

ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

<p>Project Name: SP202200014 Woodridge Solar Substation and SP202200015 Woodridge Solar SE202200035 Woodridge Solar - Critical Slopes Special Exception</p>	
<p>Planning Commission Public Hearing: December 13, 2022</p>	<p>Board of Supervisors Hearing: TBD</p>
<p>Owner(s): J D Land Holdings LLC</p>	<p>Applicant(s): Hexagon Energy</p>
<p>Acreage: 2,260 acres</p>	<p>By-right use: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)</p>
<p>TMP: 11400000005100, 11400000005500, 11400000005600, 11400000005800, 11400000006500, 11400000006800, 11400000006900, 11400000007000, and 11500000001000 Location: Secretarys Road (Route 708) between Blenheim and Woodridge</p>	<p>Special Use Permit for: Solar Energy System and associated substation.</p>
<p>Magisterial District: Scottsville</p>	<p>Proffers/Conditions: Yes</p>
<p>School District: Scottsville, Walton, Monticello</p>	<p>DA - RA - X</p>
<p>Requested # of Dwelling Units/Lots: NA</p>	<p>Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)</p>
<p>Proposal: Solar-energy electrical generation facility and associated substation producing approximately 138 megawatts. The panels will encompass approximately 650 acres. A special exception has been requested to allow disturbance of critical slopes.</p>	<p>Use of Surrounding Properties: The surrounding area is a mixture of wooded and open lands. This is a rural area with scattered dwellings. A 22-lot subdivision, The Farms at Turkey Run, is located adjacent and to the west. All lots in the subdivision are 21 acres or greater. The project abuts property in the Carter's Bridge Agricultural Forestal District. This property is in the Southern Albemarle Rural Historic District.</p>
<p>Character of Property: The property is typical of the southern Albemarle piedmont area with relatively gently rolling terrain. The property has historically been planted in pine and used for timber harvesting. Most of the land has been timbered and not has not been replanted and is open land. Some remaining</p>	

planted pine is located on the property. A high voltage power line crosses the property.

Factors Favorable:

1. Provides a source of renewable power generation.
2. In compliance with the Comprehensive Plan
3. Site can be returned to by-right uses.

Factors Unfavorable:

1. Will have some visual impacts for a number of years until screening trees grow.

Recommendation: Staff recommends approval of SP202200014 Woodridge Solar Substation and SP202200015 Woodridge Solar with conditions.

STAFF CONTACT: William D. Fritz, AICP
PLANNING COMMISSION: December 13, 2022
BOARD OF SUPERVISORS: TBD

PETITION:

SP202200014 Woodridge Solar Substation
SP202200015 Woodridge Solar
SE202200035 Woodridge Solar - Critical Slopes Special Exception

MAGISTERIAL DISTRICT(S): Scottsville

TAX MAP/PARCEL(S): 11400000005100, 11400000005500, 11400000005600, 11400000005800, 11400000006500, 11400000006800, 11400000006900, 11400000007000, 11500000001000

LOCATION: Secretary's Road (Route 708) between Blenheim and Woodridge

PROPOSAL:

SP202200014: A new electrical substation for transmission of power generated by the solar energy system proposed in SP202200015.

SP202200015: Solar-energy electrical generation facility, with photovoltaic panels and related equipment. The total property acreage is approximately 2,260 acres with approximately 650 acres used for panels.

SE202200035 Woodridge Solar - Critical Slopes Special Exception: Request to allow disturbance of critical slopes

PETITION:

SP202200014: Energy and communications transmission facilities under Section 10.2.2(6) of the Zoning Ordinance, on parcel 11400000007000 that consists of approximately 1,728 acres. No dwelling units proposed.

SP202200015: Solar energy system allowed by special use permit under section 10.2.2.58 of the Zoning Ordinance, on nine parcels of land totaling approximately 2,260 acres. No dwellings proposed.

SE202200035 Woodridge Solar - Critical Slopes Special Exception: Request to allow disturbance of critical slopes.

ZONING: RA Rural Area, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

ENTRANCE CORRIDOR: No

OVERLAY DISTRICT(S): Flood Hazard Overlay

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

CHARACTER OF THE AREA:

The surrounding area is a mixture of wooded and open lands. This is a rural area with scattered dwellings. A 22-lot subdivision, The Farms at Turkey Run, is located adjacent and to the west. All lots in

the subdivision are 21 acres or greater. The project abuts property in the Carter's Bridge Agricultural Forestal District. This property is in the Southern Albemarle Rural Historic District. The property is typical of the southern Albemarle piedmont area with relatively gently rolling terrain. The property has historically been planted in pine and used for timber harvesting. Most of the land has been timbered and not has not been replanted and is open land. Some remaining planted pine is located on the property. A high voltage power line crosses the property.

PLANNING AND ZONING HISTORY:

SP 1988-42 John J. Purcell Estate Hunting Lodge – Approved 8/17/88.

SUB 1985-192 Edward Lee Jones Estate Property approved 12/9/85

DETAILS OF THE PROPOSAL:

Solar-energy electrical generation facility and associated substation producing approximately 138 megawatts. A special exception has been requested to allow disturbance of critical slopes. Attachment B contains the narrative submitted by the applicant. Attachment C is a concept plan of the proposed project. All of the information submitted by the applicant is available in the CountyView system that may be accessed on the County's website or by clicking [HERE](#).

COMMUNITY MEETING:

A virtual community meeting was held on June 29, 2022. The applicant held a second community meeting at Victory Hall in Scottsville on November 9, 2022, that was attended by approximately 20 people.

Comments received included: concerns about visual impacts, property value impacts, stormwater impacts, fire safety, decommissioning and recycling of decommissioned materials. A recording of the June community meeting may be found on the County Calendar for June 29, 2022, or by clicking [HERE](#).

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.40b of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined.

The comments below are based on staff's analysis of the application including information submitted by the applicant. The information submitted by the applicant contains detailed information. Staff will not restate all of the submitted information in this staff report and refers the reader to attachments for detailed information.

No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.

Impacts on adjacent lots will be limited to visual and noise impacts. Noise generated by the site is minimal and is less than what could be generated from by-right agricultural uses of the property. The sound generated by the equipment on site is similar to what would be generated by heating and cooling equipment associated with a home. The applicant has proposed a 200 foot setback for any panels or other equipment. The proposed setback is greater than what is required for residential development or agricultural activity. Previously approved solar facilities had a 100 foot setback.

Where the depth of existing wooded buffers is less than 200 feet, the applicant has proposed augmented buffer plantings. This planting pattern would fill in open areas of the buffer with (from the outer edge inwards) 100 feet of trees bordered by 100 feet of native pollinator meadow plantings. In areas with nearby residences, the inner 100 feet of pollinator meadow would be replaced with 20 feet of

supplemental screening plantings and 80 feet of pollinator meadow. The areas for this planting pattern are labelled on sheets C6.0 through C6.8 of the conceptual plan with green dots.

The proposed project is large and visibility from various locations will occur. The most significant visual impact will be along a portion of Secretarys Road. Visibility from most residential development will be mitigated by the retention of existing vegetation and the planting of new screening trees. Visibility will be largely eliminated from as the screening trees grow. While visibility is an impact and may change the character of the area, staff does not consider visibility to result in a substantial detriment as it does not prevent the use of any adjacent property for any by-right uses or reduce the ability to use Secretarys Road.

Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The existing character of the nearby area is rural. The area is dominated by woodland to the north, east and south. The area southwest of this property has significant areas of open land used for a variety of agricultural uses. The area immediately to the west consists of a large lot subdivision. Most of the lots in the subdivision are vacant. Residential development is scattered.

The use of adjacent properties for forestry and agriculture is not impacted by the proposed solar facility. Property adjacent to the proposed solar facility is located in the Carter's Bridge Agricultural Forestal District. This project was reviewed by the Agricultural Forestal Advisory Committee on July 6, 2022. By a vote of 6:0 the committee found that the proposal does not conflict with the purposes of the districts. A recording of the committee meeting may be found on the County Calendar for July 6, 2022 or by clicking [HERE](#).

Solar facilities do represent a change in the character of the area due to the industrial appearance of the facility. As stated previously, the site will be visible from adjoining property. This visibility will be diminished significantly as screening trees grow. It is not practical to plant trees at a height that provide instant screening.

The applicant has submitted an analysis of the impact of solar facilities on the impact on adjoining property value. This study was prepared by Kirkland Appraisals, LLC. The full document is included as attachment G of the applicant's narrative.

The study includes the following statement:

Based on the data and analysis in this report, it is my professional opinion that the solar farm proposed at the subject property will have no negative impact on the value of adjoining or abutting property. I note that some of the positive implications of a solar farm that have been expressed by people living next to solar farms include protection from future development of residential developments or other more intrusive uses, reduced dust, odor and chemicals from former farming operations, protection from light pollution at night, it's quiet, and there is no traffic.

This property is within the Southern Albemarle Rural Historic District. The property is listed as non-contributing. The applicant has submitted a Historic and Cultural Resources Study. This study included shovel tests. No shovel tests were positive for cultural materials. The study recommends a Phase I cultural resources survey of the area proposed for disturbance. This study is required by the Virginia DEQ as part of the State permitting process.

The installation will be visible from locations in the National Register Historic District, including from public rights-of-way, and the scale of the installation will change the character of at least a portion of that

district. (The project area is much smaller than the overall area of the historic district.) Visibility of the installation, and potentially visual impacts on the historic district, are expected to significantly decrease in the long term, once the buffer trees have matured

Staff opinion is that, in the short term, the character of the area will be minimally changed due to the industrial character of the solar facility. However, as screening trees mature this impact will be mitigated and ultimately the character of the area will be restored when the project is decommissioned.

Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

Solar facilities must be located on relatively large, open, gently sloping areas with access to power transmission lines. Utility scale solar is permitted only in the RA, Rural Area zoning district. This district is the predominant district in the part of the County.

Staff has reviewed the purposes of the Zoning Ordinance (Chapter 18, Section 1.4) and the intent of the Rural Area District (Chapter 18, Section 10.1). The review criteria for a special use permit are designed to address the purpose and intent of the ordinance as stated in these sections. However, several sections warrant additional discussion.

Section 1.4G states “Encourage economic development activities that provide desirable employment and enlarge the tax base”. The proposed solar facility generates limited employment mostly associated with the construction of the facility. The applicant has submitted information indicating that the solar facility will enlarge the tax base of the County stating in part:

The proposed Woodridge Solar project would generate approximately \$13.9 million (from taxation on capital equipment) or \$12.4 million (from a revenue share agreement) in cumulative county revenue over the facility’s anticipated 35-year operation life, as compared to approximately \$137,000 in cumulative county revenue in the property’s current agricultural use – a difference of approximately \$13.7 million and \$12.3 million.

Section 10.1 states in part:

“This district (hereafter referred to as RA) is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:

- Preservation of agricultural and forestal lands and activities;
- Water supply protection;
- Limited service delivery to the rural areas; and
- Conservation of natural, scenic, and historic resources.

The intent of the RA district, Section 10.1, also states in part “Residential development not related to bona fide agricultural/forestal use shall be encouraged to locate in the urban area, communities and villages as designated in the comprehensive plan where services and utilities are available and where such development will not conflict with the agricultural/forestal or other rural objective.”

The primary commercial use intended for the Rural Areas is the production of forestal and agricultural commodities. The property includes prime farmland and farmland of statewide importance. No unique soils are located on the property. This site is not within a water supply watershed.

This property has been used for pine production for decades and exhibits the typical features associated

with timber harvesting. These features include areas of pine monoculture in various stages of growth, areas of recent harvest with limited vegetation, erosion caused by harvest operations, cleared and compacted areas used for staging. The soils also exhibit the typical exhaustion caused by repeated timbering operations. The applicant has submitted information stating:

Soils tests found that the soil pH across the site ranged from 4.1 to 5.0 indicating that the soils are extremely to strongly acidic. In previously farmed areas, decaying organic matter and oxidation of fertilizers can contribute to acidic soils. These soils can have high concentrations of soluble minerals that can impair plants' nutrient uptake and thus establishment of new plant communities.

The CEC value (cation exchange capacity) is another indicator of soil health. CED values below 12 indicated that the soil is considered "nutrient deficient" and will struggle to effectively uptake nutrients from fertilizer applications unless the soil is amended. The CED values across the site ranged from 2.0-5.4. Strongly acidic soils typically have low CED values.

The applicant has submitted a vegetation management plan which is included as attachment K of the applicant's narrative. This plan includes a discussion of the Virginia Pollinator-Smart Solar program. The management plan states in part, "This project commits to achieving VA Pollinator-Smart Certification, barring external market factors prohibiting the cost of plants and materials between approval and construction." Staff opinion is that achieving this certification would contribute to the project's harmony with the nearby area. It would also maintain and potentially improve the soil characteristics and provide wildlife habitat and general agricultural activity.

The Vegetation Management Plan sets standards for site preparation, planting, plant establishment, and long-term maintenance. To ensure that vegetation management on the site continues to effectively provide visual screening, environmental benefits, and soil improvements, staff recommends a condition requiring that soil and vegetation management remain in accord with this Vegetation Management Plan for the life of the project.

As noted above, the applicants' soil studies show that long-term commercial forestry use of the property has led to acidic soil conditions. The site is generally lacking in topsoils. Additionally, excavation and grading of the site would lead to mixing of nutrient-poor subsoils with the existing surface soils. These soil conditions would likely hamper the viability of the proposed site plantings. In the Vegetation Management Plan, the applicant's consultants recommended the application of soil amendments as typically used in soil restoration and remediation (lime, nitrogen, phosphate, etc.) to improve the viability and fertility of the site's degraded soils. This would benefit both the proposed plantings and the potential use of the site for agriculture after the solar use is decommissioned. Staff recommends a condition requiring that these soil amendments be applied as described in the Vegetation Management Plan.

Harmony. ...with the uses permitted by right in the district

The proposed facility will not prevent any by-right uses on surrounding properties.

Harmony. ...with the regulations provided in section 5 as applicable,

The solar energy system component of this application is not subject to any provisions contained in section 5.

The substation component of this application is subject to the regulations contained in section 5.1.12. (Attachment D)

The substation is located adjacent to the existing high voltage power line. This location is internal to the property and will have no impact on abutting properties. No conditions are needed to address the provisions of section 5.1.12.

Harmony. ...and with the public health, safety and general welfare.

The Fire/Rescue Department has reviewed this request. Public health and safety are addressed during the site plan review process. The site plan process includes reviewing the project entrance, stormwater runoff, erosion control and other features of the project. The Fire/Rescue division has requested, and the applicant has agreed to, a training program to address the unique characteristics of a utility scale solar facility.

The Virginia Department of Transportation has reviewed this request. As part of the site plan process the entrance design will be addressed. Solar facilities do not generate significant amounts of traffic after the construction period.

Staff has considered the content of the Climate Action Plan when evaluating this projects harmony with the general welfare. Attachment E contains some of the portions considered when evaluating this application. The Climate Action Plan supports the use of utility scale solar.

Staff is able to find that with conditions, this project will be in harmony with the public health, safety and general welfare.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

While this utility use is not identified as a policy priority for the Rural Areas, it helps the County to meet other Comprehensive Plan goals related to renewable-energy production.

The applicant's application narrative contains discussion about consistency with the Comprehensive Plan.

In addition to the comments provided by the applicant staff provides the following additional comments.

Background (Page 1.6)

Promote the conservation and efficient use of energy resources

This project would provide for efficient production and use of energy.

Natural Resources (Page 4.45) the Comprehensive Plan states:

In 2010, members of the community and representatives of the County, the City, and UVA began a local planning process to find ways to lower the community's energy consumption and, thus, greenhouse gas emissions. The Committee, known as the Local Climate Action Planning Process (LCAPP) Steering Committee, recommended that the City, County, and UVA:

- Continue to demonstrate leadership in energy and carbon reductions at the local level;

- Build on existing synergies by continued collaboration of City, County, UVA, and community partners;
- Integrate the role of energy and carbon emissions in projects and planning;
- Equip the community at all levels to make informed decisions about the impacts of carbon emissions and energy; and
- Identify and promote actions that enable the community to reap the health, economic and environmental benefits that accompany sound energy-based decisions.

Utility scale solar satisfies these objectives.

Review for Compliance with the Comprehensive Plan

As a solar facility, this proposal is subject to a Compliance with the Comprehensive Plan Review as required by the Code of Virginia (§15.2-2232). A compliance review considers whether the general location, character, and extent of a proposed public facility are in substantial accord with the adopted Comprehensive Plan. It is reviewed by the Planning Commission, and the Commission's findings are forwarded to the Board of Supervisors for their information. No additional action is required of the Board.

For the reasons discussed above staff finds that this proposal is consistent with the Comprehensive Plan.

SEE ATTACHMENT D OF THE APRIL 5, 2023 BOARD OF SUPERVISORS PACKET FOR REVISED ANALYSIS

SPECIAL EXCEPTION TO ALLOW DISTURBANCE OF CRITICAL SLOPES

~~Only the Board of Supervisors is required to act on the special exception request. The Planning Commission is not required to evaluate or comment on the special exception request. Evaluation of the special exception request is included in this report in the event that the Planning Commission chooses to provide comments to the Board of Supervisors.~~

~~The project proposes to disturb approximately 8.5 acres of critical slopes. The areas of disturbance are scattered across the project and are not a contiguous area. The procedure and criteria for evaluation of the special exception are contained in Sections 4.2.5 and 33.5. The applicant has submitted a request addressing the provisions of the ordinance, Attachment B. Each of the provisions is addressed below.~~

- ~~1. Request. A developer or subdivider requesting a modification or waiver shall file a written request in accordance with [section 32.3.5](#) of this chapter and identify and state how the request would satisfy one or more of the findings set forth in subsection 4.2.5(a)(3). If the request pertains to a modification or waiver of the prohibition of disturbing slopes of 25 percent or greater (hereinafter, "critical slopes"), the request also shall state the reason for the modification or waiver, explaining how the modification or waiver, if granted, would address the rapid and/or large-scale movement of soil and rock, excessive stormwater run-off,~~

Prior to any disturbance the applicant will be required to obtain site plan approval and approval of a grading plan. The approval of these plans will include provisions to minimize stormwater run-off and the movement of soil and rock. The proposed disturbance of critical slopes will result in slopes that are less steep. The reduction in slope helps to minimize stormwater run-off rates and siltation.

siltation of natural and man-made bodies of water;

During construction erosion control measures will be required to minimize siltation. Post construction the areas will be stabilized, and stormwater management systems will be installed and required to be maintained. Staff notes that these slopes have been disturbed in the past during timbering operations and will likely be disturbed in future timbering operations if this project is not approved.

loss of aesthetic resources;

The slopes do not currently represent an aesthetic resource.

and, in the event of septic system failure, a greater travel distance of septic effluent (collectively referred to as the "public health, safety, and welfare factors") that might otherwise result from the disturbance of critical slopes.

No drainfields are proposed.

2. Consideration of recommendation; determination by county engineer. In reviewing a request for a modification or waiver, the Board of Supervisors shall consider the recommendation of the agent as to whether any of the findings set forth in subsection 4.2.5(a)(3) can be made by the commission. If the request pertains to a modification or waiver of the prohibition of disturbing critical slopes, the Board of Supervisors shall consider the determination by the county engineer as to whether the developer or subdivider will address each of the public health, safety and welfare factors so that the disturbance of the critical slopes will not pose a threat to the public drinking water supplies and flood plain areas, and that soil erosion, sedimentation, water pollution and septic disposal issues will be mitigated to the satisfaction of the county engineer. The county engineer shall evaluate the potential for soil erosion, sedimentation and water pollution that might result from the disturbance of slopes of 25 percent or greater in accordance with the current provisions of the Virginia Department of Transportation Drainage Manual, the Commonwealth of Virginia Erosion and Sediment Control Handbook and Virginia State Water Control Board best management practices, and where applicable, Chapter 17, Water Protection, of the Code.

The property is not in a water supply watershed and none of the slopes are associated with flood plain areas. As previously stated a site plan and grading plan will be required. These plans must comply with State and local regulations. The county engineer has stated that the submittal and approval of these plans will address the provisions of this ordinance section. The slopes do not contain any unusual or unique characteristics that would prevent compliance with the ordinance or that would result in excessive erosion, sedimentation or water pollution.

3. Findings. The Board of Supervisors may grant a modification or waiver under this subsection (a) if it finds that the modification or waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and at least one of the following;

The site plan review process will verify and require that the proposed grading minimizes soil erosion and stormwater runoff. With the approval of a site plan sound engineering practices will be satisfied and the public health, safety and welfare will be protected. The areas of slope to be disturbed will not impact any adjacent properties. The special use permit review process will determine if the orderly development of the area is being satisfied.

~~a. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;~~

Staff has reviewed the purposes of this chapter contained in section 1.4. Application of the regulations limiting disturbance of critical slopes does not conflict with the purposes stated in the ordinance. The application does not meet this criterion for granting a modification or waiver.

~~b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;~~

The project will meet all requirements of State and local regulations for the disturbance of soils. These provisions will satisfy the intent and purpose of the ordinance to at least an equivalent degree. The application does meet this criterion for granting a modification or waiver.

~~c. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or~~

A strict application of the regulations would not prevent use of the property. Application of the regulations would require redesign of the proposed layout of the project and would likely result in a reduction of the capacity of the facility. The application does not meet this criterion for granting a modification or waiver.

~~d. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.~~

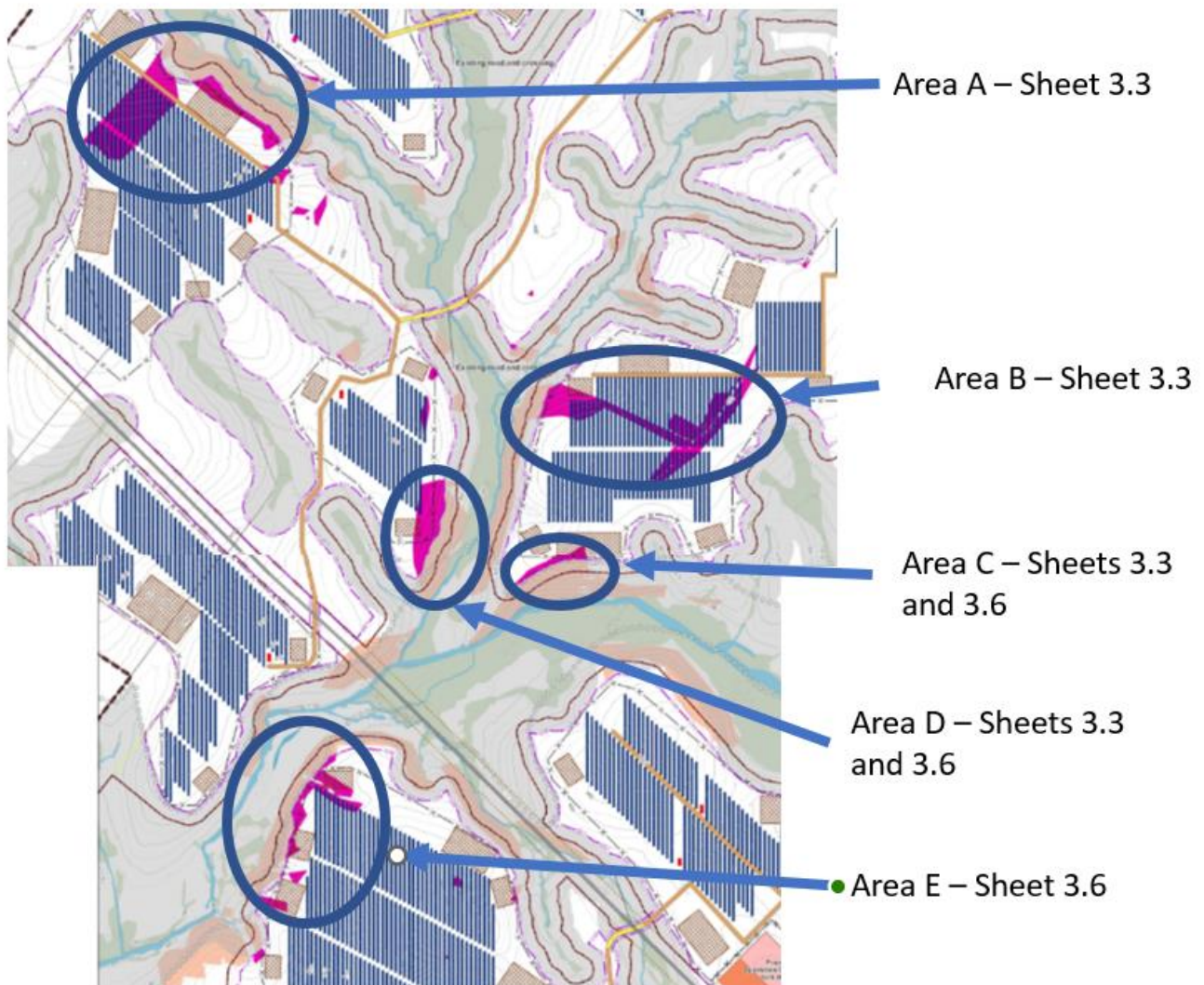
In evaluating this request staff has considered the provisions of Chapter 18, Section 30.7 Steep Slopes Overlay District. In adopting this district, the County evaluated critical slopes in the development area and determined which slopes may be disturbed, Managed Slopes and which slopes should remain undisturbed, Preserved Slopes. The Board adopted characteristics of these two types of slopes to help in determining which may be disturbed. Staff has used this provision to evaluate the public purpose to be served by approving or denying the request. The characteristics of the two types of slopes are:

Managed slopes. The characteristics of managed slopes are the following: (i) the contiguous area of steep slopes is limited or fragmented; (ii) the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond; (iii) the slopes are not natural but, instead, are manufactured; (iv) the slopes were significantly disturbed prior to June 1, 2012; (v) the slopes are located within previously approved single-family residential lots; or (vi) the slopes are shown to be disturbed, or allowed to be disturbed, by a prior county action.

Preserved slopes. The characteristics of preserved slopes are the following: (i) the slopes are a contiguous area of 10,000 square feet or more or a close grouping of slopes, any or all of which may be less than 10,000 square feet but whose aggregate area is 10,000 square feet or more; (ii) the slopes are part of a system of slopes associated with or abutting a water feature including, but not limited to, a river, stream, reservoir or pond; (iii) the slopes are part of a hillside system; (iv) the slopes are identified as a resource designated for preservation in the comprehensive plan; (v) the slopes are identified as a resource in the comprehensive plan; (vi) the slopes are of significant value to the entrance corridor overlay district; or (vii) the slopes have been preserved by a prior county action, including, but not limited to, the placement of an easement on the slopes or the acceptance of a proffer or the imposition of a condition, restricting land disturbing activity on the slopes.

Most of the slopes proposed to be disturbed meet the characteristics for Managed Slopes. However, five areas have characteristics of Preserved Slopes.

Those areas are highlighted below. The area highlighted in purple are the portions of critical slopes proposed to be disturbed and the beige areas are critical slopes that are not to be disturbed.



~~All of the critical slope areas exceed 10,000 square feet or are a close grouping of slopes that are part of a larger system. They are part of a larger system of critical slopes associated with water features. These characteristics would tend to make the slopes preserved slopes. No portion of preserved slopes are intended to be disturbed.~~

~~The installation of solar panels does serve a public purpose by providing renewable energy sources and is consistent with the County's climate action plan. Previous applications for solar energy systems did not involve the disturbance of critical slopes. However, as the size of the projects increases it is difficult to avoid critical slopes disturbance. Staff opinion is that limited disturbance of critical slopes that meet the criteria of managed slopes is consistent with the intent of the critical slopes regulations and serves a public purpose. Disturbance of areas that meet the criteria for preserved slopes for solar energy systems does serve a public purpose. However, the disturbance conflicts the public purpose of minimizing impacts to critical slopes that are part of a larger system of critical slopes and are also associated with water features.~~

Special Exception Summary

~~In staff opinion the request to allow disturbance of critical slopes does meet at least one of the criteria for granting a modification or waiver. This allows the Board to grant a modification or waiver. Based on the analysis of the request staff recommends that the request to disturb critical slopes be approved except for areas A, B, C, D and E as identified above.~~

SUMMARY:

This project has been reviewed for compliance with the factors to be considered in acting on a special use permit. It is the opinion of staff that this project, with conditions, is consistent with the ordinance requirements for approval of a special use permit. The impact caused by this project are primarily associated with construction and visual impact. The construction impact is of limited duration. The visual impacts will change the character of the area for some period of time. As the screening trees mature this impact will be mitigated and largely eliminated. Due to the use of this property for timber for many years, the soils have reduced agricultural value. This project is unusual in that it is a use that can be removed, allowing the site to largely return to its existing condition. In this situation the soils on the property may benefit from restoration and have improved agricultural value after the solar facility is removed.

Factors favorable to this request include:

1. Provides a source of renewable power generation.
2. In compliance with the Comprehensive Plan.
3. Site can be returned to by-right use.

Factors unfavorable to this request include:

1. Will have some visual impacts for a number of years until screening trees grow.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, and with the conditions proposed below staff recommends approval

Motions:

Special Use Permit

Should the Planning Commission **choose to recommend approval** of this special use permit:

I move to recommend approval of SP202200014 Woodridge Solar Substation and SP202200015 Woodridge Solar with the conditions outlined in the staff report.

Should the Planning Commission **choose to recommend denial** of this special use permit:

I move to recommend denial of SP202200014 Woodridge Solar Substation and SP202200015 Woodridge Solar. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.

Recommended Conditions of Approval:

1. Development and use must be in general accord with the plans prepared by Timmons Group titled "Woodridge Solar" dated 9/12/22 (hereinafter "Concept Plan") and included as Attachment C, as determined by the Director of Planning and the Zoning Administrator. 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, shall be limited to the areas within the proposed fence area as shown on the Concept Plan. The location of the proposed entrance and access to the solar facility shall not be subject to this condition.

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

2. Landscaping and screening locations must be substantially the same as shown on the Concept Plan. Additional landscaping and screening may be required during site plan review if required for compliance with the screening provisions of Chapter 18 of the Code of Albemarle. Planting materials shall be determined by The Agent during site plan review as provided for in Chapter 18 of the Code of Albemarle.
3. All inverters and solar panels must be set back at least two hundred (200) feet from property lines and rights-of-way.
4. The applicant must submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application that must include the following items:
 - a. A description of any (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 recompacting 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 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 third-party engineer and must be signed off by the party responsible for decommissioning, and all landowners of the property included in the project. The Decommissioning Plan shall be subject to review and approval by the County Attorney and County Engineer and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the County of Albemarle.

- 7. Prior to issuance of a grading permit, the Decommissioning Plan must be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
- 8. The Decommissioning Plan and estimated costs must be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan must be recorded in the office of the Circuit Court of the County of Albemarle.
- 9. The Zoning Administrator must be notified 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. In the event that a piece of an underground component breaks off or is otherwise unrecoverable from the surface, that piece 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 DATE 3 YEARS AFTER APPROVAL BY THE BOARD OF SUPERVISORS, the permit must be deemed abandoned and the authority granted thereunder shall thereupon terminate.
- 12. The facility must be meet the requirements contained in Chapter 18, Section 4.14 of the County Code.
- 13. Products used to clean panels are limited to water, and biodegradable cleaning products.
- 14. No above ground wires except for those associated with the panels and attached to the panel support structure and those associated with tying into the existing overhead transmission wires.
- 15. Prior to activation of the site the applicant must provide training 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 must grant the Zoning Administrator, or designee, access to the facility for inspection purposes within 30 days of the Zoning Administrator requesting access.

17. Outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required by section 4.17; provided that these restrictions shall not apply to any outdoor lighting required by state or federal law.
18. The project must achieve VA Pollinator-Smart Certification as contained in the Virginia Pollinator-Smart Solar program.
19. Until commencement of decommissioning, plantings and vegetation management on the site must be in general accord with the "Woodridge Solar Facility Vegetation Management Plan," prepared by Timmons Group, and dates September 2022.
20. During or after grading of the site and prior to planting and seeding, soil amendments as recommended in the Vegetation Management Plan must be applied to all areas of the site to be planted or seeded.

ATTACHMENTS

- Attachment A - Applicant Narrative
- Attachment B – Special Exception Request
- Attachment C – Concept Plan
- Attachment D – Chapter 18, Section 5.1.12
- Attachment E – Climate Action Plan
- Attachment F – Public Comment