

**RESOLUTION TO APPROVE SP202300023
BUCK ISLAND SOLAR**

WHEREAS, Buck Island Solar, LLC submitted an application for a solar energy system in the Rural Areas zoning district on Parcel ID 10500-00-00-001A0, identified as SP202300023 Buck Island Solar; and

WHEREAS, on November 26, 2024, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP202300023 with staff-recommended conditions; and

WHEREAS, on February 5, 2025, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP202300023; and

WHEREAS, upon consideration of the staff reports prepared for SP202300023 and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.1 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in Rural Areas zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202300023 Buck Island Solar, subject to the conditions attached hereto.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	Aye	Nay
Mr. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Mr. Pruitt	_____	_____

SP202300023 Buck Island Solar-- Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan prepared by BOHLER and NEXAMP last revised 10/21/2024 (hereinafter "Concept Plan") and included as Attachment A3. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:

- a. Location of solar development envelopes,
- b. Location of equipment yard, and
- c. Retention of wooded vegetation in stream buffers

Land disturbance, which includes (but is not limited to): grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, is limited to the areas within the limits of disturbance as shown on the Concept Plan.

Upon the approval of the Zoning Administrator and the Director of Planning, minor modifications may be made to the Concept Plan that (i) do not otherwise conflict with the elements listed above and (ii) ensure compliance with the Zoning Ordinance, and State or Federal laws.

2. Landscaping and screening locations must be substantially the same (as determined by the Director of Planning and the Zoning Administrator) as shown on the Concept Plan. Additional landscaping and/or screening may be required for compliance with the screening provisions of the Albemarle County Code. The County's site plan agent will determine and specify and required planting materials during site plan review.
3. The owner(s) must submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application. The Decommissioning Plan must include the following items:
 - a. A description of any agreement(s) (e.g. lease) with the landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being utilized at the site;
 - d. Standard procedures for removal of facilities and site rehabilitation, including recompact 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 36 inches below grade or down to bedrock, whichever is less;
 - f. An estimate of all costs associated with rehabilitation of the site; and
 - g. Provisions to recycle materials to the maximum extent possible.

The Decommissioning Plan must be prepared by a qualified third-party engineer and approved by the party responsible for decommissioning, and all landowners subject to the project. The Decommissioning Plan is subject to review and approval by the County Attorney and County Engineer, and must be in a form and style suitable for recordation with the Circuit Court of the County of Albemarle.

7. Prior to issuance of a grading permit, the owner(s) must record the Decommissioning Plan with the Circuit Court of the County of Albemarle.
8. The Decommissioning Plan and estimated costs must be updated by qualified individual(s) upon (a) change of ownership of either the property or the project's owner(s) or (b) written request from the Zoning Administrator, but in any event at least once every five years. All updated decommissioning plan(s) must include as-built plans. The owner(s) must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
9. The owner(s) must notify the Zoning Administrator in writing within 30 days of the abandonment or discontinuance of the use.
10. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site must be rehabilitated as described in the Decommissioning Plan, within 180 days of the abandonment or discontinuance of the use. Any piece(s) of any underground component(s) must be excavated to a depth of at least 36 inches below the ground surface.
11. If the use, structure, or activity for which this special use permit is issued is not commenced by February 5, 2028, this permit will be deemed abandoned and will thereupon terminate.
12. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14 (Performance standards).
13. Panels may be cleaned only with water and biodegradable cleaning products.
14. No above ground wires are permitted, except for those (a) associated with the panels and attached to the panel support structure or (b) tying into the existing overhead transmission wires, and/or necessary to avoid impacting wetlands or stream buffers.
15. Before activating the site, the owner(s) must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and life saving procedures, and material handling procedures.
16. The property owner(s) must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
17. Outdoor lighting for the facility is permitted only during maintenance periods. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required by *County Code* § 18-4.17, except for any outdoor lighting required by state or federal law.
18. The project must achieve VA Pollinator-Smart Certification under the Virginia Pollinator-Smart Solar program.

19. Fencing must be consistent with the recommendations of the Department of Wildlife resources, including a minimum height of eight feet to exclude deer, with a four-inch gap at the bottom.
20. Until the County adopts a Solar Revenue Share Ordinance pursuant to *Virginia Code* § 58.1-2636(A), the owner must make a separate payment to the County (each, a “Supplemental Payment” and collectively, the “Supplemental Payments”) for each year that the project’s Estimated Solar Revenue Share exceeds its Machinery and Tools Tax (“M&T Taxes”). The amount of each Supplemental Payment will equal the difference between the Estimated Solar Revenue Share and the M&T Taxes. Each Supplemental Payment will be due at the same time the M&T Taxes are due and owing. No Supplemental Payment will be made for any year when the M&T Taxes equal or exceed the Estimated Solar Revenue Share. If the County adopts a Solar Revenue Share Ordinance, no Supplemental Payment will be made for the year in which such ordinance is adopted, or for any year thereafter.