



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

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December 3, 2019

Charlie Johnson
Apex Clean Energy
310 4th Street NE, Suite 300
Charlottesville VA 22903

RE: SP201900010 Rivanna Solar

Dear Mr. Johnson,

The Albemarle County Planning Commission, at its meeting on November 12, 2019, by a vote of 6:0 recommended approval of the above-referenced petition with the following conditions.

1. Development and use shall be in general accord with the following revised plans prepared by Draper Aden Associates titled "Conceptual Layout, Rivanna Solar Farm" dated January 5, 2018 (hereinafter "Concept Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements as shown on the Concept Plan:
 - a) Location of solar development envelopes;
 - b) Location of access/entrance improvements;
 - c) Location of equipment yard; and
 - d) 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 shown on the Concept Plan as "Proposed Solar Development Envelopes," "Proposed Landscape Buffer" areas, and the "Temporary Construction Entrance" and the "Permanent Entrance" areas, unless additional land disturbance is approved by the Director of Planning in writing and prior to the land disturbance.

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.

2. Landscaping and screening shall be substantially the same as shown on the revised plan prepared by Draper Aden Associates titled "Landscape Buffer Details" dated January 5, 2018, and shall be planted as shown on a landscaping plan approved by the Director of Planning or his or her designee.
3. All inverters shall be set back at least one hundred (100) feet from property lines and rights-of-way.
4. The applicant shall submit a tree-protection agreement between the applicant and the landowner of Tax Map Parcel 09300-00-00-047E0 with the building permit application. This agreement shall prohibit the removal of shrubs or trees (except for non-native or invasive species) by either party within 475 feet of the rear boundary of this parcel until decommissioning of the solar energy facility on Tax Map Parcel 09400-00-00-017A0 is complete. The tree-protection agreement shall be subject to review and approval by the County Attorney, 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. Prior to issuance of a building permit, the tree-protection agreement shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
5. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.

6. The applicant shall submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application that shall include the following items:
- a) A description of any agreement (e.g. lease) with all 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; and
 - f) An estimate of all costs associated with rehabilitation of the site.

The Decommissioning Plan shall 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 building permit, the Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
- 8. The Decommissioning Plan and estimated costs shall 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 shall be recorded in the office of the Circuit Court of the County of Albemarle.
- 9. The Zoning Administrator shall 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, shall be removed entirely, and the site shall 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 shall 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 March 14th, 2023, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

If you should have any questions or comments regarding the above noted action, please do not hesitate to contact me at (434) 296-5832.

Sincerely,



Scott Clark
Senior Planner
Planning Division

Cc. **Carolyn P Sweeny**
2427 Thomas Jefferson Pkwy
Charlottesville VA 22902