here, provide site designers with a lot of flexibility and can be used from small commercial through large utility scale sites. Photo courtesy of Fluence.

Many of the major manufactures now offer enclosures that are even more modular and specialized. These cabinets may be approximately the size of a large refrigerator or freezer, with sufficient space to house one or two racks and associated hardware. A larger site may include many of these cabinets connected, with communications and controls routing to a central panelboard. In Figure 2-4, many of these sorts of modular units are shown in a typical utility-scale layout, with more modular units taking the place of the 40 foot or 53 foot larger enclosures seen on other sites and a central pathway for access and efficiently locating AC equipment such as inverters and transformers. These designs can be highly modular, giving more options for site layout and simplifying logistics. In addition, the smaller form factor allows for these enclosures to be fully assembled offsite (including the installation of battery modules) and shipped to the site as a fully integrated unit, requiring minimal field assembly. This greatly simplifies the installation process, as workers do not have to directly handle battery modules or be responsible for their installation.

Thermal Management

Battery cells typically have nuanced warranties governing their expected performance and one of the key variables in such warranties is the operating temperature of the batteries. All batteries, to some extent, experience a reduction in energy capacity based on temperatures; this effect can be seen at both high and low extremes, so keeping the batteries at approximately 68°F to 86°F (20°C to 30°C) (i.e., near room temperature) is key for maintaining warranty and overall health of the system. That said, batteries and associated equipment generate considerable heat during charging and discharging operations, with a typical rack of lithium iron phospate (LFP) batteries likely generating approximately 1kW of thermal load during operation. Batteries at standby dissipate much less heat but the trend for modern ESS is to keep batteries operating into a variety of revenue streams, so operation may be close to continuous for some use cases. A fully loaded 53-foot enclosure can easily require 5 to 10 tons[4] of cooling capacity, which is roughly equivalent to the air conditioning load of two average size homes in the United States.

Clearly, thermal management has a major impact on BESS performance and reliability, and this need is met through either air cooling (i.e.,

4. In this case, a "ton" refers to a unit of cooling equal to 12,000 Btu/hour of heat removal.

air conditioners) or, increasingly, liquid cooling systems. In the case of air-cooled BESS, most enclosures will include two or four exterior-mounted HVAC units on the ends of the enclosures. These units distribute cold air throughout enclosures via ducting, fans and other means. In the case of liquid cooled systems, a liquid (generally a refrigerant) is cycled through the system to extract heat from the modules and stacks before dissipating it via a heat exchanger to the ambient outdoor air. The latter system allows for better control and improved efficiency but is more feasible for integrated enclosures/battery systems, whereas air cooling HVAC systems tend to be easier for integrators who may be assembling ESS with equipment from multiple suppliers.

Battery Management System

Each BESS will have a battery management system (BMS), which is a series of hardware and software controls tasked with maintaining the safe operation of the batteries [5]. Key functions of the BMS include:

- Monitoring key cell and module-level parameters (e.g., voltage, temperature)
- Performing balancing (balancing charge/discharge currents between cells and modules)
- Generating alarms based on manufacturer or owner-specified set points

The BMS functions are generally aggregated at the rack level via a dedicated module that houses the relevant sensors, controllers, data handling and similar equipment.

Energy Management Systems

Utility-scale ESS use an energy management system (EMS) for system-wide controls and monitoring, as well as to control the ESS's interface with the local utility. At a very basic level, the EMS sits above the BMS in terms of control hierarchy, receiving and interpreting signals from the energy manager, utility or operator. The EMS then translates these external inputs into directions that are passed to the system, giving it instructions to charge, discharge or take other action. These instructions are interpreted by the BMS into instructions that are passed to enclosure, rack and module level controls that can then initiate actions at the appropriate level. This function goes both ways, however, as the BMS will also pass data and alerts upwards to the EMS, triggering effects like notifications and alarms when needed. This process is diagrammed in Figure 2-5.

5. The BMS can be conceptualized as a single system but each direct current (DC) bus will likely have an at least semi-independent BMS managing things like voltage independent of what is happening on other DC busses.

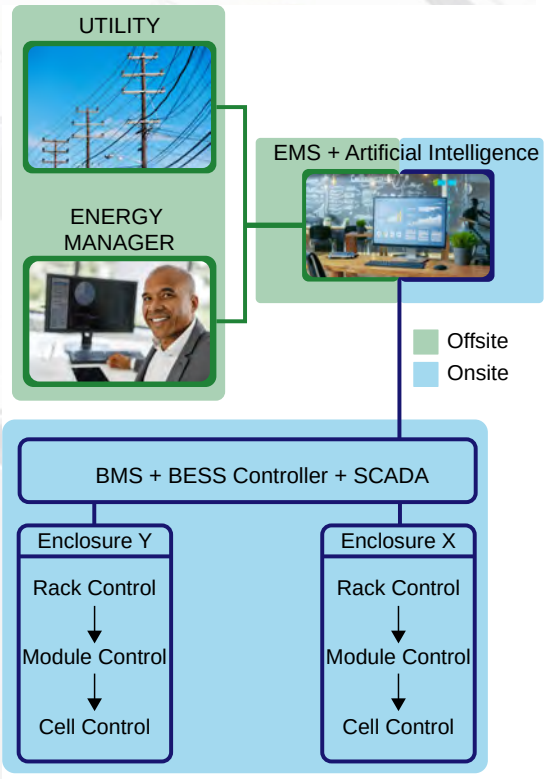


Figure 2-5

Modern ESS rely on a sophisticated controls and monitoring system wherein the system can receive signals from an energy manager or the utility and must react quickly to charge, discharge, disconnect or perform other functions without human intervention.

Fire Safety Systems

Fire safety systems (FSS) are discussed further in Section 4.3 but generally consist of several subcomponents and systems such as:

- Gas detection
- Smoke detection
- Fire/flame detection
- Alarm systems
- Fire suppression
- Ventilation systems
- Options for local Fire Department hookups (e.g., standpipe fittings)

Explosion Prevention and Control Systems

Broadly speaking, explosion control systems take one of two primary approaches that can be broadly understood as either monitoring gas levels and using ventilation to ensure that explosive gases do not accumulate or allowing such accumulation to occur and controlling any resulting deflagration in a safe manner. Most BESS will employ one, or both, of these approaches to managing explosion risk. Explosion risk and control measures are discussed further in Section 4.2.

Battery Modules

A battery module is an assembly of cells in a packaged enclosure that includes thermal barriers, thermal management systems (e.g., fans), sensors, wiring harness and a robust outer casing for protecting the cells within. In most cases, modules are assembled at the supplier factories and arrive onsite as a packaged unit that is field installed in battery racks in the enclosures.

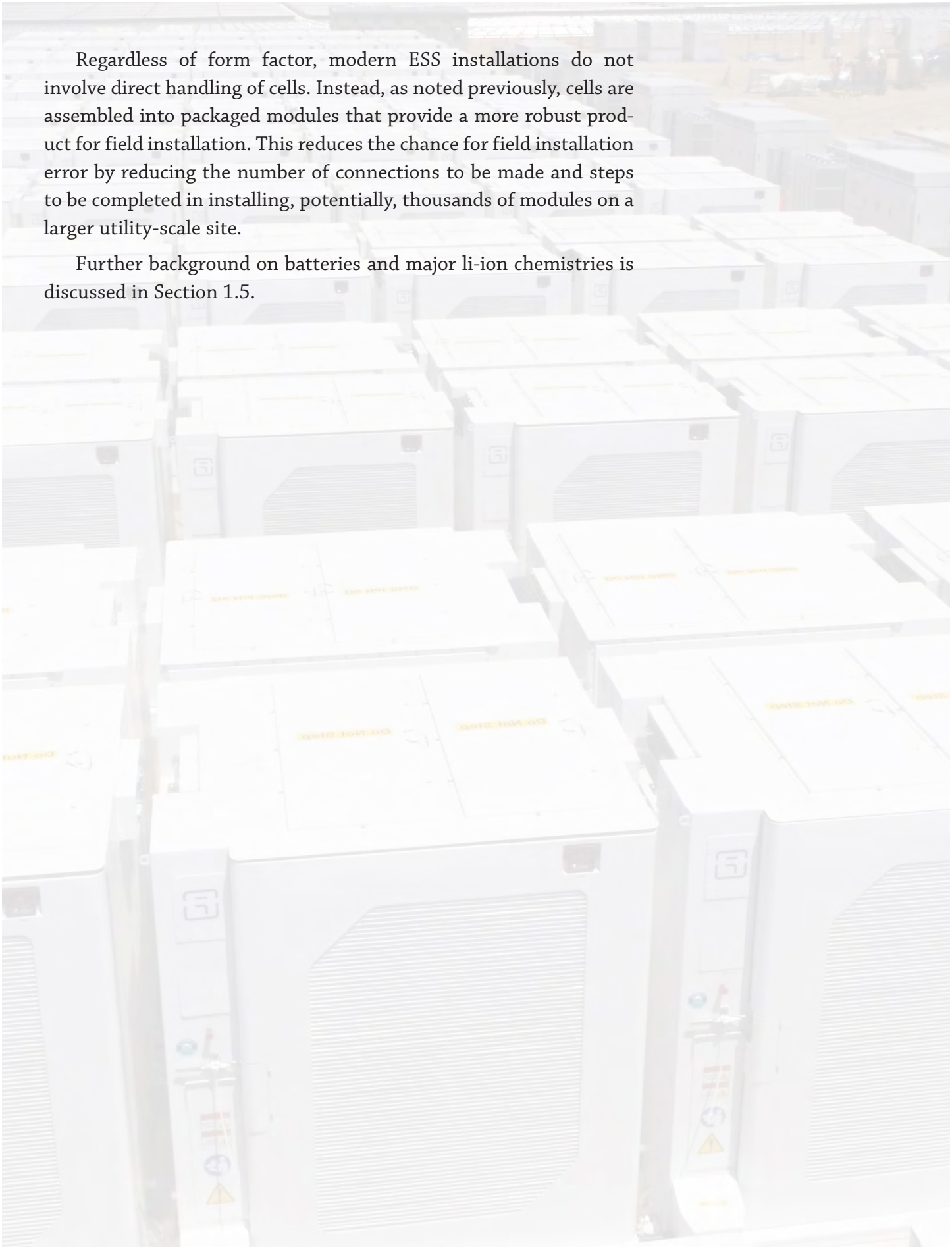
Batteries/Cells

The battery cell is the smallest discrete unit making up the direct current (DC) capacity of the BESS and they can be found in these form factors:

- Pouch: These cells contain the active materials in a semiflexible metallic pouch. Their relatively light packaging allows for greater energy density as the cells are consolidated into modules.
- Prismatic: These cells are generally rectangular and have their active materials enclosed in a rigid polymer casing.
- Cylindrical: These cells resemble the household AA cells and typically have a metallic outer shell

Regardless of form factor, modern ESS installations do not involve direct handling of cells. Instead, as noted previously, cells are assembled into packaged modules that provide a more robust product for field installation. This reduces the chance for field installation error by reducing the number of connections to be made and steps to be completed in installing, potentially, thousands of modules on a larger utility-scale site.

Further background on batteries and major li-ion chemistries is discussed in Section 1.5.



Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

Article 7.3. Siting of Solar Projects and Energy Storage Projects.

§ 15.2-2316.6. Definitions.
As used in this article, unless the context requires a different meaning:

"Energy storage facilities" means the energy storage equipment and technology within an energy storage project that is capable o absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

"Energy storage project" means the energy storage facilities within the project site.

"Host locality" means any locality within the jurisdictional boundaries of which construction of a commercial solar project or an energy storage project is proposed.

"Solar facilities" means commercial solar photovoltaic (electric energy) generation facilities. "Solar facilities" does not include any solar project that is (i) described in § 56-594, 56-594.01, 56-594.02, or 56-594.2, or (ii) five megawatts or less.

"Solar project" means the solar facilities, subject to this chapter, that are within the project site.

2020, c. 802; 2021, Sp. Sess. I, cc. 57, 58.

§ 15.2-2316.7. Negotiations; siting agreement.
A. Any applicant for a solar project or an energy storage project shall give to the host locality written notice of the applicant's intent to locate in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality.

B. The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement pla adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the applicant in the deployment of broadband, as defined in § 56-585.1:9, in such locality.

2020, c. 802; 2021, Sp. Sess. I, cc. 57, 58.

§ 15.2-2316.8. Powers of host localities.
A. The governing body of a host locality shall have the power to:

1. Hire and pay consultants and other experts on behalf of the host locality in matters pertaining to the siting of a solar project or energy storage project;

2. Meet, discuss, and negotiate a siting agreement with an applicant; and

3. Enter into a siting agreement with an applicant that is binding upon the governing body of the host locality and enforceable against it and future governing bodies of the host locality in any court of competent jurisdiction by signing a siting agreement pursuant to this article. Such contract may be assignable at the parties' option.

B. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedul a public hearing, pursuant to subsection A of § 15.2-2204, for the purpose of consideration of such siting agreement. If a majority of a quorum of the members of the governing body present at such public hearing approve of such siting agreement, the siting agreement shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is amended, revoked, or suspended.

2020, c. 802; 2021, Sp. Sess. I, cc. 57, 58.

§ 15.2-2316.9. Effect of executed siting agreement; land use approval.

A. Nothing in this article shall be construed to exempt an applicant from any other applicable requirements to obtain approvals and permits under federal, state, or local ordinances and regulations. An applicant may file for appropriate land use approvals for the solar project or energy storage project, as applicable, under the regulations and ordinances of the host locality at or after the time the applicant submits its notice of intent to site a solar project or energy storage project as set forth in subsection A of § 15.2-2316.7.

B. Nothing in this article shall affect the authority of the host locality to enforce its ordinances and regulations to the extent that they are not inconsistent with the terms and conditions of the siting agreement.

C. Approval of a siting agreement by the local governing body in accordance with subsection B of § 15.2-2316.8 shall deem the solar project or energy storage project to be substantially in accord with the comprehensive plan of the host locality, thereby satisfying the requirements of § 15.2-2232.

D. The failure of an applicant and the governing body to enter into a siting agreement may be a factor in the decision of the governing body in the consideration of any land use approvals for a solar project or energy storage project, but shall not be the sole reason for a denial of such land use approvals.

2020, c. 802; 2021, Sp. Sess. I, cc. 57, 58. 10/27/202

Ordinances

ORDINANCE AMENDING
ARTICLE II
SECTION 17-201 DEFINITIONS
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Article II, Section 17-201 "Definitions generally" be and hereby is amended by adding the following new definitions in alphabetical order:

Decommissioning plan.
A decommissioning plan specifies the procedure by which the applicant or its successor would remove a Solar Energy Facility after the end of its useful life and to restore the property for prior or future usage consistent with the Comprehensive Plan or future zoning.

Energy storage system.
Equipment, facilities, or devices capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored.

Joint and several responsibility.
With respect to Ground-mounted Large Solar Energy Facilities, wherever responsibility is assigned to two or more private parties, such as but not limited to, the operator and the landowner, the responsibility shall be construed to be jointly and severally borne by the parties assigned, and shall be so construed regardless of whether the wording is conjunctive or disjunctive.

That the definition of *Solar energy facility, large* in Article II, Section 17-201 "Definitions generally" be and hereby is repealed and re-enacted as follows:

Solar energy facility, large.
An energy conversion system consisting of photovoltaic panels, their support structures, and associated infrastructure, such as but not limited to control, conversion, and transmission hardware, and energy storage systems, occupying more than two (2) acres of total land area. "Occupying" means actual ground coverage, not acreage of the parcel on which the facility is installed.

All other definitions of Section 17-201 continue as they were, reaffirmed and unaffected.

This ordinance shall be effective from the 17th day of November 2021.

Adopted this 17th day of November 2021.

ORDINANCE AMENDING
ARTICLE VI
PORTIONS OF TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Table 17-606 "Land Use and Zoning Table" be amended by adding *Energy storage system* and *Solar energy, large installed over impervious surfaces*; and amending uses for *Solar energy large* as follows:

P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemental Standards Apply	**Table 17-606. Land Use and Zoning Table**																						
	A-1	**A-2**	**RV**	**RR-1**	**R-1**	**R-2**	**R-3**	**PSF**	**PMF**	**PG**	**R-4**	**R-5**	**MH-1**	**MHP**	**MXU**	**B-1**	**B-2**	**BX**	**PCD**	**PMR**	**I-1**	**PID**	**S-1**
Energy storage system	SU*	SU*	SU*	SU*						SU*	P*	P*			P*	SU*	SU*		P*	P*	P*	P*	SU*
Solar energy, large	SU*	SU*	SU*	SU*						SU*	P*	P*			P*	SU*	SU*		P*	P*	P*	P*	SU*
Solar energy large, installed over impervious surfaces											P*	P*				P*			P*	P*	P*	P*	P*

All other portions of Table 17-606 continue as they were, reaffirmed and unaffected.

This ordinance shall be effective from the 17th day of November 2021.

Adopted this 17th day of November 2021.

ORDINANCE
REPEALING AND RE-ENACTING
SUB-SECTION 17-607 (a)
SUPPLEMENTAL STANDARDS FOR CERTAIN LAND USES
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That the "supplemental standards for certain land uses" for *Solar energy facility, large* in sub-section 17-607 (a) be and hereby is repealed and re-enacted as follows:

Solar Energy Facility, Large.

(a) Ground-mounted:

(1) Aggregate Cap: Commencing on November 17, 2021, and continuing until amended by the Board of Supervisors, no more than 1,800 acres, in aggregate, may be approved for Large Solar Energy Facilities by special use permit.

(2) Per-Site Cap: Except as provided immediately below, no more than fifty (50) acres may be approved for an individual Large Solar Energy Facility permitted by special use permit on land zoned A-1, A-2, RV, RR-1, PG, B-1, and B-2. This 50-acre per-site cap does not apply to ground-mounted Large Solar Energy Facilities proposed to be located in planned development zoning districts, industrial zoning districts, or public service districts. Newly proposed Large Solar Facilities shall be located in near proximity to the demonstrated need based on intended customers. Newly proposed Large Solar Facilities shall be placed no closer to a pre-existing Large Solar Facility than necessary to serve those intended customers. Need may be demonstrated by indicia such as, but not limited to, subscriber interest shown at the community meeting.

(3) Exception: Up to twenty-five percent (25%) of the one thousand eight hundred (1,800)-acre Aggregate Cap, or four hundred fifty (450) acres, may be occupied by Large Solar Facilities that are comprised of more than 50 acres per site, up to a maximum per-site acreage of 150 acres.

(4) The acreage "occupied" by a Large Solar Facility shall be as shown on the site plan approved by the Board as part of the special use permit.

(5) Setbacks for a Large Solar Energy Facility requiring a special use permit:
   a. When two (2) acres to thirty (30) acres of land, inclusive, are occupied by a solar energy facility, all above-ground infrastructure shall be no less than one hundred (100) feet from property lines and no less than two hundred (200) feet from existing dwellings, reduceable by notarized consent from an adjoining property owner. Setbacks are not required among and between participating landowners' parcels.
   b. When more than thirty (30) acres of land are occupied by a solar energy facility, all above-ground infrastructure shall be no less than one hundred fifty (150) feet from property lines and shall be no less than two hundred fifty (250) feet from any existing dwellings, reduceable by notarized consent from an adjoining property owner. Setbacks are not required among and between participating landowners' parcels.
   c. Transformers shall be set back one hundred fifty (150) feet from property lines.

(6) Setbacks for a Large Solar Energy Facility installed over impervious surfaces, shall be set back ten (10) feet from public and private roads and streets.

(7) Community meeting:
   a. No more than six (6) months prior to the submittal of a special use permit application for a Large Solar Energy Facility, the applicant shall hold a meeting to inform the community about the proposed facility. This meeting shall be open to the public.
   b. Notice of the date, time, and location of the meeting; a contact name and phone number of the project representative; and a summary of the proposed facility shall be delivered by first-class mail to all property owners located within one (1) mile of the parcel boundary of the proposed facility, as noted in the Rockingham County tax records. Such notice shall be mailed not less than fourteen (14) working days prior to the community meeting.
   c. The meeting shall be held within the one (1) mile radius or at the nearest location open to the public with adequate parking and seating facilities which may accommodate persons with disabilities.
   d. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback including an indication of willingness to be a subscriber or customer of the proposed Facility, if appropriate.
   e. Upon conclusion of the community meeting, a certified mailing list of property owners notified, a sign-in sheet from the meeting, and a written summary of the meeting shall be included with the application.

(8) Vegetated buffer: If needed to mitigate off-site visual impact, as determined by the Board of Supervisors at the time of issuance of a special use permit or rezoning, a vegetated buffer of year-round effectiveness shall be installed and maintained within the setback area by the solar facility operator or landowner as follows:
   a. All plants shall be climate-hardy.
   b. No monoculture shall be permitted; at least 5 different species of shrubs and 6-foot-high trees shall be installed, with preference given to indigenous trees and shrubs.
   c. Selected species shall have mixed leaf- and branch-types of varying mature heights.
   d. Two or three of the same species shall be grouped to ensure a naturalized effect. Uniform, staggered rows of plantings are not permitted.

e. Existing vegetation in the setback area shall be supplemented with new plantings, and all existing, invasive species shall be removed prior to new plantings being installed.
f. Land within the setback, not in trees and shrubs, shall have a stabilizing ground cover.
g. Any fencing shall be located interior to the vegetated buffer.
h. Trees and shrubs are not required where utility easements cross the setback.
i. Ongoing maintenance:
    1. All vegetation (trees, shrubs, and ground covers) in the setback areas shall be maintained from installation through decommissioning. Ground covers shall provide continuous coverage for the life of the project.
    2. The solar facility operator and landowner shall manage non-invasive species and remove invasive species for the life of the project.
    3. Trees and shrubs shall be replaced if needed to maintain intended, camouflage effect.

(9) Ground cover: Ground cover shall be installed and maintained throughout the site, including the setback area, as follows:
a. Ground cover shall be climate-hardy, non-invasive, and pollinator-friendly species, with preference given to indigenous plants.
b. Shade-tolerant plants shall be installed under the solar panels.
c. Ground covers shall meet erosion and sediment control and stormwater management regulations effective at the time of site plan approval.
d. Ongoing maintenance: The solar facility operator and landowner shall manage non-invasive species and remove invasive species for the life of the project.

(10) Vegetated buffers and ground covers shall be addressed in the SUP application and on the site plan.

(11) Wildlife corridors: The establishment of wildlife corridors shall be as determined by the Virginia Department of Wildlife Resources.

(12) Historic Sites: No facility shall be located on a property in the Virginia Department of Historic Resources (VDHR) Landmarks Registry, National Registry, or within the Core Area and Field of Fire Area as designated in the Cross Keys and Port Republic Battlefields Preservation Plan.

(13) Viewshed: A viewshed simulation, from points selected by the County, shall be included in the SUP application.

(14) Tree cover: No facility shall be permitted on land that has been clear-cut or heavily timbered in the five (5) years immediately preceding the date of the application.

(15) Glare and Appearance.
a. All Large Solar Energy Facility structures, racks, and associated facilities shall have a non-reflective finish or appearance. Solar collectors shall be designed to maximize absorption and minimize glare outward toward adjoining properties and upward toward aircraft. Vehicles travelling on adjoining interstate and state-maintained roads shall also be protected from potential glare, including tractor trailer cabs.

b. The design of support buildings and related structures shall use materials, colors, textures, and landscaping that will camouflage the Large Solar Energy Facility from surrounding residences.

(16) Decommissioning.

a. Decommissioning Plan: A decommissioning plan shall be developed by the applicant, owner, or operator prior to the approval of a site plan being issued for a Large Solar Energy Facility. If the Large Solar Energy Facility is completely inactive or has substantially discontinued the delivery of electricity to a grid for a continuous 6-month period it shall be considered an inactive solar energy facility. The applicant, owner of the real estate, or owner or operator of the facility shall provide notice to Rockingham County in writing once the property becomes an inactive Large Solar Energy Facility. The decommissioning of the site shall commence within six (6) months of receipt of such notice by Rockingham County. The Decommissioning Plan shall include:
   1. Anticipated life of the solar energy facility;
   2. The estimated future cost of the decommissioning and repurposing, expressed in current dollars, by a Virginia State-licensed professional engineer;
   3. Method used to determine the estimate;
   4. The manner in which the project will be decommissioned; and
   5. The name and physical address of the person or entity responsible for the decommissioning plan.

b. Repurposing: All material removed from the site shall be transferred to a reclamation or repurposing facility that specializes in recycling, reclaiming, or repurposing solar facility materials.

c. Surety: Unless the Large Solar Energy Facility project is owned by a public utility within the Commonwealth of Virginia, the gross costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to cash or a letter of credit, bond or other guarantee issued by an entity whose debt is rated as investment grade by either Standard and Poor's or by Moody's, and posted prior to the project receiving its certificate of completion, or equivalent, from Rockingham County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner, or operator, and provided to the County. "Gross costs" shall not include a deduction for salvage value.

d. Applicant, Facility Owner and Property Owner Obligation: Within six (6) months after the cessation of use of the Large Solar Energy Facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the Large Solar Energy Facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to commence decommissioning in a timely manner so that decommissioning may be completed within six (6) months of the facility becoming an inactive Large Solar Energy Facility, the property owner shall conduct the decommissioning in accordance with the plan and may use bonded resources to do so, as approved and released by the County. Following completion of decommissioning of the entire Large Solar Energy Facility, the bond shall be released and, if the County has called upon the bond and taken control of bond resources, any remaining resources held by the County shall be distributed to the property owners in proportion to their ownership interests.

e. Applicant, Owner Default; Decommissioning by the County.
   1. If the applicant, its successor, and the property owners fail to decommission the solar energy facility within six (6) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property. The applicant, and property owners, or successors, shall be responsible for reimbursing the County for all costs and expenses of decommissioning in excess of the decommissioning surety, and all such excess amounts shall attach to the real estate as a tax lien until paid in full.
   2. Any excess decommissioning surety funds shall be released to the then owners of the property after completion of decommissioning.
   3. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County the right to access the property and the solar energy facility equipment and materials so the County can complete the decommissioning, should it choose to do so, upon the applicant's and property owners' default. Such instrument shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the applicant, operator, or property owner, including remedies under the County's zoning powers.

f. Equipment, Structure, and Building Removal: Unless otherwise approved by the County, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, regardless of depth underground, shall be removed in the removal process.

g. A Reclamation Plan shall be required as a part of the Decommissioning Plan and included for site plan approval for all large solar facilities. The Reclamation Plan shall be included in the cost estimate for the decommissioning bond. The Reclamation Plan shall include, at a minimum:
   1. All above-ground and underground infrastructure shall be removed and recycled or reused, unless a written request is received from the then current property owner proposing the retention of any infrastructure, and the request is approved by the County:
   2. Final land surface conditions (grass, trees, cropland, pasture, etc.), including the status of on-site gravel roads, if to remain;
   3. Final contours and grades; and
   4. Permanent Best Management Practices (BMPs) to remain or to be removed, based on final surface condition, with supportive calculations.

h. Partial Decommissioning: Any reference to decommissioning the Large Solar Energy Facility shall include the obligation to decommission all or a portion of the facility, whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire solar energy facility, then the partial decommissioning shall be completed in accordance with the decommissioning plan and this section for the applicable portion of the Large Solar Energy Facility.

All other sub-sections of *Solar energy facility, large* continue as they were, reaffirmed and unaffected.

This ordinance shall be effective from the 17th day of November 2021.

Adopted this 17th day of November 2021.

Policy:

Large Solar Energy Facility

Rockingham County is the top agricultural producer in Virginia and serves an international market. The County is also recognized as a premier tourist destination. The Board of Supervisors will show preference to the location of solar facilities in non-agricultural areas of the County to encourage the preservation and proper use of land to ensure a readily available source of agricultural, horticultural, and forestal products and open space.

Dual Use

Preference will be given to sites showing a dual use of the land, such as for grazing or crops and solar facilities, or parking lots and solar facilities.

Impervious Surfaces

The County encourages locating facilities on impervious surfaces in areas already developed with commercial, apartment, and industrial land uses.

Aggregate Cap

This aggregate cap is a maximum acreage, not a goal to be achieved. All projects shall undergo careful consideration.

Maximum Height

The County encourages developers to keep all parts of a Large Solar Energy Facility as close to the ground as possible, taking into account best engineering practices and possible dual use of the land. The Board of Supervisors will not look favorably upon any part of a Large Solar Energy Facility rising higher than 15 feet above the ground unless, after careful consideration on a case-by-case basis, exceeding 15 feet would better accommodate a dual use of land or other unique site characteristics.

The Board may reference the Virginia Natural Heritage Data Explorer's and ConserveVirginia's future GIS data layers to identify possible sensitive areas.

Ground Cover

The solar facility operator or landowner should consult the Virginia Pollinator Smart Program, and work with the County during the site plan development phase to determine the best options.

Historic Sites

A facility may be considered on a property within the Study Area as designated in the Cross Keys and Port Republic Battlefields Preservation Plan, so long as impacts to the battlefield commemoration that are deemed significant by the Board are mitigated to the Board's satisfaction.

The County discourages large-scale solar facilities in the near vicinity of any recognized historic resource. However, any facility adjoining a significant "Historic Resource," as designated in the Comprehensive Plan or as defined by the Virginia Department of Historic Resources shall have a vegetated buffer, and any facility in the near vicinity may be required to have a vegetated buffer.

Soils and Tree Cover

The County discourages locating solar facilities on any A-1- or A-2-zoned land that contain Prime Soils and Soils of Statewide Importance, and on wooded sites.

ORDINANCE AMENDING
ARTICLE II
SECTION 17-201 DEFINITIONS
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That the definition of *Solar energy facility, small* in Article II, Section 17-201 "Definitions generally" be and hereby is repealed and re-enacted as follows:

Solar energy facility, small.
An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying no more than 25% coverage of the parcel, not to exceed two (2) acres.

All other definitions of Section 17-201 continue as they were, reaffirmed and unaffected.

This ordinance shall be effective from the 17th day of November 2021.

Adopted this 17th day of November 2021.

ORDINANCE
REPEALING AND RE-ENACTING
SUB-SECTION 17-607 (a)
SUPPLEMENTAL STANDARDS FOR CERTAIN LAND USES
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That the "supplemental standards for certain land uses" for *Solar energy facility, small* in sub-section 17-607 (a) be and hereby is repealed and re-enacted as follows:

Solar Energy Facility, Small.

(a) Ground-mounted:

(1) Setbacks for Small Solar Energy facility, occupying between a half-acre and two acres:

a. A Small Solar Energy Facility shall be located at least 100' from existing dwellings not on the same parcel as the facility.
b. Setback distance is reduceable by notarized consent from the owner(s) of the dwelling.

(2) Setbacks for Small Solar Energy Facility panels, occupying less than a half-acre:

a. When total Small Solar Energy Facility panel area is 580 square feet or less, the solar array shall meet the same setback as accessory structures that are less than 580 square foot.
b. When total Small Solar Energy Facility panel area is more than 580 square feet and less than a half-acre, the solar array shall meet the same setbacks as primary structures.

(3) Maximum Height: No part of a Small Solar Energy Facility shall exceed 15' in height.

All other sub-sections of *Solar energy facility, small* continue as they were, reaffirmed and unaffected.

This ordinance shall be effective from the 17th day of November 2021.

Adopted this 17th day of November 2021.

Hanover County Solar and Energy Storage Policy

Adopted August 23, 2023

Table of Contents

Section 1: Introduction

The rapid deployment of Solar Photovoltaic Electric Power Generation facilities (Solar), Battery Energy Storage Systems (BESS) and other alternative energy producing technologies within the Commonwealth of Virginia is a direct result of federal and state government responses to climate change and the goal of reducing harmful greenhouse gases. The General Assembly passed the Clean Economy Act in 2020 which was signed into law by Governor Northam on April 11, 2020. This legislation requires 100 percent of Virginia's electricity to come from carbon-free sources by 2050, which include solar, wind, hydro, waste to energy/landfill gas, and biomass fired facilities. That transition is well underway.

The 2020 Virginia Clean Economy Act ("VCEA"), Va. Code § 56-585.5, requires Dominion Energy and Appalachian Power Company to construct or acquire significant solar and storage resources by 2035. Importantly, the statute requires that the majority of these new resources must be located in the Commonwealth.

Solar facilities that are properly sited can provide benefits to the County including:

- A local source of zero emissions electric energy production
- Long term reliable energy source (the Sun)
- Can be paired with BESS to stabilize and provide resiliency to the local distribution grid
- Providing a local revenue generator
- Providing a quiet land use
- Low traffic generator

One of the greatest challenges with solar energy production is that it is very land-intensive, requiring approximately 5-10 acres to produce one megawatt of electricity. A 25-megawatt solar generating installation requires between 125 and 250 acres. By contrast, Dominion's Greensville Power Station, which uses natural gas to generate electricity, has a rated capacity of 1,588 megawatts and a footprint of approximately 55 acres.

Due to the impacts to land use, this Policy is an attempt to balance the future need for solar facilities while addressing how to harmoniously incorporate them into the County so as to maintain Hanover's rural and agricultural character.

Section 2: Purpose

The purpose of this policy is to establish the framework to provide guidance on the siting and design recommendations for solar installations within the County. Due to the amount of land that is required for these uses, it is anticipated that most installations will be located in the more rural portions of the County. The recommendations provided herein are intended to guide the location and development standards for solar facilities while striving to maintain our rural character and protect our historic, natural, cultural, and scenic resources. The provisions are also intended to meet the goals of planning and zoning under the Code of Virginia and to provide for the health, safety, and general welfare of our community.

The policy will not only guide the siting, location, and land use decisions related to Solar facilities but also address fiscal policies to ensure the siting, permitting, and revenue generation of these facilities occurs in an objective and reasonably predictable manner.

Section 3: Definitions

Battery Energy Storage System (BESS): One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Kilowatt (KW): a unit of power equal to one thousand watts.

Megawatt (MW): a unit of power equal to one million watts.

Solar Energy Facility, accessory: A facility that uses photovoltaic (PV) materials and technology to produce heat, electricity or both that is designed and intended to primarily serve the thermal or electricity needs of the property on which it is located, and any excess power generated by the facility may be sold to a public service corporation (i.e., net metering). These facilities are limited to producing no more than 25 kW of electricity, and may be roof mounted or ground mounted.

Solar Energy Facility, principal: A facility that uses photovoltaic (PV) materials and technology for the wholesale generation and distribution of electricity from sunlight. On-site components may include solar panels and other accessory components including, for example, transformers, transmission lines, and other improvements necessary to support the power generation, collection and transmission. Energy is delivered for uses in location(s) other than where it is generated. These facilities can be utility or small scale facilities and produce greater than 2 MW of electricity.

Solar Energy Facility, supplementary: A facility that uses photovoltaic (PV) materials and systems, along with related on-site facilities, to generate electricity from sunlight, to use sunlight as a direct energy source for heating or cooling of water or buildings, or to produce power by converting, collecting or transferring solar generated power. The facility may be used for on-site consumption and for the wholesale generation and distribution of electricity to a public service corporation. These facilities are limited to producing no more than 2 MW of electricity, and may be roof mounted or ground mounted.

Solar Facility, Small Scale: A solar photovoltaic electric power generating facility with a rated capacity of between 2 megawatts and 5 megawatts.

Solar Facility, Utility Scale Solar: A solar photovoltaic electric power generating facility with a rated capacity of greater than 5 megawatts.

Section 4: Solar Facilities

There are a variety of solar facilities that are being used to help meet the goals of the Commonwealth's Clean Energy Policies. Some of these facilities are designed to provide energy for primarily on-site consumption, other larger facilities are designed for wholesale generation and distribution, and some are a hybrid of both.

This policy will provide guidance to support the County's handling of four types of categories of solar facilities:

- Those designed primarily for <u>on-site consumption</u> (accessory uses):
    - Solar Energy Facility, accessory – Roof-mounted
    - Solar Energy Facility, accessory – Ground-mounted

- Those designed for on-site consumption and wholesale generation and distribution:
    - Solar Energy Facility, Supplementary

- Those designed solely for wholesale generation and distribution:
    - Utility Scale Solar – greater than 5 megawatts
    - Small Scale Solar – between 2 megawatts and 5 megawatts

- Those designed for energy storage:
    - Battery Energy Storage System

Section 4.1: Solar Facilities –Accessory

These facilities are designed primarily for generating energy for on-site consumption and are considered an accessory use. They may be roof-mounted or ground-mounted. The Code of Virginia requires on-site consumption facilities to be allowed by-right, but the installations must comply with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to Virginia Code § 15.2-2306.

4.1.a. Solar Energy Facility, Accessory, Roof Mounted

Solar Energy Facility, Accessory, Roof Mounted Standards	
Facility	Facility shall be designed primarily to serve the property on which it is located and is limited to producing no more than 25 kW of electricity
Zoning	Allowed by right in all zoning districts
Permits	A building permit is required
Height	Facility shall not extend more than 12 inches above the roof surface at maximum tilt and shall not extend further than 12 inches from boundary of the building. Solar shingles are considered to be the roof and are not subject to this requirement. In no case shall the height of the solar panels exceed the maximum building height permitted in the zoning district.

4.1.b. Solar Energy Facility, Accessory, Ground Mounted

Solar Energy Facility, Accessory, Ground Mounted Standards	
Facility	Facility shall be designed primarily to serve the property on which it is located and is limited to producing no more than 25 kW of electricity
Zoning	Allowed by right in all zoning districts
Permits	A building permit is required.

Height	Panels shall not extend more than 12 feet in height at full tilt above finished grade of the ground
Setback	Must meet building setbacks of the zoning district in which it is located
Screening	Screening from roadways and adjoining property lines is required Screening shall consist of a staggered double row of evergreen trees, planted 8 feet on center

Section 4.2: Solar Facilities – Supplementary

These facilities are not the principal use for the site but are designed for both on-site consumption and for a limited amount of energy for wholesale generation and distribution. These would be accessory uses.

4.2.a. Solar Energy Facility, supplementary

Solar Energy Facility, Supplementary Standards	
Zoning	Ground-mounted allowed as an accessory use with a Conditional Use Permit in the A-1 Agricultural District and Industrial Districts. Must meet height and setbacks of the zoning district. Roof-mounted allowed by right in Industrial Districts and with a Conditional Use Permit in the A-1 Agricultural District.
Standards	Strategies in this Policy Document related to Solar Energy Facility, accessory, Small Scale or Utility Scale should be applied, as appropriate based on the predominant use of the facility
Size	• These facilities are limited to producing no more than 2 MW of electricity • The aggregate area used for installation and operation of a supplementary solar energy facility shall not exceed ten percent of the property on which the facility is located, provided that where rooftops of buildings containing a permitted use are used to house components of the facility, the aggregate area may be increased by the square footage of those buildings. • Roof top panels, shall not extend more than 12 inches above the roof surface at maximum tilt and shall not extend further than 12 inches from boundary of the building. A Special Exception would be required to increase the height. • Where multiple ground-mounted supplementary solar energy facilities adjoin, or are interconnected, and the total area of combined facilities exceeds ten acres, they shall be considered a principal solar energy facility and subject to applicable standards and regulations.

Section 4.3: Solar Facilities – Principal – Wholesale Generation and Distribution

These facilities are what are often termed "solar farms." They are land intensive and there are different State and Federal regulatory requirements based on the amount of megawatts that are produced on site. There are two types of principal solar energy facilities:

- Utility Scale Solar greater than 5 megawatts
- Small Scale Solar – between 2 megawatts and 5 megawatts

Due to the large land area required for these uses and the potential impacts to adjacent properties, detailed guidance has been developed for these uses.

Section 4.3.a. Solar Energy Facilities – Utility Scale

Solar Energy Facility – Utility Scale Standards	
Megawatts	Greater than 5 MW
Comprehensive Plan Designation	Use may be considered throughout the County except the following: • Area designations intended primarily for commercial and industrial uses in the Suburban Service Area. • Areas that are designated Parks and Natural Conservation Areas on the Comprehensive Plan. • Areas that are approved Agricultural and Forestal Districts.
Zoning	May only be permitted in the A-1, Agricultural District, and requires a conditional use permit
Maximum Size	No facility shall be larger than 1000 acres (within the fenced area)
Distance Separation	To avoid clustering of principal solar facilities, special consideration should be given to providing adequate spacing between solar energy facilities
Farmland Preservation	Site shall be evaluated to determine the impacts to Prime Agricultural Lands and/or Lands of Statewide Significance. Solar energy facilities should limit the amount of facilities in these locations.
Evaluation Considerations	Conformity with this Policy and the Comprehensive Plan. Adjacency to scenic roads, Federal Parks, County Parks, or National Register Historic Districts are generally discouraged without additional mitigation measures to address impacts. Properties that are currently forested are discouraged for solar facilities.
Locations	Alternative and innovative locations are encouraged. Locating on less desirable lands such as closed landfills or other constrained sites are encouraged.

Section 4.3.b. Solar Energy Facilities – Small Scale

Solar Energy Facility – Small Scale Standards	
Megawatts	Five megawatts or less
Comprehensive Plan Designation	Use may be considered throughout the County except the following: • Area designations intended primarily for commercial and industrial uses in the Suburban Service Area. • Areas that are designated Parks and Natural Conservation Areas on the Comprehensive Plan • Areas that are approved Agricultural and Forestal Districts.
Zoning	May only be permitted in the A-1, Agricultural District, and requires a conditional use permit
Distance Separation	To avoid clustering of principal solar facilities, special consideration should be given to providing adequate spacing between solar energy facilities.
Evaluation Considerations	Conformity with this Policy and the Comprehensive Plan Adjacency to scenic roads, Federal Parks, County Parks, or National Register Historic Districts are generally discouraged without additional mitigation measures to address impacts.
Locations	Alternative and innovative locations are encouraged. Locating on less desirable lands such as closed landfills or other constrained sites is encouraged.

4.3.c. Site Design Standards applicable to Utility and Small-Scale Solar Energy Facilities:

Site Design Standards Utility and Small-Scale Solar Energy Facilities	
Buffer	The solar facility operational area, to include any buildings, structures, equipment, parking, and disturbed areas, shall have a minimum buffer of: • 150’ from any other property line or road • 100’ from RPA wetlands, rivers, streams or other environmentally sensitive features • 50’ from any wetland not associated with an RPA • Panels, cabinets, or other associated equipment, exclusive of utility poles, wires, cables, and access roads must be 25’ from any required buffer
Buffers/Landscaping	Buffer Standards a. 50-150’ Buffer Width

- No clearing or grading allowed within buffer
- No removal of healthy vegetation allowed within the buffer
- A Tree Protection Plan, which includes fencing, signage and inspections as laid out in the Planting Standards, is required for all existing vegetation being utilized to meet any buffer requirements

b. Buffer Planting Supplementation
   - Forested Buffers need no supplementation provided:
     i. The buffer area is covered with at least 75% of natural established vegetation
     ii. The existing plant material is mature and in healthy condition
     iii. The existing plant material consists of a mix of evergreen and deciduous trees
     iv. Any existing trees used to satisfy this requirement must have the entirety of their canopies located within the buffer area
     v. There is an established understory of small trees and shrubs, both evergreen and deciduous, to provide significant buffering at the lower forested area
   - Supplementation for buffers that do not meet all or some of the requirements listed above:
     i. Forested Buffers with no understory buffering as listed in (v) – to be established along the inside or outside buffer line in a staggered pattern and placement, as follows per every 100' of buffer length -
        - 3 small deciduous understory trees
        - 3 small evergreen trees
        - 5 large shrubs
        - 10 small to medium shrubs
     ii. Forested Buffers with no evergreen tree component – to be established along the inside or outside buffer line in a staggered pattern and placement, as follows per every 100' of buffer length
        - 4 large evergreen trees
        - 6 small evergreen trees
     iii. Forested Buffers with no deciduous tree component
        - This does not represent an established mature buffer. Forested areas with only evergreen trees are considered pioneer growth and will need to meet the full buffer supplementation requirements outlined below. The existing evergreen trees can be used to meet this requirement.
     iv. Buffer Supplementation for buffers with immature, inadequate or unhealthy existing vegetation – with a staggered pattern and placement, as follows per every 100' of buffer length
        - Plantings should be clustered within the buffer with no vegetative gaps of 10 or more linear feet or the existing stand of trees have no branches or understory growth lower than six feet from the ground
        - Clusters to be of no more than 50' in width

	○ 2 Large Deciduous Trees ○ 4 Small Deciduous Trees ○ 6 Large Evergreen Trees ○ 8 Small Evergreen Trees ○ 7 large shrubs ○ 15 Small to medium shrubs ○ Existing healthy vegetation can be used to meet this requirement. *Tree sizes would be regulated based on Section 26-265. Standards for trees and shrubs used in buffers. • Maintain Existing Mature Vegetation. The preservation of existing trees and shrubs within required buffers shall be maximized. All trees located within a buffer shall be retained unless removal is necessary to accommodate vehicular access and/or utilities that run generally perpendicular through the buffer. • Surety for Landscaping. Prior to the approval of a plan of development, surety shall be provided for any landscaping plantings or improvements proposed for buffers or screening. • Landscape Maintenance: A landscape maintenance schedule shall be included as part of the landscape plan to ensure planted materials remain viable. A landscape maintenance plan shall be required which outlines measures for the regular trimming and mowing of the site. • Site Stabilization: Pollinator and other ecologically friendly and beneficial ground covers that promote wildlife habitats and forage are required to be planted on 30 percent of the total site area.
Height limitations	Excluding transmission utility poles serving the site, no buildings, structures, solar panel arrays or other equipment utilized on the site shall exceed 20 feet in height.
Access	In addition to, or as a part of, any road access approved in coordination with the County and VDOT, access to the property shall be provided for Hanover County Fire-EMS. The location and design of access roads interior to the site necessary for the passage of emergency services and necessitated county inspections shall also be established during site plan approval.
Underground utilities	All new transmission and distribution lines should be placed underground except for lines which are solely the subject of the State Corporation Commission jurisdiction or otherwise required by the Commission, and except where necessary to connect to the existing utility lines. Exceptions may be granted by the Director of Planning during the site plan review process where the applicant can demonstrate that placing the lines underground will: • Create environmental harm such as the disturbance of Chesapeake Bay Resource Protection Areas • The placement of underground lines is not feasible to topographical or other site conditions.

	• Financial consideration should not be the sole reasoning for not placing lines underground
Security fencing	Security fencing and gates shall be provided for areas of facility operation. Fencing shall be located on the inner edge of the buffer (edge furthest from the property line) when possible. Maximum height for fencing shall be eight (8) feet and should include wildlife friendly design where appropriate.
Lighting	Where required, site lighting shall meet the requirements of Article 5, Division 6, Lighting Requirements of the Hanover County Zoning Ordinance with regard to: • Off-site light trespass • The use of full cutoff lighting • Reduction of site lighting during nighttime hours to a minimum necessary to maintain safety
Land Disturbance and inspection	Land disturbance activity shall be limited to no more than 100 acres at a time unless a greater amount is permitted at the time of plan review by the Director of Planning. Such areas of disturbance shall be stabilized prior to continuing further land disturbance activity in additional areas. Land disturbance activities and stabilization shall be supervised by a third-party engineer or other qualified individual as approved by the Director of Planning, and weekly reports of activities, as well as the final stabilization report, shall be submitted for approval by the Director of Planning. All fees associated with any third-party review shall be the responsibility of the registered land disturber.
Phasing	Solar applications shall include a phasing plan if the project is to be phased.
Decommissioning	A Decommissioning Plan and Performance Agreement is required to include: a. Removal of all materials and equipment include cabling and wiring, both above and below ground b. Restoration of the property to its predevelopment condition including: • Soil remediation including de-compaction to ensure agricultural soils are able to support crops or pastureland • Reforestation of areas where tree clearing has occurred c. An estimate of the gross cost for the complete removal of Solar facility and all associated infrastructure, the cost of soil remediation, and the cost of reforestation. o The cost estimate shall not include credits for the resale or salvage of the equipment and materials. o Cost estimates shall be itemized by decommissioning task d. Reimbursement of the County by the Solar provider for an independent review and analysis by a professional engineer of the cost estimate.

	e. Financial surety to Hanover County in an amount sufficient to undertake decommissioning activities should the owner default in its decommissioning responsibilities f. The decommissioning cost estimate shall be updated every five (5) years and adjusted for inflation. The value of the surety shall be increased to an amount equal to the inflation-adjusted cost estimate g. Decommissioning shall commence within six (6) months after the facility ceases to produce any electricity for the distribution system to which it was connected. The site shall be maintained in accordance with the required landscaping maintenance plan as long as the facility is producing any electricity.

4.3.d. Environmental Considerations applicable to Utility and Small Scale Solar Facilities:

Since Utility and Small Scale Solar projects involve a large footprint with significant land disturbance, potential environmental impacts should be evaluated during the review process in conjunction with state wildlife and environmental agencies. Sites should be designed to minimize impacts to prime agricultural soils, wildlife, and other natural features. A comprehensive environmental site analysis ("Site Analysis") shall accompany all applications for a Conditional Use Permit to include identification and assessment of the following:

Environmental Considerations Utility and Small Scale Solar	
Wetlands, Floodplains and Water Quality	• Disturbance of Resource Protection Areas (RPA) and Non-RPA wetlands, and flood plains are to be avoided. • Riparian buffers of at least 100' wide should be provided and protected during construction.
Threatened and Endangered (T&E) Species	A threatened and Endangered (T&E) species screen from Department of Wildlife Resources (DWR) is recommended to confirm there are no T&E species present. If present, the project shall incorporate recommendations of DWR in minimizing any impact.
Cultural and historical resources and scenic roads	To the extent practical, such resources shall remain undisturbed. If project is in close proximity to unique resources such as a century farm, historic resource, or scenic road, special consideration shall be given to provide additional setbacks or screening to minimize impacts. Protection of viewsheds is strongly encouraged.

4.3.e. Additional Considerations applicable to Utility and Small Scale Solar Facilities:

The Code of Virginia permits local governing bodies to include in the conditions of approval for a conditional use permit or special exception conditions that include (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such conditions are reasonably related to the project. The goal of this policy is to address on-site and off-site

impacts from Solar facilities through the standards set forth in the policy and other conditions of approval as warranted.

Section 4.4: Solar Facilities – Battery Energy Storage Systems (BESS)

BESS has the potential to bring many benefits to Hanover residents and businesses which include:

- Providing additional capacity during peak power demand
- Increasing grid resiliency, including preventing power outages in times of high demand (for instance, summer afternoon)
- Energy costs lower for large customers utilizing BESS via lower demand charges
- Improving power quality
    - Shifting energy demand times and reducing variability between when energy is produced and when energy is needed
    - Flattening the demand curve, thereby increasing the available power on the grid when needed most
    - Making renewable energy more cost competitive – allowing for more diverse energy generators & increasing local energy production
    - Load-shifting – ensuring that the grid is never burdened with too much or too little energy.
- Local revenue generator
- Scalable
- Quiet
- Small – a typically one megawatt storage facility is smaller than a standard shipping container
- Low traffic generator, little maintenance required due to small size and remote monitoring

To promote the development of BESS technology in Hanover County the Board of Supervisors adopted Ordinance 22-08, Battery Energy Storage Systems on November 9, 2022.

Battery Energy Storage Systems (BESS)	
Comprehensive Plan Designation	May be considered in agricultural and industrial districts only.
Evaluation Considerations	Conformity with this Policy and the Comprehensive Plan
Locations	• Avoid siting in residentially zoned areas. • Front of the meter Tier 2 BESS sites shall be confined to the agricultural and industrial zoning districts only. In commercial zones areas, Tier 2 BESS shall be limited to behind-the-meter use by the customer.

	• Locate BESS in proximity to the distribution network: BESS sites will ideally be located within two miles of the electric distribution network. • Co-location of Tier 2 BESS with other solar facilities are encouraged.
Underground Utilities	All new transmission and distribution lines shall be placed underground except for lines which are solely the subject of the State Corporation Commission jurisdiction, and except where necessary to connect to the existing utility lines. Exceptions may be granted by the Director of Planning during the site plan review process where the applicant can demonstrate that placing the lines underground will: • Create environmental harm such as the disturbance of Chesapeake Bay Resource Protection Areas • The placement of underground lines is not feasible to topographical or other site conditions.
Environmental Considerations	• Minimize disturbance of agricultural soils: For sites greater than 10 acres, no more than 20 percent of soils on selected sites designated as Prime Agricultural or of Statewide Importance shall be developed for BESS within areas designated for Agricultural uses in the General Land Use Plan. • Critical Resources: Maintain adequate buffers around environmentally sensitive features and historic and cultural resources. • The removal or destruction of these features should be avoided.
Setbacks	Establish significant setbacks from the public right of way and adjacent properties. • Setback no less than 100‘ should be maintained along the frontage of public roads and property lines adjacent to residential properties • Setback no less than 50’ from all other property lines.
Screening and Buffering	Where appropriate, vegetated screening and buffering shall be required to minimize the visual impacts: • The use of naturally vegetated buffers is encouraged. • Additional vegetated screening meeting the intent of this policy may be required to reduce or eliminate visual impacts where little or no existing vegetation is located. • Where supplemental planting is required, native species are to be used. • Preserve natural vegetation.
Landscaping Maintenance and Bonding	• A landscape maintenance schedule shall be included as part of the landscape plan to ensure planted materials remain viable. o The maintenance plan shall also outline measures for the regular trimming and mowing of the site. o All landscaping shall be bonded to ensure it will be replaced within a specified period of time should the initial planting fail.

Height	Structures other than utility poles should be limited to no more than 20 feet in height.
Lighting	Where required, site lighting shall meet the requirements of Article 5, Division 6, Lighting Requirements of the Hanover County Zoning Ordinance with regard to: • Off-site light trespass • The use of full cutoff lighting • Reduction of site lighting during nighttime hours to security levels
Security Fencing	Required fencing shall be installed.
Public Safety	• Pre-Incident Plan: BESS developers shall coordinate with Hanover Fire-EMS to develop a pre-incident plan for responding to fires, explosions, and other emergency conditions associated with the BESS installation. • Education for Fire-EMS: The BESS developer shall be responsible for educating Hanover Fire-EMS on methods for responding to fires and incidents associated with the particular technology.
Decommissioning	A Decommissioning Plan and Performance Agreement is required to include: • Removal of all materials and equipment include cabling and wiring, both above and below ground • Restoration of the property to its predevelopment condition including: o Soil remediation including de-compaction to ensure agricultural soils are able to support crops or pastureland o Reforestation of areas where tree clearing has occurred • An estimate of the gross cost for the complete removal of Solar facility and all associated infrastructure, the cost of soil remediation, and the cost of reforestation o The cost estimate shall not include credits for the resale or salvage of the equipment and materials. o Cost estimates shall be itemized by decommissioning task • Reimbursement of the County by the Solar provider for an independent review and analysis by a professional engineer of the cost estimate. • Financial surety to Hanover County in an amount sufficient to undertake decommissioning activities should the owner default in its decommissioning responsibilities • The decommissioning cost estimate shall be updated every five (5) years and adjusted for inflation. The value of the surety shall be increased to an amount equal to the inflation-adjusted cost estimate. • Decommissioning shall commence within six (6) months after the facility ceases to produce electricity for the distribution system to which it is connected.

Section 5: Fiscal Considerations

The Code of Virginia authorizes local governments to use one of two approaches to tax property associated with solar facilities. Local government may use ratios specific to photovoltaic equipment assessment and apply the machinery and tools tax rate (or, for projects of five megawatts or less, a rate equal to or less than the County's real estate tax rate), or they may apply a simple revenue share which is based on the facility's megawatt structure. The County must choose one approach and implement that approach consistently to all solar facilities.

In Hanover County, Business Personal Property Returns must be filed annually by May 1. Returns filed after May 1 are assessed with a late filing fee. Businesses that do not file a return receive a statutory assessment by the Hanover County Commissioner of the Revenue. Regardless of the assessment methodology, owners of the solar facility must file business personal property returns in accordance with the guidelines published by the Commissioner of the Revenue. The Commissioner of the Revenue will then assess the property based on the Code of Virginia and the Hanover County Code to produce the annual tax liability.

Hanover County will assess tax liability for solar and energy storage systems as part of the machinery and tools tax classification of business personal property. The limitations on taxation and specific guidelines on assessment methodologies and tax exemptions are outlined in the State Code and will be adopted as a local ordinance as well. The assessment framework is outlined below:

- Solar systems equaling 5MW or less, approved by the County before July 1, 2022, are exempt from local taxation and may not be made subject to any revenue share ordinance the County may adopt.
- Solar systems equaling 5MW or less, approved by the County on or after July 1, 2022, are only partially exempt from local taxation (80 percent of assessed value is exempt the first five years; 70 percent of assessed value is exempt the second five years in service; and 60 percent of assessed value is exempt for all remaining years in service), and the applicable tax rate cannot exceed the County's real estate tax rate. The County may opt to adopt a revenue share ordinance and apply the revenue share provisions in lieu of taxation.
- For solar systems greater than 5MW, the exemptions are the same: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service. The County again may choose to adopt a revenue share ordinance and apply the revenue share provisions in lieu of taxation.
- For BESS, the exemption for energy storage systems "(i) shall apply only to projects greater than five megawatts and less than 150 megawatts, as measured in alternating current (AC) storage capacity, and (ii) shall be in the following amounts: 80 percent of the assessed value in the first five years of service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service." Va. Code § 58.1-3660. G.
- The exemption for energy storage systems greater than 5 MW AC shall not apply unless an application has been filed with the locality for the project before July 1, 2030. Va. Code § 58.1-3660. H.

To ensure that the impacts–both on-site and off-site–of solar facilities are appropriately mitigated or otherwise addressed, Hanover County will use options set out in the Code of Virginia, including the following:

a. Applicants for solar projects or energy storage projects of greater than 5 megawatts may meet with County staff prior to application being placed on a Planning Commission agenda to negotiate a siting agreement as permitted by Virginia Code §15.2-2316.7. Siting agreements shall address issues including, but not limited to, financial compensation (if any) to the County, the timing of payments required by the siting agreement, the required finding that the project is substantially in accord with the County's Comprehensive Plan, the timing of application submissions, and cooperation between the applicant and the County on federal and state approvals.

b. For projects where it is determined that financial compensation to the County is appropriate to address the impacts anticipated by the solar facility, funds should designated for uses permitted by the Code of Virginia, including (1) capital needs set out in the County's capital improvement plan, the County budget, or the County's fiscal fund balance policy, or (2) assistance in the development of broadband, as defined in § 56-585.1:9 of the Code of Virginia.

   Any agreement shall provide that the Board will make the final determination as to where to spend any such funds, subject to appropriations and any limitations set forth in the Code of Virginia.

c. For projects that require the rezoning of land or the issuance of a conditional use permit or special exception, conditions should be tailored to fully address the impacts of a facility on the community and the County at large.

d. For projects 5 MW or less, the applicant may choose to negotiate a siting agreement with the County. If they do not do this, the application will need to be reviewed to determine if it is Substantially in Accord with the Comprehensive Plan.

Financial compensation negotiations would be based on a per Megawatt cost derived from a calculation linked to the County's Capital Improvement Plans, past and future, specifically focusing on projects relating to broadband and public safety. Depending on the location of the facility, other capital projects may be considered for financial impacts as allowed by state Code.

The per megawatt value will be adjusted annually by the Energy Services Index, which is a subsidiary of the Consumer Price Index (CPI). The per megawatt value will be recalculated every three years by revaluating the five year average of the total general fund Capital Improvement Plan projects as related to broadband, public safety and any other projects deemed applicable by the Board.

O23-01

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 16th day of May, 2023:

MEMBERS:	VOTE:
Dr. R. Pamela Yeung, Chairman	No
Thomas C. Coen, Vice Chairman	Yes
Tinesha O. Allen	Absent
Meg Bohmke	Yes
Darrell E. English	Yes
Monica L. Gary	Yes
Crystal L. Vanuch	Yes

On motion of Ms. Bohmke, seconded by Ms. Gary, which carried by a vote of 5 to 1, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-25 "DEFINITIONS OF SPECIFIC TERMS;" SEC. 28-35, "TABLE OF USES AND STANDARDS;" AND SEC. 28-39 "SPECIAL REGULATIONS" TO AMEND THE DEFINITION FOR PUBLIC UTILITIES AND ESTABLISH STANDARDS FOR SOLAR FACILITIES AND ENERGY STORAGE FACILITIES

WHEREAS, Stafford County Code does not define solar facilities or energy storage facilities (Solar Facilities) nor does it provide for development standards or regulations for such uses; and

WHEREAS, the Board desires to establish zoning and development standards for Solar Facilities; and

WHEREAS, upon the Board's request, the Planning Commission and staff developed proposed definitions and regulations for Solar Facilities in Stafford County; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require the adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that Stafford County Code Sec. 28-25, "Definitions of specific terms;" Sec. 28-35, "Table of uses and standards;" and Sec. 28-39 "Special regulations," be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

Sec. 28-25. - Definitions of specific terms.

When used in this chapter, the following terms shall have the meanings herein ascribed to them:

Decommission. The removal and proper disposal of solar energy equipment, facilities, or devices on real property subject to Code of Virginia § 15.2-2232, as amended, which includes the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including soil stabilization and revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

Decommissioning agreement. A written agreement between the county and an owner, lessee, or developer regarding removal and proper disposal of solar energy equipment, facilities, or devices on real property.

Energy storage facility. Energy storage equipment and technology capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

Solar facility. A commercial facility primarily consisting of activities, applications or devices designed to convert sunlight to electricity for storage and/or distribution from one property to other properties through a utility grid. Solar facility excludes residential or non-residential properties containing solar technology used to generate electricity for use on-site only.

Solar panel. A panel designed to absorb the sun's rays as a source of energy for generating electricity or heat.

Solar project site. The parcel(s) on which an energy storage facility or solar facility is located.

Sec. 28-35. - Table of uses and standards.

Table 3.1. District Uses and Standards

A-1 Agricultural.

(b) *Conditional use permit:*

Energy storage facility.

Solar facility.

M-1 Industrial Light.

(b) *Conditional use permit:*

Energy storage facility.

Solar facility.

M-2 Industrial, Heavy.

(b) *Conditional use permit:*

Energy storage facility.

Solar facility.

Sec. 28-39. - Special regulations.

(z) ~~reserved.~~ Special provisions applicable to solar facilities and energy storage facilities.

(1) Such projects shall be located within two and one-half (2.5) miles of electric transmission lines.

(2) Solar panels shall cover no more than eighty percent (80%) of the total land area of the solar project site.

(3) The solar project site shall have access to a major collector road (or higher) as designated in the comprehensive plan unless the board of supervisors finds the amount of traffic generated by the project is such that frontage on a public road with a lesser designation will not cause an undue impact on neighboring properties or adversely affect safety or road usage.

(4) All equipment shall be placed at least one hundred (100) feet from any property line or habitable structure located on adjacent properties unless such modification is approved by the board of supervisors.

(5) All equipment and panels shall be at least five hundred (500) feet from the edge of any right-of-way identified as a Corridor of Statewide Significance by the state, unless such modification is approved by the board of supervisors. The setback may be modified by the board of supervisors upon demonstration that the panels

will not impact the viewshed from the identified corridor.

(6) Solar panel components shall have a UL listing and shall be designed with an anti-reflective coating. Individual arrays/solar panels shall be designed and installed in order to prevent glare toward buildings on adjacent properties and nearby vehicular traffic.

(7) The solar project site shall be enclosed with chain link fencing not less than six (6) feet in height, include an appropriate anti-climbing device, and shall be secured with gates. Fencing shall be installed on the interior of the buffer required in subsection (z)(8) below.

(8) A vegetated buffer shall be required around the solar project site consisting of a landscaped strip at least fifty (50) feet wide measured from each boundary line of the solar project site around the entire perimeter. The solar project site shall be landscaped and maintained with a buffer of plant materials that are mature enough to effectively screen the view to eight (8) feet above ground level of the solar panels from adjacent properties all year round. Non-invasive plant species, pollinator–friendly and wildlife-friendly native plants, shrubs and trees shall be used.

(9) The solar project site, including the area underneath the solar panels, shall be vegetated. Solar panels shall be adequately spaced to ensure sufficient sunlight penetration to promote vegetation growth.

(10) When a buffer is not required based on the results of a viewshed analysis, buffer requirements may be reduced or eliminated when the adjoining property is subject to an active agricultural use and the reduction or elimination is approved by the board of supervisors.

(11) All newly installed utilities, including but not limited to electric or fiber lines, serving the solar project site shall be placed underground.

(12) Any change of ownership or management of the solar facility or energy storage facility shall be reported to the zoning administrator within ninety (90) days of such change.

(13) The zoning administrator shall be notified in writing at least one hundred eighty (180) days in advance of any intent to repower the facility. Such notification shall include full details for the proposed changes to the site for review and may require new permits, inspections or a site plan.

(14) Conditional use permits applicable to solar facilities and energy storage facilities may include conditions permitted by Virginia Code § 15.2-2288.8, as amended.

(15) A proposed decommissioning agreement shall be submitted as part of the conditional use permit application. Decommissioning shall include the removal of all solar panels, collectors, cabling, electrical components, fencing and all other associated equipment, facilities and structures to a depth of at least thirty-six (36) inches from the ground surface of the property with site rehabilitation establishing preconstruction conditions of the solar project site.

In addition to the terms required by Virginia Code § 15.2-2241.2, such agreement, which shall be recorded in the land records of the Stafford County Circuit Court, shall include the following:

a. A description of any agreement (e.g. lease) with all landowners regarding decommissioning shall be included on the site plan;
b. The identification of the party currently responsible for decommissioning;
c. The types of panels and material specifications used at the project site;
d. Standard procedures for removal of facilities and project site rehabilitation, including, but not limited to, recompacting, planting and reseeding;
e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade; and
f. A deadline for completion of decommissioning.

(16) The zoning administrator shall be notified in writing within thirty (30) days of the abandonment or discontinuance of the solar facility or energy storage facility use.

A Copy, teste:

Randy Vosburg

Randal E. Vosburg
County Administrator

REV:KCB:dm

ARTICLE V.II. - SOLAR ENERGY FACILITIES

Sec. 53-153. - Purpose and intent.

The purpose of this article is to provide for and regulate the siting, development, construction, installation, operation, and decommissioning of solar energy facilities in the county in a manner that promotes economic development and the safe, effective, and efficient use of such facilities while protecting the health, safety, and welfare of the community and avoiding adverse impacts on county resources. The intent of this article is to encourage solar energy facilities in a manner that promotes the development of renewable energy sources while limiting impacts on natural resources, including pollinator and wildlife habitats, and existing agricultural, forestal, residential, commercial, industrial, historical, cultural, and recreational uses of property or the future development of such uses of property in the county. This article is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This article does not supersede or nullify any provision of local, state, or federal law that applies to solar energy facilities.

(Ord. No. 2017-3, § 1, 11-6-2017)

Sec. 53-154. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant. The person or entity who submits an application to the county for a zoning permit or conditional use permit, as the case may be, to site, develop, construct, install, and operate a solar energy facility under this article.

Facility owner. The person or entity that owns all or a portion of the solar energy facility, whether or not it owns the site on which the facility is located.

Integrated PV. Photovoltaics incorporated into building materials, such as shingles.

Large scale solar energy facility. A renewable energy project that either: (1) generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures and facilities within the boundaries of the site, or (2) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy. The term applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems. The term excludes, however, facilities that meet any of the following criteria: (1) it has a project area equal to or less than one acre, (2) it has a rated capacity equal to or less than 200 kilowatts (kw), (3) it is mounted on or over a building, parking lot, or other previously disturbed area, or (4) it utilizes integrated PV only.

Operator. The person or entity responsible for the overall operation and management of the solar energy facility, if different than the facility owner.

Photovoltaic or *PV.* Materials and devices that absorb sunlight and convert it directly into electricity.

Previously disturbed. Any area of a site that has undergone mechanical land-forming, construction, or demolition activities within the past 50 years.

Project area. The area within a site used for the construction and operation of the solar energy facility.

Rated capacity. The maximum capacity of a solar energy facility based on the sum total of each photovoltaic system's nameplate capacity.

Site. The property containing a solar energy facility.

Site owner. The person or entity that owns all or a portion of the site, if different than the facility owner.

Small scale solar energy facility. A solar energy facility that: (1) has a project area of one acre or less; (2) has a rated capacity of 200 kw or less; (3) is mounted on or over a building, parking lot, or other previously disturbed area, or (4) utilizes integrated PV only.

(Ord. No. 2017-3, § 1, 11-6-2017)

Sec. 53-155. - Applicability; permitting.

The requirements set forth in this article shall govern the siting, development, construction, installation, operation, and decommissioning of solar energy facilities in the county. A conditional use permit is required for each large scale solar energy facility proposed to be constructed, installed, or operated in the county. A zoning permit is required for each small scale solar energy facility proposed to be constructed, installed, or operated in the county. Use regulations for specific zoning classifications will state if small scale solar energy facilities are permitted in a particular zoning district as a matter of right and if large scale solar energy facilities are permitted in a particular zoning district subject to the issuance of a conditional use permit. For large scale solar energy facilities, the general procedures for applying for a conditional use permit shall apply in addition to the requirements of this article.

(Ord. No. 2017-3, § 1, 11-6-2017)

Sec. 53-156. - Applications, procedures and requirements for small scale solar energy facilities.

For proposed small scale solar energy facilities, the applicant shall submit a project narrative and site plan that comply with subsections (a) and (b) in section 53-157. The signage, noise, and lighting requirements in section 53-158 shall apply to all small scale solar energy facilities. The fencing requirement and the height restriction in section 53-158 shall apply to all ground-mounted small scale solar energy facilities. The setback, vegetative buffering, and pollinator habitats requirements in section 53-158 shall

apply to all small scale solar energy facilities in the A-1 district. Small scale solar energy facilities are required to have a decommissioning plan and security that comply with subsection (d) of section 53-157. The zoning administrator may require additional information from the applicant to determine whether the facility meets these requirements and qualifies as a matter of right as a small scale solar energy facility.

(Ord. No. 2017-3, § 1, 11-6-2017)

Sec. 53-157. - Applications and procedures for large scale solar energy facilities.

In addition to materials required for a conditional use permit application under sections 53-11 and 53-155, applications for large scale solar energy facilities shall, unless otherwise provided herein, include the following information:

(a) *Project narrative.* A narrative identifying the applicant, facility owner, site owner, and operator, if known at the time of the application, and describing the proposed large scale solar energy facility, including an overview of the project and its location; the size of the site and the project area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum rated capacity of the facility; the approximate number, representative types and expected footprint of solar equipment to be constructed, including without limitation photovoltaic panels; ancillary facilities, if applicable; and how and where the electricity generated at the facility will be transmitted, including the location of the proposed electrical grid interconnection.

(b) *Site plan.* The site plan shall include the following information:

(1) Property lines, minimum required setback lines under this article, and any proposed setback lines that exceed the minimum requirements.

(2) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.

(3) Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, turnout locations, and parking, including written confirmation from the Virginia Department of Transportation (VDOT) that all entrances satisfy applicable VDOT requirements; provided, however, these requirements shall not exceed VDOT requirements for other types of projects in the underlying zoning district.

(4) Proposed locations and maximum heights of substations, electrical cabling from the solar systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable setbacks).

(5) Fencing as required under this article and other methods of ensuring public safety.

(6) Areas where the vegetative buffering required in this article will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers required in this article will be installed and

maintained.

(7) Existing wetlands, woodlands and areas containing substantial woods or vegetation.

(8) Identification of recently cultivated lands and predominant soil types (based on publicly available data) of those lands.

(9) Additional information may be required, as determined by the zoning administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, aerial image or map of the site, and additional information that may be necessary for a technical review of the proposal. The planning commission or board of supervisors may require other relevant information deemed to be necessary to evaluate the application.

(c) *Documentation of right to use property for the proposed facility.* Documentation shall include proof of control over the proposed site or possession of the right to use the proposed site in the manner requested. The applicant may redact sensitive financial or confidential information.

(d) *Decommissioning plan; security.*

(1) The applicant shall provide a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the solar energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned pursuant to section 53-160. The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the zoning administrator, provided the update shall be no more frequently than once every five years and no less frequently than once every ten years.

(2) Prior to operation, the applicant must provide security in the amount of the estimated cost of the decommissioning. Options for security include a cash escrow, a performance surety bond, a certified check, an irrevocable letter of credit, or other security acceptable to the county in an amount equal to the estimated decommissioning cost developed and updated in accordance with the decommissioning plan acceptable to the county. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the county if the estimated cost of decommissioning the facility changes. The security must be renewed or replaced if necessary to account for any changes in the total estimated overall decommissioning cost

in accordance with the periodic updated estimates required by the decommissioning plan. Obtaining and maintaining the requisite security will be a mandatory condition of the conditional use permit. The security shall be in favor of the county and shall be obtained and delivered to the county before any construction commences.

(3) The decommissioning plan, cost estimates, and all updates of those plans and estimates shall be sealed by a professional engineer.

(e) *Liability insurance.* The applicant shall propose a reasonable amount of liability insurance that the applicant deems adequate to cover operations at the large scale solar energy facility. The applicant shall provide proof of such reasonable and adequate liability insurance for the large scale solar energy facility prior to the issuance of a building permit. Obtaining and maintaining the requisite liability insurance will be a mandatory condition of the conditional use permit.

(f) *Landscaping and screening plan.* The applicant must submit a landscaping and screening plan that addresses the vegetative buffering required in this article, including the use of existing and newly installed vegetation to screen the facility. The plan also must address the use of pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers in the project area and in the setbacks as required by the zoning administrator under this article.

(g) *Erosion and sediment control plan.* An erosion and sediment control plan must be approved by either the soil and water conservation district or county staff prior to any land disturbing activity.

(h) *Stormwater management plan.* A stormwater management plan must be approved by the department of environmental quality prior to any land disturbing activity.

(i) *Virginia Cultural Resource Information System report.* A report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System must be submitted to identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.

(j) *Additional information.* If deemed relevant to the consideration of a conditional use permit application or the conditions to be included in any conditional use permit, the zoning administrator, planning commission or board of supervisors may require the applicant to submit any of the following information, either as part of the conditional use permit application or as a condition of any conditional use permit:

(1) As a condition of the conditional use permit, the applicant will be required to submit a construction plan, including a proposed construction schedule and hours of operation, before obtaining a building permit.

(2)

The identification and location of any existing large scale solar energy facilities and any known proposed large scale solar energy facilities within a five-mile radius of the proposed site.

(3) A report of impact on adjacent property values prepared by a qualified third-party, such as a licensed real estate appraiser.

(4) An economic impact analysis prepared by a qualified third-party that reports any expected change in the value of the subject property, expected employment during the construction of the facility, any expected impact on the county's tax revenues, the estimated costs to the county associated with the facility in the form of additional services, and information on any other economic benefits or burdens from the facility that may be requested by the zoning administrator.

(5) A copy of the cultural resources review conducted in conjunction with the state department of historic resources for the permit by rule process shall be submitted by the applicant prior to the issuance of a building permit. This report shall be in addition to the report required in subsection (j)(1) and shall further identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.

(6) A report on the potential impacts on wildlife and wildlife habitats at the site and within a two-mile radius of the proposed facility using information provided by the state department of game and inland fisheries or a report prepared by a qualified third-party.

(7) A glint and glare study that demonstrates either that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations, or that the applicant will use all reasonably available mitigation techniques to reduce glint and glare to the lowest achievable levels. The study will assess and quantify potential glint and glare effects and address the potential health, safety, and visual impacts associated with glint and glare. Any such assessment must be conducted by qualified individuals using appropriate and commonly accepted software and procedures.

(k) *Review fees.* The county may retain qualified third-parties to review portions of a permit application that are outside the county's areas of expertise and do not have adequate state and federal review. Any out-of-pocket costs incurred by the county for such review by qualified third-parties shall be paid by applicant. The third party reviewers and their estimated costs will be submitted to applicant for approval before the costs are incurred. The county may, in the alternative, accept such review by qualified third-parties selected, retained and paid by the applicant.

(l) *Community meeting.* A public meeting shall be held prior to the public hearing with the planning commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility. The meeting shall adhere to the following:

(1) The applicant shall inform the zoning administrator and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date;

(2) The date, time and location of the meeting shall be advertised in a newspaper of record in the county by the applicant, at least seven but no more than 14 days, in advance of the meeting date;

(3) The meeting shall be held within the county, at a location open to the general public with adequate parking and seating facilities that will accommodate persons with disabilities;

(4) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback; and

(5) The applicant shall provide to the zoning administrator with a summary of any input received from members of the public at the meeting.

(m) *Exemptions.* The zoning administrator may exempt applications for facilities smaller than four acres with a rated capacity equal to or less than one megawatt (MW) from some of the requirements of this section; provided, however, the zoning administrator may not exempt applications from any of the requirements included in section 53-156.

(n) *Post-application documentation and approvals.* All documentation required to be submitted to and approvals required from the county after the issuance of the permit shall, unless otherwise stated in the conditions attached to the conditional use permit, be submitted or obtained no later than the date of any application for a building permit for the facility. The failure or refusal to submit required documentation or obtain required approvals following the issuance of a conditional use permit shall result in the suspension of the conditional use permit and the denial of the building permit.

(Ord. No. 2017-3, § 1, 11-6-2017; Ord. No. 2021-9, § 1, 4-5-2021)

Sec. 53-158. - Location, appearance, and operational requirements.

The following requirements apply to large scale solar energy facilities:

(a) *Visual impacts.* The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare. The applicant shall provide written certification from a qualified expert acceptable to the county that the facility's panels incorporate and utilize anti-glare technology and anti-reflective coatings and reduce glint and glare to levels that meet or exceed industry standards.

(b) *Signage.* All signage on the site shall comply with the county sign ordinance, as adopted and from time to time amended.

(c) *Noise.* Noise levels from the facility shall comply at all times with the county noise ordinance, as adopted and from time to time amended.

(d) *Setbacks.* The project area shall be set back a distance of at least 150 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 100 feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant, and all interior lot lines within the project area. Increased setbacks up to 300 feet and additional buffering may be included in the conditions for a particular permit. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.

(e) *Fencing.* The project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anticlimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all times while the facility is in operation.

(f) *Vegetative buffer.* A vegetated buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least 15 feet wide, shall be located within the setbacks required under subsection (d), and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a conditional use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight feet within three years. The planning commission or board of supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. Until such time as the vegetative buffer completely screens the solar energy facility from the view of adjacent property owners, the owner and/or operator shall use green privacy slats in the required fencing. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the planning commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote

healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.

(g) *Pollinator habitats.* The project area will be seeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers as required by the zoning administrator. The project area will be seeded promptly following completion of construction in such a manner as to reduce invasive weed growth and sediment in the project area. The owners and operator also are required to install pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers in the setbacks and vegetative buffering.

(h) *Height.* Ground-mounted solar energy generation facilities shall not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid.

(i) *Lighting.* Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall comply with any dark skies ordinance the board of supervisors may adopt or, from time to time, amend.

(j) *Density; location.* Large scale solar energy facilities shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations. In addition, no more than five percent of the land in a five-mile radius of the project area of any existing large scale solar energy facility may be approved for use as the project area for a new large scale solar energy facility, except as provided herein. Notwithstanding the foregoing maximum density, the board may, in compelling circumstances deemed appropriate by the board, approve a conditional use permit for large scale solar energy facilities that exceed the maximum density set forth in the preceding sentence.

(k) *Entry and inspection.* The owners and/or operator will allow designated county officials access to the facility for inspection purposes, provided such inspectors will be subject to the owners' and/or operator's safety requirements and protocols while within the facility.

(Ord. No. 2017-3, § 1, 11-6-2017; Ord. No. 2018-2, § 1, 2-5-2018; Ord. No. 2021-9, § 1, 4-5-2021; Ord. No. 2021-36, § 1, 12-6-2021)

Sec. 53-159. - Additional considerations for conditions.

To preserve and protect county viewsheds and resources, to protect the health, safety, and welfare of the community, and to otherwise advance the purpose and intent of this article, the following non-exhaustive list of additional criteria may be considered by the planning commission and the board of supervisors in

addressing whether to recommend or grant a permit, and what conditions to impose on any permit, for a large scale solar energy facility:

(a) The topography of the site and the surrounding area.

(b) The proximity of the site to, observability from, and impact on urban and residential areas.

(c) The proximity of the site to, observability from, and impact on areas of historical, cultural, and archaeological significance.

(d) The proximity of the site to other large scale solar energy facilities, other energy generating facilities, and utility transmission lines.

(e) The proximity of the site to, observability from, and impact on areas of scenic significance, such as scenic byways, vistas, and blueways.

(f) The proximity of the site to, observability from, and impact on public rights-of-way, including but not necessarily limited to highways, secondary roads, streets, and scenic byways.

(g) The proximity of the site to, observability from, and impact on recreational areas, such as parks, battlefields, trails, lakes, rivers, and creeks.

(h) The proximity of the site to airports.

(i) The preservation and protection of wildlife and pollinator habitats and corridors.

(j) The proximity of the site to any urban planning area or community planning area identified in the comprehensive plan.

(k) The size of the site.

(l) The proposed use of available technology, coatings, and other measures for mitigating adverse impacts of the facility.

(m) Any other criteria addressed in sections 53-157 and 53-158 of this article.

(n) The preservation and protection of prime farmland in the county, provided that:

(1) "Prime farmland" shall have the meaning assigned to it by the Natural Resource Conservation Service of the United States Department of Agriculture, except that lands established in silvaculture shall not be considered prime farmland;

(2) If no more than ten percent of the site is prime farmland, this consideration will be waived;

(3) If more than ten percent of the site is prime farmland that is not contiguous, this consideration may be waived;

(4) If more than ten percent of the site is prime farmland that is contiguous, the prime farmland can be removed from the project area; and

(5) The board of supervisors may waive any or all of the foregoing.

(o)

The proposed dedication of real property of substantial value or substantial cash payments for, or proposed construction of, substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as reasonably related to the project.

The enumeration of these criteria shall not prohibit the planning commission or board of supervisors from considering other factors deemed relevant to a specific conditional use permit application based on the details of the application. Nothing herein shall limit in any manner the nature and scope of reasonable conditions that may be recommended by the planning commission or imposed by the board of supervisors.

(Ord. No. 2017-3, § 1, 11-6-2017; Ord. No. 2021-9, § 1, 4-5-2021)

Sec. 53-160. - Unsafe or abandoned projects; decommissioning.

(a) If a solar energy facility has been determined to be unsafe by the county building official, the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owners or operator. The owners or operator must complete the repair or removal of the facility, as directed by the building official, within the time period allowed by the building official. If directed to do so by the building official, the owners or operator will remove the solar energy facility in compliance with decommissioning plan established for such facility.

(b) If any solar energy generation facility is not operated for a continuous period of 12 months, the county may notify the facility owner by registered mail and provide 45 days for a response. In its response, the facility owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action to be unreasonable, it may notify the facility owner, and the facility owner, site owner, or operator shall remove the solar energy facility in compliance with decommissioning plan established for such facility.

(c) At such time that a solar energy facility is scheduled to be abandoned, the facility owner, site owner, or operator shall notify the zoning administrator in writing.

(d) Within 365 days of the date of abandonment, whether as declared by the county under subsection (b) or as scheduled by the owners or operator under subsection (c), the facility owner, site owner, or operator shall complete the physical removal of the solar energy facility in compliance with decommissioning plan established for such facility. This period may be extended at the request of the owners or operator, upon approval of the board of supervisors.

(e) When the facility owner, site owner, operator, or other responsible party decommissions a solar energy facility, he shall handle and dispose of the equipment and other facility components in conformance with federal, state, and local requirements. All equipment, both above and below ground, must be removed as part of the decommissioning plan. Internal paths, roads, travelways, and landscaping may be left at the discretion of the site owner.

(f) If the facility owner, site owner, or operator fails to timely remove or repair an unsafe or abandoned solar energy facility after written notice, the county may pursue a legal action to have the facility removed at the expense of the facility owner, site owner, or operator, each of whom shall be jointly and severally liable for the expense of removing or repairing the facility. The county also may call upon the decommissioning security to remove the facility.

(Ord. No. 2017-3, § 1, 11-6-2017)

Sec. 53-161. - Federal, state, and local requirements.

(a) *Compliance with uniform statewide building code.* All solar energy facilities shall be constructed and operated in compliance with the uniform statewide building code.

(b) *Compliance with National Electric Code.* All solar energy facilities shall be constructed and operated in compliance with the National Electric Code.

(c) *Compliance with regulations governing electric energy supply.* Large scale solar energy facilities connected to the utility grid must comply with permitting requirements of the state corporation commission or the permit by rule requirements of the department of environmental quality, as applicable.

(d) *FAA regulations.* All solar energy facilities must meet or exceed the standards and regulations of the Federal Aviation Administration.

(e) *Other applicable laws.* All solar energy facilities shall be constructed and operated in compliance with all applicable local, state, and federal laws, rules, regulations, permit requirements, and ordinances.

(Ord. No. 2017-3, § 1, 11-6-2017)

Sec. 53-162. - Revenue sharing.

(a) In accordance with the authority granted localities pursuant to Code of Virginia § 58.1-2636, all solar energy facilities shall be assessed a revenue share of $1,400.00 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the facility based on submissions by the facility owner to the interconnecting utility, on any solar photovoltaic (electric energy) project.

(b) For purposes of this section, "solar photovoltaic (electric energy) project" shall not include any project that is (i) described in § 56-594, 56-594.01, or 56-594.2 or Chapters 358 and 382 of the Acts of Assembly of 2013, as amended; (ii) 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; or (iii) five megawatts or less.

(Ord. No. 2021-13, § 1, 4-5-2021)

Secs. 53-163—53-173. - Reserved.

An Ordinance to Amend and Reenact the Following Sections of the Sussex County Code, Appendix B, Zoning: Article I, Section 16-1 Definitions and Article XXIII, Solar and Battery Facilities, Supplementary Use Regulations.

WHEREAS, the Board of Supervisors of Sussex County, Virginia, has the legislative authority to make reasonable changes to the ordinances that govern the orderly growth and development of Sussex County; and

WHEREAS, the Sussex County Board of Supervisors is also concerned about the compatibility of uses on public and private lands within Sussex County and seeks to allow flexibility in the administration of the ordinance regulations while protecting the health, safety, and general welfare of present and future residents and businesses of the County.

NOW, THEREFORE, BE IT ORDAINED by the Sussex County Board of Supervisors that Appendix B, Zoning, Article I, Section 16-1 Definitions be amended and reenacted to add the following definitions:

Sec. 16-1 Definitions (add these definitions)

2232 review means the review required by the Code of Virginia (section 15.2-2232) for features not shown on the adopted master plan, including public utility facilities.

Acreage coverage means the total acres covered by PV pods, buildings, inverters, a substation, battery storage, ancillary equipment, and fencing around these items but excluding wildlife corridors, mandated setbacks, wetlands, and other avoided natural or cultural features outside of security fencing on the project site.

Applicant means the person or entity who submits an application to the locality for a permit under this ordinance.

Battery storage facility means a type of energy storage power station that uses a group of batteries to store electrical energy as a source of power on electrical grids.

Battery energy storage facilities (battery facilities) means one or more battery cells for storing electrical energy stored in a Battery Energy Storage System ("BESS") with a Battery Management System ("BMS"). Facilities are generally used to supplement grid storage capacity. Battery facilities may be permitted as:

- an accessory use to utility-scale solar facilities, other energy generation facilities, or substations; or

- a primary use on a parcel contiguous to utility-scale solar facilities, other energy generation facilities, and substations.

Brownfield means former industrial or commercial sites typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

Decommissioning and reclamation plan means a plan to disconnect, remove, and properly dispose of equipment, facilities, or devices and reclaim the site.

Disturbance zone means the area within the site directly impacted by construction and operation of the facility.

Electric power plant means a facility designed and operated for the generation and distribution of electricity for the primary purpose of selling electricity generated to the electric power grid, including facilities which use fossil fuels, solar energy, hydroelectric energy, geothermal energy, biomass energy or wind energy as a resource. This definition does not apply to on-site generation equipment when such use is an accessory use.

Integrated PV means photovoltaics incorporated into building materials, such as shingles.

Operator means the person responsible for the overall operation and management of a facility.

Owner means the person who owns all or a portion of a facility.

Photovoltaic or "PV" means materials and devices that absorb sunlight and convert it directly into electricity.

PV pod means contiguous rows of solar panels or other photovoltaic materials/devices, including the space between rows, fenced together in a group. A solar facility is typically comprised of multiple pods.

Rated capacity means the maximum capacity of a solar facility based on the sum total of each photovoltaic system's nameplate capacity.

Reclamation means the employment, during and after an operation, of procedures reasonably designed to minimize as much as practicable the disruption from an operation and provide for the establishment of plant cover, stabilization of soil, protection of water resources, or other measures appropriate to the subsequent beneficial use of the affected lands. Reclamation shall comply with all State and Federal regulations related to air quality, water quality and water law, and stormwater.

Site means the entire area containing a facility.

Siting agreement means an agreement entered into between the Applicant and the County as defined in the Code of Virginia (section 15.2-2316).

Solar energy generating facilities (solar facilities) means photovoltaic devices, inverters, a substation, ancillary equipment, buildings, security fencing, access roads, setbacks and screening on the site.

Solar facility, community means a facility that generates electricity from sunlight that was not constructed by an investor-owned utility that will be part of an investor-owned utility's community solar pilot program. A community solar facility does not exceed two megawatts (2 MW) alternating current. This facility type is a subset of either rooftop, small-scale, medium-scale, or utility-scale solar facility.

Solar facility, floating means a floating facility that generates electricity from sunlight. This facility type is a subset of either small-scale, medium-scale, or utility-scale solar facility.

Solar facility, medium-scale means a ground mounted facility that generates electricity from sunlight on a facility area between one to ten acres or having a rated capacity of between 250 kW to one megawatt (MW) alternating current (excluding Solar facility, multi-family shared). Facilities are generally used to reduce onsite consumption of utility power for agricultural, commercial, and industrial applications.

Solar facility, multi-family shared means a ground-mounted facility that generates electricity from sunlight that was not constructed by an investor-owned utility and that will be part of an investor-owned utility' multi-family shared solar pilot program. A multi-family shared solar facility does not exceed three megawatts (3 MW) alternating current at any single location or that does not exceed five megawatts (5 MW) alternating current at contiguous locations owned by the same entity or affiliated entities, serves at least three subscribers, is connected to the electric distribution grid, and is located on a parcel of land on the premises of the multi-family utility customer or adjacent thereto.

Solar facility, power purchase agreement (PPA) means a facility that generates electricity from sunlight that was not constructed by an investor-owned utility and that will be part of an investor-owned utility's power purchase agreement solar pilot program. A facility has capacity of no less than 50 kilowatts and no more than three megawatts (3 MW) alternating current. This facility type is a subset of either rooftop, small-scale, medium-scale, or utility-scale solar facility.

Solar facility, rooftop means a rooftop PV or integrated PV facility that generates electricity from sunlight as an accessory use.

Solar facility, shared means a facility that generates electricity from sunlight that was not constructed by an investor-owned utility that will be part of an investor-owned utility's shared solar pilot program. A shared solar facility does not exceed five megawatts (5 MW) alternating current, serves at least three subscribers, has at least 40 percent of its capacity subscribed by customers with subscriptions of 25 kilowatts or less, is connected to the electric distribution grid serving the public, and is located on a single parcel. This facility type is a subset of either rooftop, small-scale, medium-scale, or utility-scale solar facility.

Solar facility, small-scale means a ground-mounted facility that generates electricity from sunlight on a facility area of less than one acre or having a rated capacity of less than 250 kW alternating current (excluding Solar facility, multi-family shared). Facilities are generally used to reduce onsite consumption of utility power for residential, agricultural, commercial, and industrial applications.

Solar facility, utility-scale means a ground-mounted facility that generates electricity from sunlight on a facility area of not less than 65 acres based upon the 100 acre minimum area requirement contained in Section 16-406(b)(1). In no case shall any utility-scale facility have a maximum coverage area more than 65% in accordance with Section 16-406(b)(2). This size is approximately equivalent to a rated capacity of about one megawatt (MW) alternating current or greater (excluding Solar facility, multi-family shared). Facilities are generally used to provide electricity to a utility provider. These facilities typically include inverters, a substation, a switchyard, and a generator lead line (gen-tie line) to interconnect to a grid transmission line

NOW, THEREFORE, BE IT ORDAINED by the Sussex County Board of Supervisors that Appendix B, Zoning, Article XXIII, Solar and Battery Facilities be amended and reenacted as follows:

Sec. 16-401 Statement of intent

The purpose of this section is to establish requirements for construction and operation of solar and battery facilities and to provide standards for the placement, design, construction, monitoring, modification, and removal of solar facilities; address public safety, minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.

Sec. 16-402 Applicability

This article shall apply to all solar and battery facilities constructed after the effective date of this article, including any physical modifications to any existing solar facilities that materially alter the type, configuration, or size of such facilities or other equipment.

Sec. 16-403 Zoning districts

(a) Rooftop and small-scale solar facilities may be installed by-right in all zoning districts as an accessory use to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State, and Local regulations have been followed; and the system is located upon the property or structure being served. Rooftop facilities on commercial or industrial buildings shall also submit an engineering study to the Building Official Office for review and approval.

(b) Medium-scale solar facilities may be installed by-right as an accessory use in the Industrial Districts to provide electricity for use on-site for commercial and industrial applications; provided a site plan has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; the system is located on the property or structure to be served; and the system is in accord with the underlying zoning requirements of the districts.

(c) Solar facilities shall be permitted in zoning districts as follows:

Solar Facility	General Agricultural, A-1	Limited Industrial, I-1	General Industrial, I-2	Residential Multi-Family, R-1
Multi-family shared	CUP	CUP	CUP	CUP
Medium-scale	CUP	By-right	By-right	-
Utility-scale	CUP	CUP	CUP	-

(d) Battery facilities shall be subject to a Conditional Use Permit and permitted as follows:
1. An accessory use to utility-scale solar facilities, other energy generation facilities, or substations; or
2. A primary use on a parcel contiguous to utility-scale solar facilities, other energy generation facilities, and substations.

Battery Facility	General Agricultural, A-1	Limited Industrial, I-1	General Industrial, I-2	Residential Multi-Family, R-1
Primary use	CUP	CUP	CUP	-
Accessory use	CUP	CUP	CUP	CUP

(e) Solar facilities should locate on brownfields, County-owned capped landfills, or near existing industrial uses, where feasible.

Sec. 16-404 Conditional Use Permit process

(a) Pre-application meeting. A pre-application meeting shall be held with the zoning administrator to discuss the location, scale, and nature of the proposed use, what will be expected during that process, and the potential for a siting agreement.

(b) Neighborhood meeting. A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.

1. The applicant shall inform the Zoning Administrator's Office and adjacent property owners in writing of the date, time, and location of the meeting at least seven but no more than 14 days in advance of the meeting date.
2. The date, time, and location of the meeting shall be advertised in the County's newspaper of record by the applicant at least seven but no more than 14 days in advance of the meeting date.
3. The meeting shall be held within the County at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
4. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback.
5. The applicant shall provide to the Zoning Administrator a summary of any input received from members of the public at the meeting.

(c) Submittal of the permit application and fees.
1. There is a combined application for the 2232 review and CUP permit.
2. There are separate fees for the 2232 review and CUP permit.

1. (d). 2232 review. The *Code of Virginia* §15.2-2232 requires a review of public utility facility proposals by the Planning Commission to determine if their general or approximate location, character, and extent are substantially in accord with the Comprehensive Plan or part thereof.
2. 1. The Planning Commission must determine, at a public meeting, whether the project is in substantial accord with the Comprehensive Plan. Failure of the Planning Commission to act within 60 days of submission, unless the time is extended by the Board of Supervisors, shall be deemed approval.
3. a. If the Planning Commission approves the 2232 review, the project shall be recommended for a public hearing for the CUP permit. b.
4. If the Planning Commission does not approve the 2232 review, the applicant may appeal the decision to the Board of Supervisors within 10 days after the decision of the Planning Commission. The appeal shall be by written petition to the Board of Supervisors setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing unless the time is extended by the applicant. A majority vote of the Board of Supervisors shall overrule the Planning Commission.
   2. If the Board of Supervisors agree to negotiate a Siting Agreement in accordance with Code of Virginia § 15.2-2316.8, the 2232 review process may be delayed until negotiations are complete. If the siting agreement is approved, it fulfills the requirement for a 2232 review.

3. Consideration of the Conditional Use Permit by the Planning Commission. The Planning Commission must consider the Conditional Use Permit application at a public hearing. The Planning Commission has three options:

1. Recommend approval of the application to the Board of Supervisors to include recommendation conditions, if applicable.2. Recommend denial of the application to the Board of Supervisors with written reasons for its decision.
3. Defer the application for further discussion and consideration.

4. Consideration of the Conditional Use Permit by the Board of Supervisors. The Board of Supervisors must consider the Conditional Use Permit application at a public hearing. The Board of Supervisors has three options:

    1. Approve the application to include recommended conditions, if applicable.
    2. Deny the application with written reasons for its decision.
    3. Defer the application for further discussion and consideration.

5. Siting agreement. The process may also include negotiating a Siting Agreement in accordance with Code of Virginia § 15.2-2316.8. The Board of Supervisors must consider the Siting Agreement at a public hearing. An approved siting agreement fulfills the requirement for a 2232 review (§ 15.2-2232).

Sec. 16-405 Conditional Use Permit application

(a) Application packet including:
    1. Completed County application form and checklist.
    2. Documents demonstrating the ownership of the subject parcel(s).
    3. Proof that the applicant has authorization to act upon the owner's behalf.
    4. Identification of the intended utility company who will interconnect to the facility.
    5. List of all adjacent property owners, their tax map numbers, and addresses.
    6. A description of the current use and physical characteristics of the subject parcels.
    7. A description of the existing uses of nearby properties.
    8. A narrative identifying the applicant, owner, or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.
    9. Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.
    10. Payment of the application fee and any additional review costs, advertising, or other required staff time.

(b) Concept plan. A concept plan prepared by an engineer with a professional engineering license in the Commonwealth of Virginia, that shall include the following:

    1. Project title information including tax parcel number, zoning, owner names, address, and phone numbers.
    2. Neighboring property information including tax parcel number, zoning, and owner names.
    3. Existing wetlands, waterways, and floodplains.
    4. Locations and types of soils on site.
    5. Areas of steep slopes.
    6. Existing and proposed buildings and structures including preliminary locations of the proposed solar panels and related equipment.

7. Existing and proposed points of ingress/egress including access roads, drives, turnout locations, and parking.
8. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
9. Fencing or other methods of ensuring public safety.
10. 10. Locations of topsoil to be removed and preserved.
11. 11. Locations of stormwater drainage and erosion and sediment control features.
12. 12. Setbacks
13. 13. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.

(c) An estimated construction schedule.

(d) Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three (3) miles of the proposed project using information provided by the Virginia Department of Environmental Quality (DEQ), the Virginia Department of Conservation (DCR), Virginia Department of Wildlife Resources (DWR), Virginia Department of Historic Resources (DHR), and/or a report prepared by a qualified third party, such as ConserveVirginia or Virginia Cultural Resource Information System.

(e) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County.
1. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility.
2. The total number of simulations and the perspectives from which they are prepared shall be established by the zoning administrator after the pre-application meeting.

(f) Solar facility inventory. An inventory of all solar facilities – existing or proposed – within a four (4) mile radius.

(g) Draft traffic study. The study shall include modelling the construction and decommissioning processes. County staff will review the study in cooperation with VDOT.

(h) Draft landscaping plan. The plan shall indicate:
1. All ground cover, screening and buffering materials, landscaping, and elevations.
   a. Ground cover shall be native vegetation where compatible with site conditions.
   b. Screening vegetation shall include pollinator plants where compatible with site conditions.
   c. Only EPA approved herbicides shall be used for vegetative and weed control at the solar energy facility by a licensed applicator. No herbicides shall be used within 150 feet of

the location of an approved ground water well. The Applicant shall submit an herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams, and other bodies of water. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

2. Locations of wildlife corridors.
3. Maintenance requirements.

(i) Draft decommissioning and reclamation plan. A detailed decommissioning and reclamation plan, certified by an engineer, which shall include the following:

1. The anticipated life of the project. The applicant shall provide the basis for determining the anticipated life of the project.
2. The estimated decommissioning and reclamation cost in current dollars. The applicant shall provide a cost estimate for the decommissioning and reclamation of the facility prepared by a professional engineer or contractor who has expertise in the removal of solar facilities. The decommissioning and reclamation cost estimate shall explicitly detail the cost without any reduction for salvage value.
3. The method of ensuring that funds will be available for decommissioning and reclamation. A proposed method of providing appropriate escrow, surety, or security for the cost of the decommissioning and reclamation plan. The surety shall be updated when the decommissioning and reclamation cost estimate is updated. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County unless otherwise provided for in subsection d below.

    a. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.

    b. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon on the owner's or occupant's compliance with the approved decommissioning and reclamation plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.

    c. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning and reclamation cost.

    d. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning and reclamation of a solar facility, such as a performance bond, letter of credit, or other security approved by the County.

4. The method that the estimated cost will be kept current. The decommissioning and reclamation cost estimate shall include a mechanism for calculating increased removal costs due to inflation. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly. If the recalculated estimated cost exceeds the original estimated cost by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost is less than ninety percent (90%) of the original estimated cost, then the County may approve reducing the amount of the escrow account to the recalculated estimate of cost.
5. The manner in which the site will be decommissioned and reclaimed. This will include:

a. Notice to the Zoning Administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
b. A traffic study submitted with application modelling the decommissioning processes. County staff will review the study in cooperation with VDOT.
c. An estimated deconstruction schedule.
d. Removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses.
e. The site shall be graded and re-seeded or replanted within 12 months of removal of solar facilities to restore it to as natural a pre-development condition as possible. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment. Any exception to site restoration, such as leaving access roads in place or re-seeded or replanted must be requested by the landowner in writing, and this request must be approved by the Board of Supervisors.
f. Hazardous material from the property shall be disposed of in accordance with federal and state law.

(j) Additional information may be required as determined by the Zoning Administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

Sec. 16-406 Minimum development and performance standards

(a) A utility-scale solar facility shall be constructed, operated, and maintained in substantial compliance with the approved concept plan with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) or State Corporation Commission (SCC) permit process.

(b) Location standards for utility-scale solar facilities. The location standards stated below for utility-scale solar facilities are intended to mitigate the adverse effects of such uses on adjoining property owners, the area, and the County.
1. The minimum area of a utility-scale solar facility shall be 100 or more.
2. The equipment, improvements, structures, and percent of acreage coverage of a utility-scale solar facility shall be shown on the approved concept plan and site plan. The percent of acreage coverage shall not exceed 65%.

(c) Height.
1. The maximum height of the lowest edge of photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of the highest edge of photovoltaic panels shall not exceed 15 feet as measured from the finished grade.
2. The maximum height of other facility structures shall not exceed 15 feet. This limit shall not apply to utility poles or the interconnection to the overhead electric utility grid.
3. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.

(d) Setbacks. Solar facilities shall meet all setback requirements for primary structures for the zoning district in which the facility is located and the requirements set forth below (the more restrictive requirements shall apply).

1. The minimum setback of structures and uses associated with the facility, including fencing, PV panels, parking areas, and outdoor storage, but not including landscaping and berming, shall be:

    a. 150 feet from adjacent property lines.
    b. 150 feet from all public rights-of-way.
    c. 300 feet from a dwelling.

2. The Planning Commission or Board of Supervisors may require increased setbacks up to 400 feet in situations where the height of structures or the topography affects the visual impact of the facility.
3. These setback requirements shall not apply to internal property lines of those parcels on which a solar facility is located.

4. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.
5. Vehicular access to the site shall be a minimum of 50 feet from the nearest dwelling located on adjacent property.

(e) Buffer. The buffer shall be located within the setbacks required under this Section and shall run around the entire perimeter of the property. The buffer shall be maintained for the life of the facility.

Screening. (f) Screening. The facilities, including security fencing that is not ornamental, shall be screened from the ground-level view of adjacent properties or a public street in the buffer zone. Screening may also be required in other locations to screen specific uses or structures. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands to satisfy the screening requirement. The wetlands or woodlands shall be permanently protected as a designated buffer and the overall buffer shall measure at least 150 feet. Screening methods may include:

1. Existing Screening: Existing vegetation, topography, buildings, open space, or other elements located on the site may be considered as part of the required screening. Existing trees and vegetation may be retained within the buffer area except where dead, diseased, or as necessary for development or to promote healthy growth.

2. Vegetative Screening: In the event existing vegetation or landforms providing the screening are inadequate or disturbed, new plantings shall be provided in a landscaped strip at least 50 feet wide. Landscaping intended for screening shall consist of a combination of non-invasive

species, pollinator species, and native plants, shrubs, trees, grasses, forbs, and wildflowers. Trees intended for screening shall consist of a combination of evergreen and deciduous trees that are 5-6 ft. in height at time of planting. A triple row of trees shall be placed on average at 15 ft. on center. A list of appropriate plant materials shall be available at the Planning Office. Species listed on DCR's Invasive Plant Species list shall not be used.

3. Berming: Berms shall generally be constructed with a 3:1 side slope to rise ratio, 4-6 ft. above the adjacent grade, with a 3 ft. wide top with appropriate pollinator-friendly native plants, shrubs, trees, forbs, and wildflowers. The outside edges of the berm shall be sculpted such that there are vertical and horizontal undulations to give variations in appearance. When completed, the berm should not have a uniform appearance like a dike.

4. Opaque Architectural Fencing. Fencing intended for screening shall be at least 75 percent visually solid as viewed on any line perpendicular to the fence from adjacent property or a public street. Such fencing may be used in combination with other screening methods but shall not be the primary method. A typical example is the use of wood privacy fencing and landscaping to screen structures such as substations. Depending on the location, ornamental features may be required on the fence. Fencing material shall not include plastic slats.

(e) Security Fence. The facilities shall be enclosed by security fencing not less than six (6) feet in height and topped with barbed wire, as appropriate. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the CUP and the facility's decommissioning.

(f) Ground cover on the site shall be native vegetation and maintained in accordance with the landscaping plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated maintenance shall be posted and maintained. Failure to maintain the ground cover shall result in revocation of the CUP and the facility's decommissioning. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

(g) The Applicant shall identify access corridor(s) for wildlife to navigate through and across the Solar Facility. The proposed wildlife corridor(s) shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.

(h) The design of support buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and surrounding structures.

(i) The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.

(j) Inspections.
   1. The Applicant will allow designated County representatives or employees access to the facility for inspection purposes with 24-hour notice.

2. The Applicant shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

(k) A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state, and federal building codes and regulations that were in force at the time of the permit approval.

(l) The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator.

(m) Lighting fixtures as approved by the County shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Concept Plan and approved by the zoning administrator.

(n) No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

(o) At all times, the solar facility shall comply with the County's noise ordinance.

(p) Coordination of local emergency services. Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

(q) Decommissioning

1. Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of six (6) months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.

2. The owner or operator shall notify the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.

3. Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the Concept Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the landowner in writing, and this request must be approved by the Board of Supervisors.

4. The site shall be re-graded and re-seeded or replanted within 12 months of removal of solar facilities. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment.

5. Decommissioning and reclamation shall be performed in compliance with the approved decommissioning and reclamation plan. The Board of Supervisors may approve any appropriate amendments to or modifications of the decommissioning plan.
6. Hazardous material from the property shall be disposed of in accordance with federal and state law.
7. If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

(r) Any other condition added by the Planning Commission or Board of Supervisors as part of a CUP approval.

Sec. 16-407 Special provisions for battery facilities.

In addition to the above general provisions, application requirements, and development and performance standards, the following additional requirements shall be met for the approval of a Battery Energy Storage Facility:

(a) Battery Energy Storage Facilities shall be constructed, maintained, and operated in accordance with national industry standards and regulations including the most current adopted edition of the National Electrical Code, International Fire Code of the International Code Council, and the National Fire Protection Association Fire Code. The batteries will be NFPA (National Fire Protection Agency) complaint. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used.

(b) Battery cells shall be placed in a Battery Energy Storage System ("BESS") with a Battery Management System ("BMS"). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems. Each individual battery shall have 24/7 automated fire detection and extinguishing technology built in. The BMS shall monitor individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and be able to shut down the system before Thermal Runaway takes place.

(c) The Battery Energy Storage System will be placed on an appropriate foundation and screened with vegetation outside of environmentally sensitive areas.

(d) Access to all batteries and electrical switchgear shall be from the exterior for normal operation and maintenance. Access to the container interior shall not be permitted while the system is in operation except for safety personnel and first responders.

(e) Qualifications and experience from selected developers and integrators shall be provided including disclosure of fires or other hazards at facilities.

(f) Safety testing and failure modes analysis data from selected developers and manufacturers shall be provided.

(g) The latest applicable product certifications shall be provided.

(h) The Solar Facility operator or owner shall be responsible for any environmental remediation required by the county or the state and the costs of such remediation. All remediation shall be completed in a timely manner.

(i) Battery storage shall be developed in collaboration with technical experts and first responders to utilize technology-appropriate best practices for safe energy storage systems including, but not limited to, the following:

1. Adequate access/egress for the first responders;
2. Adequate facility signage (on battery chemistry and person to contact);
3. Accessible Safety Data Sheets;
4. System-specific emergency response plans;
5. Training for first responders on the type of system, potential hazards and risks, and system-specific emergency response plans;
6. Adequate water sources and fire suppression appliances for the fire fighters if required in the emergency response plans;
7. Signage on Hazardous Materials present in the vicinity;
8. Emergency lighting;
9. Separate battery modules to make it easier to isolate a failed battery from the rest;
10. Sufficient disconnect and shutdown capability including a master kill switch to disable and discharge batteries;
11. System-appropriate sensors and alarms;
12. Air ventilation and fire suppression systems;
13. Drainage for water runoff; and
14. Other practices as recommended by experts or local first responders.

(j) The Solar Facility operator or owner shall conduct regular on-site inspections of the battery units and submit a written report to the Zoning Administrator on their condition, at least once every six (6) months. The Solar Facility operator or owner shall conduct monthly inspections electronically of the battery units and submit a written report to the Zoning Administrator.

Sec. 16-408 Special provisions for substations.

In addition to the above general provisions, application requirements, and development and performance standards, the following additional requirements shall be met for the approval of a substation:

(a) Siting. Substations located within the Solar Facility shall be sited in accordance with these regulations.

(b) Term and Special Permits. Substations included as part of the Solar Facility shall have the same term as the Solar Facility. However, Substations may have a life longer than that of the larger Solar Facility, and, alternatively, may individually and not as part of a Solar Facility receive a Conditional Use Permit in accordance with these regulations.

Sec. 16-409 Conditions

(a) The Board of Supervisors may consider conditions addressing a proposed solar and/or battery facility, including, but not limited to, the following:

1. A solar facility shall be constructed, maintained, and operated in substantial compliance with:
   i. The development standards under this article.
   ii. The approved concept plan.
   iii. Any other conditions imposed pursuant to a Conditional Use Permit.
2. The Board of Supervisors may, in its sole discretion, by Conditional Use Permit, waive or modify requirements set out in Section 16 for solar or battery storage facilities, based on unique site conditions if it finds that such waiver or modification promotes good land use planning and is compatible with surrounding land uses, and as long as the project still otherwise complies with applicable state law and local ordinances.

(b) Site Plan Requirements. In addition to all Virginia site plan requirements and site plan requirements of the Zoning Administrator, the Applicant shall provide the following plans for review and approval for the Solar Facility prior to the issuance of a building permit:

1. *Construction Management Plan.* The Applicant shall prepare a "Construction Management Plan" for each applicable site plan for the Solar Facility, and each plan shall address the following:
   i. Traffic control methods (in coordination with the Virginia Department of Transportation [VDOT] prior to initiation of construction):
      a. Lane closures
      b. Signage
      c. Flagging procedures
   ii. Site access planning. Directing employee and delivery traffic to minimize conflicts with local traffic.
   iii. Site security. The Applicant shall implement security measures prior to the commencement of construction of Solar Facilities on the Project Site.
   iv. Lighting. During construction of the Solar Facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and/or safety lighting shall be exempt from this construction lighting condition.

v. Water Supply. In the event that on-site wells are used during construction of the solar energy facility, the Applicant shall prepare and submit for review to the County hydrogeologic information necessary for the County to determine the potential impact to pre-existing users for the same aquifer proposed to be used for the solar energy facility and a plan to mitigate impacts to pre- existing users within the area of impact of the Project. If the County, in consultation with the Department of Environmental Quality, determines that the installation of a well will not adversely affect existing users, the Applicant may proceed with well construction in compliance with approval by the Department of Environmental Quality. At the end of the construction of the solar energy facility, the well shall not thereafter be used except only for personal toilet and lavatory facilities as required by the Uniform Statewide Building Code for operations and maintenance buildings.

2. *Construction Mitigation Plan.* The Applicant shall prepare a "Construction Mitigation Plan" for each applicable site plan for the Solar Facility, and each plan shall address the effective mitigation of dust, burning operations, hours of construction activity, access and road improvements, and handling of general construction complaints as set forth and described in the application materials and to the satisfaction of the Zoning Administrator. Damage to public roads related to construction activities shall be repaired as soon as possible and not postponed until construction completion. The Applicant shall provide written notice to the Zoning Administrator of the plans for making such repairs, including time within which repairs will be commenced and completed, within thirty (30) days of any written notice received from the Zoning Administrator.
   i. Driving of posts shall be limited to 7:00 am to 6:00 pm, Monday through Saturday. Driving of posts shall be prohibited on state and federal holidays. The Applicant may request permission from the County Administrator to conduct post driving activity on Sunday, but such permission will be granted or denied at the sole discretion of the County Administrator.
   ii. Other construction activity on-site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.
   iii. During construction, the setbacks may be used for staging of materials and parking. No material and equipment laydown area, construction staging area, or construction trailer shall be located within 200 feet of any property containing a residential dwelling.
   iv. Construction lighting shall be minimized and shall be directed downward.
3. *Erosion and Sediment Control Plan.* The County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. An E&S bond (or other security) will be posted for the construction portion of the project. In addition to state and local requirements, the plan shall:
   i. Clearly show existing and proposed contours; and
   ii. Note the locations and amount of topsoil to be removed (if any) and the percent of the site to be graded.
4. *Stormwater Management Plan.* The County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. A storm water control bond (or other security) will be posted for the project for both construction and post construction as applicable and determined by the Zoning Administrator.
5. *Landscaping Plan.* The Applicant will submit a final landscaping plan for review and

approval by the Zoning Administrator. The owner or operator shall construct, maintain, and operate the facility in compliance with the approved plan. A separate security shall be posted for the ongoing maintenance of the project's land cover and vegetative buffers in an amount deemed sufficient by the Zoning Administrator. Failure to maintain the landscaping in accordance with the plan may result in the issuance of a notice of violation by the Zoning Administrator. The Applicant (or the operator) shall promptly communicate with the Zoning Administrator within 30 days of the date of the notice of violation and submit a plan in writing satisfactory to the Zoning Administrator to remedy such violation no later than 180 days after the date of the notice of violation. Failure to remedy the violation before the end of the 180-day cure period may result in revocation of the CUP.

i. Ground cover shall be native vegetation where compatible with site conditions and, in all cases, shall be approved by the Zoning Administrator.
ii. Screening vegetation shall include pollinator plants where compatible with site conditions and, in all cases, shall be approved by the Zoning Administrator.
iii. Only EPA approved herbicides shall be used for vegetative and weed control at the solar energy facility by a licensed applicator. No herbicides shall be used within 150 feet of the location of an approved ground water well. The Applicant shall submit an herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams and other bodies of water. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

6. *Decommissioning and Reclamation Plan.* The Applicant will submit a final decommissioning and reclamation plan in accordance with these regulations for review and approval by the Zoning Administrator.
7. The Applicant shall reimburse the County its costs in obtaining independent third-party reviews as required by these conditions.

(c) The design, installation, maintenance, and repair of the Solar Facility in accordance with the most current National Electrical Code (NFPA 70) available (2014 version or later as applicable).

(d) If the solar facility does not receive a building permit within eighteen (18) months of approval of the Conditional Use Permit, the Permit shall be terminated.

(e) If the solar facility is declared to be unsafe by the zoning administrator or building official, the facility must be in compliance within fourteen (14) days or the Conditional Use Permit shall be terminated, and system removed from the property.

(f) The owner and operator shall give the County written notice of any change in ownership, operator, or Power Purchase Agreement within thirty (30) days.

Sec. 16-410 Additional Conditions

(a) In approving a conditional use permit, the Board of Supervisors may consider conditions that require:

1. Dedication of real property of substantial value; or
2. Substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long

as such conditions are reasonably related to the project.

(b) The Board may include other reasonable conditions as permitted by state law and as otherwise provided for in this Article.

(c) Once a condition is granted, it shall continue in effect until a subsequent amendment changes the zoning on the property for which conditions were granted. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Adopted this 17th day of February, 2022.

Susan Seward, Chairman of the Board of Supervisors

Attest:

Shilton Ricks-Butts Shilton Ricks-Butts, Clerk

Approved as to Form:

Jeff Gore County Attorney

TO: Planning Commission and Board of Supervisors, Sussex County, Virginia

FROM: Darren Coffey, AICP

DATE: August 30, 2021

RE: Comprehensive Plan and Zoning Ordinance Amendments Regarding Solar Energy and Battery Storage Facilities

Sussex County staff requested a consultant review the Comprehensive Plan and Zoning Ordinance with consideration to additional amendments as may be appropriate regarding solar energy and battery storage facilities. The County is in the process of reviewing solar energy facility applications and, as a result, staff has gained a better understanding of the land use issues related to these uses.

Sussex County has approved four solar facilities (one with battery storage) and one battery storage facility adjacent to a substation. The County has been contacted by several addition developers regarding potential applications for additional facilities.

Solar facilities are large scale industrial/commercial facilities that can take up agricultural, industrial, or commercial land for at least twenty years or more. Battery energy storage facilities are also an industrial land use but require more safety requirements than solar facilities. Any proposed location of these facilities needs to be carefully weighed against other potential uses of the same property.

Virginia has seen a dramatic increase in its installed solar capacity reaching 2,500 MW installed by 2021. The Virginia Energy Plan (October 2, 2018) calls for 30% of energy to be generated by renewable sources by 2030 and 100% by carbon free sources by 2040. Dominion Energy has committed to solar as necessary for clean energy growth. They project they could add at least 5,200 megawatts of solar in the state over the next 25 years (to 2045) to meet customers' energy needs.

This accelerated development of renewable energy will increase the duties of local governments and state agencies tasked with land use, permitting, and environmental decision making. Local governments must determine if solar facility applications are in accord with their Comprehensive Plan (a “2232 review”) and in compliance with their land use ordinances.

In Virginia, notable solar facilities laws (based on the facility size in MW_{AC}) are:

- Any size needs a 2232 review (§ 15.2-2232).
- Any size can have a CUP condition for payment (§ 15.2-2288.8).
- ≤5MW are exempt from M&T tax (§ 58.1-3660).
- >5MW and <150 MW qualify for the state M&T step down tax exemption (§ 58.1-3660).

- >5MW can have a siting agreement (§ 15.2-2316.7). An approved siting agreement fulfills the requirement for a 2232 review (§ 15.2-2232).
- >5MW can have a revenue share (§ 58.1-2636).
- >5 MW to up to 150 use DEQ's PBR (§ 10.1-1197.5 to 10.1-1197.11 and 9VAC15-60).
- >25 MW facilities are taxed for M&T at real estate rate (§ 58.1-2606).
- >150 MW or including battery storage use SCC's permitting process (§ 10.1-1197.5 to 10.1-1197.11 and 20VAC5-302).

A number of Comprehensive Plan and Zoning Ordinance amendments were recommended for discussion by the Planning Commission and Board of Supervisors to bring greater clarity and specificity for how the County reviews and potentially authorizes solar energy facilities.

Comprehensive Plan

Existing Plan

The Comprehensive Plan 2004-2005 update was adopted on October 20, 2005 and updated for solar facilities on April 2, 2019.

Chapter II: Concerns and Aspirations, section B. Issues and Existing and Emerging Conditions (p.II-12), states:

> 23. Utility-scale Solar Facilities
>
> As used in this Comprehensive Plan, a utility-scale solar facility is a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider or a large private user with a generating capacity in excess of one megawatt (1 MW). Sussex's abundant agricultural and forest land combined with its electrical infrastructure and transportation system appear to be attractive to the solar industry. These facilities are an industrial scale land use that occupy significant acreage. Many utility-scale solar facilities are located on agricultural or forested land that may have had other future land use potential or land use designations.
>
> The County will consider solar facilities in districts zoned agricultural or industrial with preference for brownfields and County-owned capped landfills. The following site features should be addressed to mitigate the potential negative impacts of utility-scale solar facilities on County land use patterns as part of the evaluation of a Conditional Use Permit (CUP) application:
>
> - the total size shall be larger than two (2) acres but less than 1,500 contiguous acres with no more than 65% PV panel coverage;
> - located outside planning areas or community hubs;
> - located outside forested areas to preserve forest resources;
> - further than three (3) miles from any village or town boundary;
> - further than two (2) miles from other existing or permitted solar facilities; and
> - proximity to residences; historic, cultural, recreational, or environmentally-sensitive areas; and scenic viewsheds.

In 2019, there was also a recommendation to work with the Crater Planning District Commission or another regional planning entity to identify, catalogue, and map relevant features, including:

- Major electrical facilities (i.e., transmission lines, transfer stations, generation facilities, etc.),
- Brownfied sites and County-owned capped landfills, and
- Prime Farmland including areas of prime farmland or farmlands of statewide importance as defined by the USDA and Commonwealth of Virginia, respectively.

Analysis

This language describes the specific criteria or siting parameters for solar facilities, energy generation stations, or other types of uses. However, the County has indicated a desire to consider changing some of the parameters.

It does not address battery storage facilities.

Recommended Amendments

Short Term

- Modify the Comprehensive Plan a follows:

Under Chapter II: Concerns and Aspirations, section B. Issues and Existing and Emerging Conditions (p.II-12), revise the text as noted in red:

23. Utility-scale Solar Facilities

As used in this Comprehensive Plan, a utility-scale solar facility is a facility that generates electricity from sunlight ~~which will be used to provide electricity to a utility provider or a large private user~~ with a generating capacity in excess of one megawatt alternating current (1 MW_{AC}). [DN1]Sussex's abundant agricultural and forest land combined with its electrical infrastructure and transportation system appear to be attractive to the solar industry. These facilities are an industrial scale land use that occupy significant acreage. Many utility-scale solar facilities are located on agricultural or forested land that may have had other future land use potential or land use designations.

The County will consider utility-scale solar facilities as a primary use in districts zoned agricultural or industrial with preference for brownfields and County-owned capped landfills. The following site features should be addressed to mitigate the potential negative impacts of utility-scale solar facilities on County land use patterns as part of the evaluation of a Conditional Use Permit (CUP) application:

- the total size shall be more than 100 but less than 5,000 ~~1,500~~ contiguous acres;
- large contigous projects are preferred over small decentrialized or large discontiguous projects to prevent land fragmentation;
- laid out appropriately on the project parcels;

- laid out with no more than 65% equipment and building coverage;
- located outside planning areas or community hubs;
- located outside forested areas to preserve forest resources;
- located outside prime agricultural land;
- further than three (3) miles from any village or town boundary;
- further than two (2) miles from other existing or permitted solar facilities; and
- located to minimize negative impacts ~~proximity~~to residences; historic, cultural, recreational, or environmentally-sensitive areas; and scenic viewsheds.

Battery energy storage facilities are also an industrial land use but require more safety requirements than solar facilities. The County will consider battery facilities as:

- an accessory use to utility-scale solar facilities, other energy generation facilities, or substations; or
- a primary use on a parcel contiguous to utility-scale solar facilities, other energy generation facilities, and substations.

Long Term

- Identify, catalogue, and map the items recommended in 2019.
- Identify, catalogue, and map these additional features:
  - planning areas or community hubs;
  - forested areas;
  - prime agricultural land;
  - a three (3) mile buffer around any village or town boundary;
  - a two (2) mile buffer around any existing or permitted solar facilities; and
  - known residences; historic, cultural, recreational, or environmentally-sensitive areas; and scenic viewsheds.

Zoning Ordinance

Existing Ordinance

The Zoning Ordinance was revised November 15, 2007 and adopted on January 1, 2008. The ordinance was updated for solar facilities on April 2, 2019 and August 4, 2020.

ARTICLE I. GENERAL INFORMATION, Sec. 16-1 Definitions, was updated to include 16 new definitions relevant to solar facilities.

ARTICLE XII. SITE PLAN REQUIREMENTS, Sec. 16-202 When required, was updated to include “utility-scale solar facilities.”

The new ARTICLE XXIII. SOLAR FACILITIES was added and updated to specifically address solar facilities.

The County has chosen not to adopt a solar revenue share ordinance (§ 15.2-2316.7).

Analysis

This language describes the specific criteria or siting parameters for solar facilities. However, the County has indicated a desire to consider changing some of the parameters.

It does not address battery storage facilities.

Recommended Amendments

- Under ARTICLE I. GENERAL INFORMATION, Sec. 16-1 Definitions, add the following definitions:

"2232 review"
The review required by the *Code of Virginia* (§15.2-2232) for features not shown on the adopted master plan, including public utility facilities.

"Acreage coverage"
The total acres covered by PV pods, buildings, inverters, a substation, battery storage, ancillary equipment, and fencing around these items but excluding wildlife corridors, mandated setbacks, wetlands, and other avoided natural or cultural features outside of the security fencing on the project site.

"Battery Energy Storage Facilities (battery facilities)"
One or more battery cells for storing electrical energy stored in a Battery Energy Storage System ("BESS") with a Battery Management System ("BMS"). Facilities are generally used to supplement grid storage capacity. Battery facilities may be permitted as:

- an accessory use to utility-scale solar facilities, other energy generation facilities, or substations; or
- a primary use on a parcel contiguous to utility-scale solar facilities, other energy generation facilities, and substations.

"Disturbance zone"
The area within the site directly impacted by construction and operation of the facility.

"Electric Power Plant"
A facility designed and operated for the generation and distribution of electricity for the primary purpose of selling electricity generated to the electric power grid, including facilities which use fossil fuels, solar energy, hydroelectric energy, geothermal energy, biomass energy or wind energy as a resource. This definition does not apply to on-site generation equipment when such use is an accessory use.

"PV pod"
Contiguous rows of solar panels, including the space between rows, fenced together in a group. A solar facility is typically comprised of multiple pods.

"Reclamation"

The employment, during and after an operation, of procedures reasonably designed to minimize as much as practicable the disruption from an operation and provide for the establishment of plant cover, stabilization of soil, protection of water resources, or other measures appropriate to the subsequent beneficial use of the affected lands. Reclamation shall comply with all State and Federal regulations related to air quality, water quality and water law, and stormwater.

"Siting Agreement"
An agreement entered into between the Applicant and the County as defined in Va. Code § 15.2-2316 et seq.

"Solar energy generating facilities (solar facilities)"
Photovoltaic devices, inverters, a substation, ancillary equipment, buildings, security fencing, access roads, setbacks, and screening on the site.

"Solar facility, community"
A facility that generates electricity from sunlight that was not constructed by an investor-owned utility that will be part of an investor-owned utility's community solar pilot program. A community solar facility does not exceed two megawatts (2 MW) alternating current. This facility type is a subset of either rooftop, small-scale, medium-scale, or utility-scale solar facility.

"Solar facility, floating"
A floating facility that generates electricity from sunlight. This facility type is a subset of either small-scale, medium-scale, or utility-scale solar facility.

"Solar facility, multi-family shared"
A ground-mounted facility that generates electricity from sunlight that was not constructed by an investor-owned utility and that will be part of an investor-owned utility's multi-family shared solar pilot program. A multi-family shared solar facility does not exceed three megawatts (3 MW) alternating current at any single location or that does not exceed five megawatts (5 MW) alternating current at contiguous locations owned by the same entity or affiliated entities, serves at least three subscribers, is connected to the electric distribution grid, and is located on a parcel of land on the premises of the multi-family utility customer or adjacent thereto.

"Solar facility, Power Purchase Agreement (PPA)"
A facility that generates electricity from sunlight that was not constructed by an investor-owned utility and that will be part of an investor-owned utility's power purchase agreement solar pilot program. A facility has a capacity of no less than 50 kilowatts and no more than three megawatts (3 MW) alternating current. This facility type is a subset of either rooftop, small-scale, medium-scale, or utility-scale solar facility.

"Solar facility, rooftop"
A rooftop PV or integrated PV facility that generates electricity from sunlight as an accessory use.

"Solar facility, shared"
A facility that generates electricity from sunlight that was not constructed by an investor-owned utility that will be part of an investor-owned utility's shared solar pilot program. A shared solar facility does not exceed five megawatts (5 MW) alternating current, serves at least three subscribers, has at least 40 percent of its capacity subscribed by customers with subscriptions of 25 kilowatts or less, is connected to the electric distribution grid serving the public, and is located on a single parcel. This facility type is a subset of either rooftop, small-scale, medium-scale, or utility-scale solar facility.

- Under ARTICLE I. GENERAL INFORMATION, Sec. 16-1 Definitions, replace the following definitions with this text:

"Decommissioning and Reclamation Plan"
A plan to disconnect, remove, and properly dispose of equipment, facilities, or devices and reclaim the site.

"Solar Facility, Medium-Scale"
A ground-mounted facility that generates electricity from sunlight on a facility area between one to ten acres or having a rated capacity of between 250 kW to one megawatt (MW) alternating current (excluding Solar Facility, Multi-Family Shared). Facilities are generally used to reduce onsite consumption of utility power for agricultural, commercial, and industrial applications.

"Solar Facility, Small-Scale"
A ground-mounted facility that generates electricity from sunlight on a facility area of less than one acre or having a rated capacity of less than 250 kW alternating current (excluding Solar Facility, Multi-Family Shared). Facilities are generally used to reduce onsite consumption of utility power for residential, agricultural, commercial, and industrial applications.

"Solar Facility, Utility-Scale"
A ground-mounted facility that generates electricity from sunlight on a facility area of more than ten acres. This size is approximately equivalent to a rated capacity of about one megawatt (MW) alternating current or greater (excluding Solar Facility, Multi-Family Shared). Facilities are generally used to provide electricity to a utility provider. These facilities typically include inverters, a substation, a switchyard, and a generator lead line (gen-tie line) to interconnect to a grid transmission line.

- Under ARTICLE XII. SITE PLAN REQUIREMENTS, Sec. 16-202 When required, add a new item at the end of the list:

8. Battery energy storage facilities.

- Update ARTICLE XXIII. SOLAR FACILITIES as indicated in the attached file.

Conclusion

These amendments to the Comprehensive Plan and Zoning Ordinance, if approved by the Planning Commission and the Board of Supervisors, provide further guidance to the energy industry and the County in how to prepare and evaluate future solar energy and battery storage applications.

cc: Richard Douglas, County Administrator
Beverly Walkup, Director of Community Development
Jeff Gore, County Attorney

encl: Zoning Ordinance, ARTICLE XXIII. SOLAR AND BATTERY FACILITIES

ARTICLE XXIII

SOLAR AND BATTERY FACILITIES

Sec. 16-401 Statement of intent

The purpose of this section is to establish requirements for construction and operation of solar and battery facilities and to provide standards for the placement, design, construction, monitoring, modification, and removal of solar facilities; address public safety, minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.

Sec. 16-402 Applicability

This article shall apply to all solar and battery facilities constructed after the effective date of this article, including any physical modifications to any existing solar facilities that materially alter the type, configuration, or size of such facilities or other equipment.

Sec. 16-403 Zoning districts

(a) Rooftop and small-scale solar facilities may be installed by-right in all zoning districts as an accessory use to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State, and Local regulations have been followed; and the system is located upon the property or structure being served. Rooftop facilities on commercial or industrial buildings shall also submit an engineering study to the Building Official Office for review and approval.

(b) Medium-scale solar facilities may be installed by-right as an accessory use in the Industrial Districts to provide electricity for use on-site for commercial and industrial applications; provided a site plan has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; the system is located on the property or structure to be served; and the system is in accord with the underlying zoning requirements of the districts.

(c) Solar facilities shall be permitted in zoning districts as follows:

Solar Facility	General Agricultural, A-1	Limited Industrial, I-1	General Industrial, I-2	Residential Multi-Family, R-1
Multi-family shared	CUP	CUP	CUP	CUP
Medium-scale	CUP	By-right	By-right	-
Utility-scale	CUP	CUP	CUP	-

(d) Battery facilities shall be subject to a Conditional Use Permit and permitted as follows:

1. An accessory use to utility-scale solar facilities, other energy generation facilities, or substations; or
2. A primary use on a parcel contiguous to utility-scale solar facilities, other energy generation facilities, and substations.

Battery Facility	General Agricultural, A-1	Limited Industrial, I-1	General Industrial, I-2	Residential Multi-Family, R-1
Primary use	CUP	CUP	CUP	-
Accessory use	CUP	CUP	CUP	CUP

(e) Solar facilities should locate on brownfields, County-owned capped landfills, or near existing industrial uses, where feasible.

Sec. 16-404 Conditional Use Permit process

(a) Pre-application meeting. A pre-application meeting shall be held with the zoning administrator to discuss the location, scale, and nature of the proposed use, what will be expected during that process, and the potential for a siting agreement.

(b) Neighborhood meeting. A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.

1. The applicant shall inform the Zoning Administrator's Office and adjacent property owners in writing of the date, time, and location of the meeting at least seven but no more than 14 days in advance of the meeting date.
2. The date, time, and location of the meeting shall be advertised in the County's newspaper of record by the applicant at least seven but no more than 14 days in advance of the meeting date.
3. The meeting shall be held within the County at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
4. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback.
5. The applicant shall provide to the Zoning Administrator a summary of any input received from members of the public at the meeting.

(c) Submittal of the permit application and fees.
1. There is a combined application for the 2232 review and CUP permit.
2. There are separate fees for the 2232 review and CUP permit.

(d) 2232 review. The *Code of Virginia* §15.2-2232 requires a review of public utility facility proposals by the Planning Commission to determine if their general or approximate location, character, and extent are substantially in accord with the Comprehensive Plan or part thereof.

1. The Planning Commission must consider, at a public meeting, whether the project is in substantial accord with the Comprehensive Plan. Failure of the Planning Commission to act within 60 days of a submission, unless the time is extended by the Board of Supervisors, shall be deemed approval.
    a. If the Planning Commission approves the 2232 review, the project shall be recommended for a public hearing for the CUP permit.
    b. If the Planning Commission does not approve the 2232 review, the applicant may appeal the decision to the Board of Supervisors within 10 days after the decision of the Planning Commission. The appeal shall be by written petition to the Board of Supervisors setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing unless the time is extended by the applicant. A majority vote of the Board of Supervisors shall overrule the Planning Commission.
2. If the Board of Supervisors agree to negotiate a Siting Agreement in accordance with Code of Virginia § 15.2-2316.8, the 2232 review process may be delayed until negotiations are complete. If the siting agreement is approved, it fulfills the requirement for a 2232 review.

3. Consideration of the Conditional Use Permit by the Planning Commission. The Planning Commission must consider the Conditional Use Permit application at a public hearing. The Planning Commission has three options:

    1. Recommend approval of the application to the Board of Supervisors with written reasons for its decision.
    2. Recommend denial of the application to the Board of Supervisors with written reasons for its decision.
    3. Defer the application for further discussion and consideration.

4. Consideration of the Conditional Use Permit by the Board of Supervisors. The Board of Supervisors must consider the Conditional Use Permit application at a public hearing. The Board of Supervisors has three options:

    1. Approve the application with written reasons for its decision.
    2. Deny the application with written reasons for its decision.
    3. Defer the application for further discussion and consideration.

5. Siting agreement. The process may also include negotiating a Siting Agreement in accordance with Code of Virginia § 15.2-2316.8. The Board of Supervisors must consider the Siting Agreement at a public hearing. An approved siting agreement fulfills the requirement for a 2232 review (§ 15.2-2232).

Sec. 16-405 Conditional Use Permit application

(a) Application packet including:

1. Completed County application form and checklist.
2. Documents demonstrating the ownership of the subject parcel(s).
3. Proof that the applicant has authorization to act upon the owner's behalf.
4. Identification of the intended utility company who will interconnect to the facility.
5. List of all adjacent property owners, their tax map numbers, and addresses.
6. A description of the current use and physical characteristics of the subject parcels.
7. A description of the existing uses of nearby properties.
8. A narrative identifying the applicant, owner, or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.
9. Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.
10. Payment of the application fee and any additional review costs, advertising, or other required staff time.

(b) Concept plan. A concept plan prepared by an engineer with a professional engineering license in the Commonwealth of Virginia, that shall include the following:

1. Project title information including tax parcel number, zoning, owner names, address, and phone numbers.
2. Neighboring property information including tax parcel number, zoning, and owner names.
3. Existing wetlands, waterways, and floodplains.
4. Locations and types of soils on site.
5. Areas of steep slopes.
6. Existing and proposed buildings and structures including preliminary locations of the proposed solar panels and related equipment.
7. Existing and proposed points of ingress/egress including access roads, drives, turnout locations, and parking.
8. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
9. Fencing or other methods of ensuring public safety.
10. Locations of topsoil to be removed and preserved.
11. Locations of stormwater drainage and erosion and sediment control features.
12. Setbacks.
13. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.

(c) An estimated construction schedule.

(d) Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three (3) miles of the proposed project using information

provided by the Virginia Department of Environmental Quality (DEQ), the Virginia Department of Conservation (DCR), Virginia Department of Wildlife Resources (DWR), Virginia Department of Historic Resources (DHR), and/or a report prepared by a qualified third party, such as ConserveVirginia or Virginia Cultural Resource Information System.

(e) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County.
   1. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility.
   2. The total number of simulations and the perspectives from which they are prepared shall be established by the zoning administrator after the pre-application meeting.

(f) Solar facility inventory. An inventory of all solar facilities – existing or proposed – within a four (4) mile radius.

(g) Draft traffic study. The study shall include modelling the construction and decommissioning processes. County staff will review the study in cooperation with VDOT.

(h) Draft landscaping plan. The plan shall indicate:
   1. All ground cover, screening and buffering materials, landscaping, and elevations.
      a. Ground cover shall be native vegetation where compatible with site conditions.
      b. Screening vegetation shall include pollinator plants where compatible with site conditions.
      c. Only EPA approved herbicides shall be used for vegetative and weed control at the solar energy facility by a licensed applicator. No herbicides shall be used within 150 feet of the location of an approved ground water well. The Applicant shall submit an herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams, and other bodies of water. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.
   2. Locations of wildlife corridors.
   3. Maintenance requirements.

(i) Draft decommissioning and reclamation plan. A detailed decommissioning and reclamation plan, certified by an engineer, which shall include the following:

1. The anticipated life of the project. The applicant shall provide the basis for determining the anticipated life of the project.
2. The estimated decommissioning and reclamation cost in current dollars. The applicant shall provide a cost estimate for the decommissioning and reclamation of the facility prepared by a professional engineer or contractor who has expertise in the removal of solar facilities. The decommissioning and reclamation cost estimate shall explicitly detail the cost without any reduction for salvage value.
3. The method of ensuring that funds will be available for decommissioning and reclamation. A proposed method of providing appropriate escrow, surety, or security for the cost of the decommissioning and reclamation plan. The surety shall be updated when the decommissioning and reclamation cost estimate is updated. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County unless otherwise provided for in subsection d below.
    a. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
    b. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon on the owner's or occupant's compliance with the approved decommissioning and reclamation plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
    c. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning and reclamation cost.
    d. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning and reclamation of a solar facility, such as a performance bond, letter of credit, or other security approved by the County.
4. The method that the estimated cost will be kept current. The decommissioning and reclamation cost estimate shall include a mechanism for calculating increased removal costs due to inflation. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly. If the recalculated estimated cost exceeds the original estimated cost by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost is less than ninety percent (90%) of the original estimated cost, then the County may approve reducing the amount of the escrow account to the recalculated estimate of cost.
5. The manner in which the site will be decommissioned and reclaimed. This will include:
    a. Notice to the Zoning Administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
    b. A traffic study submitted with application modelling the decommissioning processes. County staff will review the study in cooperation with VDOT.
    c. An estimated deconstruction schedule.
    d. Removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses.

e. The site shall be graded and re-seeded or replanted within 12 months of removal of solar facilities to restore it to as natural a pre-development condition as possible. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment. Any exception to site restoration, such as leaving access roads in place or re-seeded or replanted must be requested by the landowner in writing, and this request must be approved by the Board of Supervisors.
f. Hazardous material from the property shall be disposed of in accordance with federal and state law.

(j) Additional information may be required as determined by the Zoning Administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

Sec. 16-406 Minimum development and performance standards

(a) A utility-scale solar facility shall be constructed, operated, and maintained in substantial compliance with the approved concept plan with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) or State Corporation Commission (SCC) permit process.

(b) Location standards for utility-scale solar facilities. The location standards stated below for utility-scale solar facilities are intended to mitigate the adverse effects of such uses on adjoining property owners, the area, and the County.
1. The minimum area of a utility-scale solar facility shall be more than 100 acres.
2. The equipment, improvements, structures, and percent of acreage coverage of a utility-scale solar facility shall be shown on the approved concept plan and site plan. The percent of acreage coverage shall not exceed 65%.

(c) Height.
1. The maximum height of the lowest edge of photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of the highest edge of photovoltaic panels shall not exceed 15 feet as measured from the finished grade.
2. The maximum height of other facility structures shall not exceed 15 feet. This limit shall not apply to utility poles or the interconnection to the overhead electric utility grid.
3. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.

(d) Setbacks. Solar facilities shall meet all setback requirements for primary structures for the zoning district in which the facility is located and the requirements set forth below (the more restrictive requirements shall apply).

1. The minimum setback of structures and uses associated with the facility, including fencing, PV panels, parking areas, and outdoor storage, but not including landscaping and berming, shall be:
   a. 150 feet from adjacent property lines.
   b. 150 feet from all public rights-of-way.
   c. 300 feet from a dwelling.

2. The Planning Commission or Board of Supervisors may require increased setbacks up to 400 feet in situations where the height of structures or the topography affects the visual impact of the facility.
3. These setback requirements shall not apply to internal property lines of those parcels on which a solar facility is located.
4. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.

(e) Buffer. The buffer shall be located within the setbacks required under this Section and shall run around the entire perimeter of the property. The buffer shall be maintained for the life of the facility.

(f) Screening. The facilities, including security fencing that is not ornamental, shall be screened from the ground-level view of adjacent properties or a public street in the buffer zone. Screening may also be required in other locations to screen specific uses or structures. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands to satisfy the screening requirement. The wetlands or woodlands shall be permanently protected as a designated buffer and the overall buffer shall measure at least 150 feet. Screening methods may include:

1. Existing Screening: Existing vegetation, topography, buildings, open space, or other elements located on the site may be considered as part of the required screening. Existing trees and vegetation may be retained within the buffer area except where dead, diseased, or as necessary for development or to promote healthy growth.

2. Vegetative Screening: In the event existing vegetation or landforms providing the screening are inadequate or disturbed, new plantings shall be provided in a landscaped strip at least 50 feet wide. Landscaping intended for screening shall consist of a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs, and wildflowers. Trees intended for screening shall consist of a combination of evergreen and deciduous trees that are 5-6 ft. in height at time of planting. A triple row of trees shall be placed on average at 15 ft. on center. A list of appropriate plant materials shall be available at the Planning Office. Species listed on DCR's Invasive Plant Species list shall not be used.

3. Berming: Berms shall generally be constructed with a 3:1 side slope to rise ratio, 4-6 ft. above the adjacent grade, with a 3 ft. wide top with appropriate pollinator-friendly native plants, shrubs, trees, forbs, and wildflowers. The outside edges of the berm shall be sculpted such that there are vertical and horizontal undulations to give variations in appearance. When completed, the berm should not have a uniform appearance like a dike.

4. Opaque Architectural Fencing. Fencing intended for screening shall be at least 75 percent visually solid as viewed on any line perpendicular to the fence from adjacent property or a public street. Such fencing may be used in combination with other screening methods but shall not be the primary method. A typical example is the use of wood privacy fencing and landscaping to screen structures such as substations. Depending on the location, ornamental features may be required on the fence. Fencing material shall not include plastic slats.

(g) Security Fence. The facilities shall be enclosed by security fencing not less than six (6) feet in height and topped with barbed wire, as appropriate. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the CUP and the facility's decommissioning.

(h) Ground cover on the site shall be native vegetation and maintained in accordance with the landscaping plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated maintenance shall be posted and maintained. Failure to maintain the ground cover shall result in revocation of the CUP and the facility's decommissioning. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

(i) The Applicant shall identify access corridor(s) for wildlife to navigate through and across the Solar Facility. The proposed wildlife corridor(s) shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.

(j) The design of support buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and surrounding structures.

(k) The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.

(l) Inspections.
1. The Applicant will allow designated County representatives or employees access to the facility for inspection purposes with 24-hour notice.
2. The Applicant shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

(m) A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state, and federal building codes and regulations that were in force at the time of the permit approval.

(n) The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator.

(o) Lighting fixtures as approved by the County shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Concept Plan and approved by the zoning administrator.

(p) No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

(q) At all times, the solar facility shall comply with the County's noise ordinance.

(r) Coordination of local emergency services. Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

(s) Decommissioning

1. Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of six (6) months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.

2. The owner or operator shall notify the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.

3. Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the Concept Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the landowner in writing, and this request must be approved by the Board of Supervisors.

4. The site shall be re-graded and re-seeded or replanted within 12 months of removal of solar facilities. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment.

5. Decommissioning and reclamation shall be performed in compliance with the approved decommissioning and reclamation plan. The Board of Supervisors may approve any appropriate amendments to or modifications of the decommissioning plan.

6. Hazardous material from the property shall be disposed of in accordance with federal and state law.

7. If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

(t) Any other condition added by the Planning Commission or Board of Supervisors as part of a CUP approval.

Sec. 16-407 Special provisions for battery facilities

In addition to the above general provisions, application requirements, and development and performance standards, the following additional requirements shall be met for the approval of a Battery Energy Storage Facility:

(a) Battery Energy Storage Facilities shall be constructed, maintained, and operated in accordance with national industry standards and regulations including the most current adopted edition of the National Electrical Code, International Fire Code of the International Code Council, and the National Fire Protection Association Fire Code. The batteries will be NFPA (National Fire Protection Agency) complaint. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used.

(b) Battery cells shall be placed in a Battery Energy Storage System ("BESS") with a Battery Management System ("BMS"). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems. Each individual battery shall have 24/7 automated fire detection and extinguishing technology built in. The BMS shall monitor individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and be able to shut down the system before Thermal Runaway takes place.

(c) The Battery Energy Storage System will be placed on an appropriate foundation and screened with vegetation outside of environmentally sensitive areas.

(d) Access to all batteries and electrical switchgear shall be from the exterior for normal operation and maintenance. Access to the container interior shall not be permitted while the system is in operation except for safety personnel and first responders.

(e) Qualifications and experience from selected developers and integrators shall be provided including disclosure of fires or other hazards at facilities.

(f) Safety testing and failure modes analysis data from selected developers and manufacturers shall be provided.

(g) The latest applicable product certifications shall be provided.

(h) The Solar Facility operator or owner shall be responsible for any environmental remediation required by the county or the state and the costs of such remediation. All remediation shall be completed in a timely manner.

(i) Battery storage shall be developed in collaboration with technical experts and first responders to utilize technology-appropriate best practices for safe energy storage systems including, but not limited to, the following:

1. Adequate access/egress for the first responders;
2. Adequate facility signage (on battery chemistry and person to contact);
3. Accessible Safety Data Sheets;
4. System-specific emergency response plans;
5. Training for first responders on the type of system, potential hazards and risks, and system-specific emergency response plans;
6. Adequate water sources and fire suppression appliances for the fire fighters if required in the emergency response plans;
7. Signage on Hazardous Materials present in the vicinity;
8. Emergency lighting;
9. Separate battery modules to make it easier to isolate a failed battery from the rest;
10. Sufficient disconnect and shutdown capability including a master kill switch to disable and discharge batteries;
11. System-appropriate sensors and alarms;
12. Air ventilation and fire suppression systems;
13. Drainage for water runoff; and
14. Other practices as recommended by experts or local first responders.

(j) The Solar Facility operator or owner shall conduct regular on-site inspections of the battery units and submit a written report to the Zoning Administrator on their condition, at least once every six (6) months. The Solar Facility operator or owner shall conduct monthly inspections electronically of the battery units and submit a written report to the Zoning Administrator.

Sec. 16-408 Special provisions for substations

In addition to the above general provisions, application requirements, and development and performance standards, the following additional requirements shall be met for the approval of a substation:

(a) Siting. Substations located within the Solar Facility shall be sited in accordance with these regulations.

(b) Term and Special Permits. Substations included as part of the Solar Facility shall have the same term as the Solar Facility. However, Substations may have a life longer than that of the larger Solar Facility, and, alternatively, may individually and not as part of a Solar Facility receive a Conditional Use Permit in accordance with these regulations.

Sec. 16-409 Conditions

(a) The Board of Supervisors may consider conditions addressing a proposed solar and/or battery facility, including, but not limited to, the following:

1. A solar facility shall be constructed, maintained, and operated in substantial compliance with:
   i. The development standards under this article.
   ii. The approved concept plan.
   iii. Any other conditions imposed pursuant to a Conditional Use Permit.

(b) Site Plan Requirements. In addition to all Virginia site plan requirements and site plan requirements of the Zoning Administrator, the Applicant shall provide the following plans for review and approval for the Solar Facility prior to the issuance of a building permit:

1. *Construction Management Plan.* The Applicant shall prepare a "Construction Management Plan" for each applicable site plan for the Solar Facility, and each plan shall address the following:
   i. Traffic control methods (in coordination with the Virginia Department of Transportation [VDOT] prior to initiation of construction):
      a. Lane closures
      b. Signage
      c. Flagging procedures
   ii. Site access planning. Directing employee and delivery traffic to minimize conflicts with local traffic.
   iii. Site security. The Applicant shall implement security measures prior to the commencement of construction of Solar Facilities on the Project Site.
   iv. Lighting. During construction of the Solar Facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and/or safety lighting shall be exempt from this construction lighting condition.
   v. Water Supply. In the event that on-site wells are used during construction of the solar energy facility, the Applicant shall prepare and submit for review to the County hydrogeologic information necessary for the County to determine the potential impact to pre-existing users for the same aquifer proposed to be used for the solar energy facility and a plan to mitigate impacts to pre- existing users within the area of impact of the Project. If the County, in consultation with the Department of Environmental Quality, determines that the installation of a well will not adversely affect existing users, the Applicant may proceed with well construction in compliance with approval by the Department of Environmental Quality. At the end of the construction of the solar energy facility, the well shall not thereafter be used except only for personal toilet and lavatory facilities as required by the Uniform Statewide Building Code for operations and maintenance buildings.
2. *Construction Mitigation Plan.* The Applicant shall prepare a "Construction Mitigation Plan" for each applicable site plan for the Solar Facility, and each plan shall address the effective mitigation of dust, burning operations, hours of construction activity, access and road improvements, and handling of general construction complaints as set forth and described in the application materials and to the satisfaction of the Zoning

Administrator. Damage to public roads related to construction activities shall be repaired as soon as possible and not postponed until construction completion. The Applicant shall provide written notice to the Zoning Administrator of the plans for making such repairs, including time within which repairs will be commenced and completed, within thirty (30) days of any written notice received from the Zoning Administrator.

i. Driving of posts shall be limited to 7:00 am to 6:00 pm, Monday through Saturday. Driving of posts shall be prohibited on state and federal holidays. The Applicant may request permission from the County Administrator to conduct post driving activity on Sunday, but such permission will be granted or denied at the sole discretion of the County Administrator.
ii. Other construction activity on-site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.
iii. During construction, the setbacks may be used for staging of materials and parking. No material and equipment laydown area, construction staging area, or construction trailer shall be located within 200 feet of any property containing a residential dwelling.
iv. Construction lighting shall be minimized and shall be directed downward.

3. *Erosion and Sediment Control Plan.* The County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. An E&S bond (or other security) will be posted for the construction portion of the project. In addition to state and local requirements, the plan shall:

   i. Clearly show existing and proposed contours; and

   ii. Note the locations and amount of topsoil to be removed (if any) and the percent of the site to be graded.

4. *Stormwater Management Plan.* The County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. A storm water control bond (or other security) will be posted for the project for both construction and post construction as applicable and determined by the Zoning Administrator.

5. *Landscaping Plan.* The Applicant will submit a final landscaping plan for review and approval by the Zoning Administrator. The owner or operator shall construct, maintain, and operate the facility in compliance with the approved plan. A separate security shall be posted for the ongoing maintenance of the project's land cover and vegetative buffers in an amount deemed sufficient by the Zoning Administrator. Failure to maintain the landscaping in accordance with the plan may result in the issuance of a notice of violation by the Zoning Administrator. The Applicant (or the operator) shall promptly communicate with the Zoning Administrator within 30 days of the date of the notice of violation and submit a plan in writing satisfactory to the Zoning Administrator to remedy such violation no later than 180 days after the date of the notice of violation. Failure to remedy the violation before the end of the 180-day cure period may result in revocation of the CUP.

   i. Ground cover shall be native vegetation where compatible with site conditions and, in all cases, shall be approved by the Zoning Administrator.
   ii. Screening vegetation shall include pollinator plants where compatible with site conditions and, in all cases, shall be approved by the Zoning Administrator.

iii. Only EPA approved herbicides shall be used for vegetative and weed control at the solar energy facility by a licensed applicator. No herbicides shall be used within 150 feet of the location of an approved ground water well. The Applicant shall submit an herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams and other bodies of water. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

6. *Decommissioning and Reclamation Plan.* The Applicant will submit a final decommissioning and reclamation plan in accordance with these regulations for review and approval by the Zoning Administrator.
7. The Applicant shall reimburse the County its costs in obtaining independent third-party reviews as required by these conditions.

(c) The design, installation, maintenance, and repair of the Solar Facility in accordance with the most current National Electrical Code (NFPA 70) available (2014 version or later as applicable).

(d) If the solar facility does not receive a building permit within eighteen (18) months of approval of the Conditional Use Permit, the Permit shall be terminated.

(e) If the solar facility is declared to be unsafe by the zoning administrator or building official, the facility must be in compliance within fourteen (14) days or the Conditional Use Permit shall be terminated, and system removed from the property.

(f) The owner and operator shall give the County written notice of any change in ownership, operator, or Power Purchase Agreement within thirty (30) days.

ARTICLE 15C: RENEWABLE ENERGY FACILITIES

(Effective: July 6, 2021)

15C-1. General.

The purpose of this section is to set specific conditions for Renewable Energy Facilities that require Special Exception approval from the Board of Supervisors. The provisions of this article shall apply to all Electric Energy Storage and Solar Facilities listed within Article 22 Definitions of this ordinance. Panels that are placed on existing structures shall be considered exempt from this article, provided they are used for the primary purpose of power generation for property on which they are located. Such facilities shall be subject to building code requirements as they may apply. Energy Storage Facilities located within the limits of Solar Energy Facility shall be allowed as part of the Solar Energy Facility and are subject to the relative provisions of this article.

15C-2. Application Process and Submission Requirements for All Large Scale, Small Utility Scale Utility Scale Solar Facilities and Energy Storage Facilities.

1. Pre-Application Meeting: A Pre-Application Meeting or Conference with Staff is required prior to submittal of the application. A written narrative describing the facility along with a list of the parcels involved with the development shall be provided prior to scheduling the meeting. Issues discovered during this process shall be addressed prior to submittal of the Special Exception application.
2. Community Meeting for Utility Scale Solar Facilities: In addition to the Pre-Application meeting, a public community meeting shall be held prior to application and the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.
    a. The applicant shall inform the Zoning Administrator and adjacent property owners in writing of the date, time, and location of the meeting, at least 7 but no more than 14 days in advance of the meeting date.
    b. The date, time, and location of the meeting shall be advertised in the newspaper of record by the applicant, at least seven but no more than 14 days in advance of the meeting date.
    c. The meeting shall be held within the community, at a location open to the general public with adequate parking and seating facilities which shall accommodate persons with disabilities.
    d. The applicant shall give members of the public the opportunity to review application materials, ask questions of the applicant, and make comments regarding the proposal.
    e. The applicant shall provide to the Zoning Administrator/Planning Director, with the Special Exception Application, a summary of any input received from members of the public at the meeting.
3. Application Requirements: Each applicant requesting a Special Exception shall submit the following.
    a. A completed application form.
    b. Documents demonstrating the ownership of the subject parcel(s).
    c. Proof that the applicant has authorization to act upon the owner's behalf.
    d. Identification of the intended utility company who will interconnect to the facility.
    e. List of all adjacent property owners, their tax map numbers and addresses.
    f. A description of the current use and physical characteristics of the subject parcels.
    g. A description of the existing uses of adjacent properties

h. Aerial imagery which shows the proposed location of the solar energy facility, fenced areas and driveways with the closest distance to all adjacent property lines, and nearby dwellings, along with main points of ingress/egress.
i. Concept Plan-The facility shall be constructed and operated in substantial compliance with an approved concept plan, with allowances for changes required by any federal or state agency. The project shall be limited to the phases and conditions set forth in the concept plan that constitutes part of this application, notwithstanding any other state or federal requirements. No additional phasing or reduction in facility size shall be permitted, and no extensions beyond the initial period shall be granted without amending the use permit. The concept plan shall include the subject parcels; the proposed location of the solar panels, Energy Storage components or structures; the location of proposed fencing, driveways, internal roads, and structures; the closest distance to adjacent property lines and dwellings; the location of proposed setbacks; the location and nature of proposed buffers, including vegetative and constructed buffers and berms; the location of points of ingress/egress; any proposed construction phases.
j. A detailed decommissioning plan (see Section 15C-3.s below).
k. A reliable and detailed estimate of the costs of decommissioning, including provisions for inflation.
l. For Utility Scale Solar facilities, a traffic study modeling the construction and decommissioning processes. Staff will review the study in cooperation with the state department of transportation or other official transportation authority.
m. An estimated construction schedule.
n. 15 hard copy sets (11" × 17" or larger), one reduced copy (8½" × 11"), and one electronic copy of site plans, including elevations and landscape plans as required. Site plans are required prior to commencement of construction of the facility and shall meet the requirements of this ordinance.
o. Any additional information deemed necessary to assess compliance with this section based on the specific characteristics of the property or other project elements as determined on a case-by-case basis.
p. Submission fee.
q. Formal request from the applicant for determination by the Planning Commission that the facility is in substantial accord with the Comprehensive Plan pursuant to Article 19, Section 19.3.4 of the Middlesex County Zoning Ordinance and Section 15.2-2232 of the Code of Virginia or submittal or a Siting Agreement in accord with Section 15.2-2316.6-8 Of the Code of Virginia.

15C-3. Large Scale, Small Utility Scale, Utility Scale Solar Energy Facilities and Electric Energy Storage Facility Development Requirements

All Large Scale, Small Utility Scale and Utility Scale Solar Energy Facilities and Electric Energy Storage Facilities shall meet the following Development requirements:

a. For the purposes of this section, the "Facility" shall include all solar voltaic panels, battery storage units, internal access roads and drive isles, accessory structures such as sheds, containers, equipment buildings, security fencing, landscaping and any other structures or appurtenances that are necessary for operation of the facility. For Solar Energy Facilities, all the above referenced structures and appurtenances, except for landscaping, vegetative screening, berms, electrical distribution, access roads and entrances, shall be in accordance with the setbacks specified in this article. For Electric Energy Storage Facilities, all the above referenced structures

and appurtenances except for landscaping, vegetative screening, berms, electrical distribution and transmission infrastructure, security fencing, internal roads and drive isles, access roads, parking areas and entrances shall be in accordance with the setbacks specified in this article. Security fencing shall be no less than fifty (50) feet from any property line. Setbacks to the facility, listed herein, may be modified by the Board of Supervisors pursuant to a siting agreement and/or Special Exception condition submitted with Special Exception application. During construction, setback areas may be used for staging of materials and parking for vehicles and equipment.

b. The facilities, including fencing, shall be screened from the ground-level of adjacent properties and right of ways. In setback areas around the facility, a twenty-five-foot buffer will be maintained, consisting of either existing or new vegetation to screen the facility. Entrances to the facility do not require screening. Opaque architectural fencing shall be used where entrance gates are located or the entrance to the secured area shall be offset from the public highway sufficiently to obscure the view of the security gate. The location and layout of this vegetative buffer will be detailed in the landscaping Plan which will be approved as part of the Special Exception permit.

c. Landscaping Plan. An application for a Special Exception shall include a Landscaping Plan for the Facility depicting buffering areas, materials, and vegetation to be included in the buffer area. The Landscaping Plan shall include a mix of vegetation to buffer the Facility. The buffer shall have an anticipated five-year height of six (6) to eight (8) feet after planting and an anticipated mature height of thirty (30) to forty (40) feet. Planting of pollinators in setback areas, that are usually planted with turf grass, are encouraged. The Board of Supervisors and County staff will review the Landscaping Plan during the Special Exception Permit approval process and determine its sufficiency. Upon approval, compliance with the Landscaping Plan will become a part of the Special Exception Permit conditions.

d. The design of support buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and surrounding structures.

e. No aspect of a Solar Energy Facility shall exceed 20 feet in height, as measured from grade at the base of the structure to its highest point. No aspect of a Storage Facility shall exceed the Maximum Building Height identified in the district regulations for the zoning district. Such height restriction shall not apply to electrical distribution or transmission lines.

f. All facilities must meet or exceed the standards and regulations of State Corporation Commission ("SCC") or equivalent, and any other agency of the local, state or federal government with the authority to regulate such infrastructure that are in force at the time of the application, or which applies retroactively. No Utility Scale Solar facility shall be located within the Horizontal, Transitional or Visual Approach Zones as defined in Article 14 (Airport District) of this ordinance.

g. To ensure the structural integrity and environmental protection of the infrastructure, the developer shall, pursuant to Section 15.2-2286 of the Code of Virginia, incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product

certifications and standards including but not limited to the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical, Electronics Engineers Standard 1547, Underwriters Laboratories No. 61730-2 and the National Fire Protection Association (NFPA) code 855, "Standard for installation of stationary Energy Systems".

h. The facilities, except as noted in section a above, shall be enclosed by security fencing consisting of chain link, 2-inch square mesh, 6 feet in height, surmounted by three strands of barbed wire on the interior or as required by the National Electric Code (NEC). Fencing shall be maintained to continue the purpose of security.

i. Lighting shall be the minimum necessary for safety and/or security purposes and shall use shielded fixtures to minimize off-site glare and shall comply with all requirements set forth in Article 17C Lighting Requirements.

j. Applicants for new Solar and Energy Storage Facility projects shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

k. No facility shall produce noise, glare, smoke, or fumes that would constitute a nuisance to the public during regular operation. All solar panels shall use non-concentrating, anti-reflective coatings. Exterior surfaces of the collectors and related equipment shall have a non-reflective finish and solar panels shall be designed and installed to limit glare to a degree that no after image would occur towards vehicular traffic and any adjacent properties. Panels shall be repaired or replaced when either nonfunctional or in visible disrepair. Any equipment or situations on the project site that are determined to be unsafe must be corrected within 30 days of citation of the unsafe condition.

l. No signage of any type may be placed on the facility other than identification information required by law and safety notices and warnings. Access roads and points are to be marked with identifying signage. Signage shall identify the facility owner, provide a 24-hour emergency contact phone number, and conform to the requirements set forth in the Zoning Ordinance.

m. All site activity required for the construction and operation of the Solar Energy Facility shall be limited to the following:

   i. All pile driving activity shall be limited to the hours of 7 a.m. to the later of 7 p.m. Monday through Saturday.

   ii. All other construction activity on site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.

   iii. Along with the final Site Plan submittal for Utility Scale Solar Facilities, the Applicant shall prepare a Construction Management Plan for each applicable site plan for the Solar Facility, and each plan shall address the following:

      a. Traffic control methods (in coordination with the Department of Transportation prior to initiation of construction), including lane closures, signage, and flagging procedures.

b. Site access planning directing employee and delivery traffic to minimize conflicts with local traffic.

c. The Applicant shall install temporary security fencing prior to the commencement of construction.

d. During construction of the Solar Facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and safety lighting shall be exempt from this construction lighting condition.

e. The Applicant shall prepare a Construction Mitigation Plan for each applicable site plan for the Solar Facility to the satisfaction of the Zoning Administrator. Each plan shall address, at a minimum, the effective mitigation of dust, burning operations, hours of construction activity, access and road improvements, and handling of general construction complaints.

n. The building permit must be obtained within three (3) years of obtaining the Special Exception and commencement of the operation shall begin within two (2) years from building permit issuance.

o. A stormwater and an erosion and sediment control plan shall be submitted in conjunction with the site plan. Utility Scale Solar Facilities will require third party Erosion and Sediment control inspections by a consultant duly licensed by the Virginia Department of Environmental Quality and approved by the County. The County also reserves the right to initiate third party review for Stormwater and Erosion and Sediment Control. These consultant fees shall be paid by the applicant/developer.

p. For Solar Facilities, the site design shall limit grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms. Natural flow patterns shall be incorporated into drainage design and proposed drainage areas should conform to existing drainage areas as near as possible. Impervious surfaces shall be reduced as much as possible to reduce stormwater storage needs. In addition to Chesapeake Bay Preservation Area buffers, vegetated buffers shall be preserved along drainage ways to assist in reduced runoff volumes and nutrient reduction.

q. For Utility Scale Solar Facilities, the Applicant shall identify an access corridor for wildlife to navigate through the Solar Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.

r. Siting agreements shall be in accord with Section 15.2-2316.6-8 Of the Code of Virginia.

s. The Applicant shall submit a decommissioning plan to the County for approval in conjunction with the Special Exception application. This plan may be amended during the site plan process to accommodate revisions necessitated by site plan requirements and comments. The purpose of the decommissioning plan is to specify the procedure by which the Applicant or its successor would remove the Facility after the end of its useful life. As used herein "Decommissioning" shall mean (i) the removal from the surface of the Property, any facilities installed or

constructed thereupon, including permanent foundations up to 3 feet below ground surface, (ii) the filling in and compacting of all trenches or other borings or excavations made in association with the Facility along with soil stabilization and revegetation of the ground cover of the real property, and (iii) the removal of all debris associated with the Facility from the surface of the property. All decommissioning shall be subject to all applicable permits and authorizations as they may relate at the time of decommissioning. Subject to written agreement between the Zoning Administrator and Project Owner, certain infrastructure, equipment, and site features may be exempt from Decommissioning if such features may be beneficial to some future use of the parcel.

i. Decommissioning Cost Estimate. The decommissioning plan shall include a decommissioning cost estimate prepared by a State licensed professional engineer.

ii. The cost estimate shall provide the gross estimated cost to decommission the Solar Facility in accordance with the decommissioning plan and these conditions. The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the Solar Facility equipment and materials.

iii. The Applicant, or its successor, will update the decommissioning cost estimate every 5 years and if necessary, reimburse the County for an independent review and analysis by a licensed engineer of each decommissioning cost estimate revision. If an Energy Storage Facility is owned by a public service corporation in the Commonwealth of Virginia, this decommissioning cost estimate will not be required.

iv. If the Solar Energy Facility or Energy Storage Facility is inactive, (completely or substantially discontinuing the receipt and/or delivery of electricity to an electrical grid) for a continuous twenty-four (24) month period, it shall be considered deactivated. The Applicant shall provide notice to County Staff immediately upon the site becoming inactive permanently deactivated and/or shutting down operation. The current owner of the Project ("Project Owner") shall remove the facilities ("Decommissioning") within twelve (12) months of cessation of operation or within twelve (12) months from receipt of notice from the County ("County Notice").") that decommissioning must commence due to deactivation. If the Facility is not removed in accordance with the provisions above, the County may cause the removal of the Facility with costs being borne by the Project Owner. Unless the Facility is owned by a public service corporation in the Commonwealth of Virginia, the costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to certified funds, cash escrow, letter of credit, bond, or parent guarantee. If the Solar Energy Facility/Storage Facility is sold to any entity that is not a public service corporation, the Special Exception shall not transfer to the purchaser until such time as the adequate surety is provided. If surety is required, the cost estimates of the decommissioning shall be updated every five (5) years and provided to the County. At its option, the County may require the surety amount to be increased based on the net cost of decommissioning.

t. Any other conditions proffered by an applicant added by the Board of Supervisor as

part of a Special Exception Permit approval

15C-4. Small System Solar Energy Facilities Requirements

Small System Solar Facilities are small facilities as defined in Article 22, which are not located on an existing structure, that are intended for on-site power generation in either commercial, agricultural or residential situations. Small System Solar Facilities shall be subject to the following conditions:

a. No facility shall produce noise, glare, smoke or fumes that would constitute a nuisance to the public. All solar panels shall use non-concentrating, anti-reflective coatings. Exterior surfaces of the collectors and related equipment shall have a non-reflective finish and solar panels shall be designed and installed to limit glare to a degree that no after image would occur towards vehicular traffic and any adjacent properties. Panels shall be repaired or replaced when either nonfunctional or in visible disrepair. Any equipment or situations on the project site that are determined to be unsafe must be corrected within 30 days of citation of the unsafe condition.
b. No aspect of a Solar Energy Facility shall exceed 15 feet in height, as measured from grade at the base of the structure to its highest point. This limitation may be increased by the Board of Supervisors, provided the applicant can demonstrate that the use cannot be viewed over top of screening vegetation from a higher vantage point. Such height restriction shall not apply to electrical distribution or transmission lines.
c. Opaque screening shall be installed directly adjacent to any small facility between the facility and the adjoining property line. This screening may be existing vegetation if adequate. If adequate natural screening is not present or insufficient, vegetation shall be planted that achieves the purpose listed above. Privacy fencing may be utilized in lieu of vegetation.
d. Once the facility has ceased to operate for a period of six months, all panels, structures and any other associated equipment, must be removed from the property and disposed of in a legal manner.

15C-5. Small System Setbacks and Yard Requirements.

a. Setbacks and yard requirements for Small Systems shall be as follows:

All structures, panels and other associated equipment shall conform to the setback and yard requirements for the district.

15C-6. Large Scale, Small Utility Scale and Utility Scale Solar Facility Setbacks and Yard Requirements.

a. Setbacks and yard requirements for Large Scale, Small Utility Scale and Utility Scale Solar Facilities shall be as follows:

(RH) Resource Husbandry:

No portion of any facility, except as exempted herein, shall be placed any closer than;

500’ from any Primary highway right-of-way.
200’ from any Secondary highway right-of-way.
100’ from any private right-of-way.

County Attorney Update

Next Meeting

The next meeting is scheduled for Thursday, December 7, 2023, at 7:00 p.m. (time may change to 6:00 p.m. depending on agenda items).