

**RESOLUTION TO APPROVE
SP202100006 IVY LANDFILL SOLAR FACILITIES**

WHEREAS, upon consideration of the staff report prepared for SP 202100006 Ivy Landfill Solar Facilities and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(58) 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 the Rural Areas 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 SP 202100006 Ivy Landfill Solar Facilities, 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

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____

SP202100006 Ivy Landfill Solar Facilities Special Use Permit Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plans prepared by Community Power Group titled "Conceptual Plan – Special Use Permit," dated May 13, 2021 (hereinafter "Concept Plan") and included as Attachment C. 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.

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. The applicant 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 (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;
 - 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;
 - 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 approved by both 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 in the office of the Circuit Court of the County of Albemarle.

3. Before a grading permit may be issued:
 - a. The Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle; and
 - b. To guarantee performance of Condition 8, the permittee shall furnish to the County's Zoning Administrator a certified or official check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County (collectively, the "guarantee"), in an amount sufficient for, and conditioned upon compliance with Condition 8. The amount of the guarantee shall be the costs identified in Conditions 4(e) and 4(f), and the amount of the guarantee must be updated as costs are updated as provided in Condition 6. The type of guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney,
4. The Decommissioning Plan and estimated costs must be updated upon (a) change of ownership of either the property or the project's owner or (b) written request from the Zoning Administrator, but in any event at least once every five years. The applicant must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.

5. The owner must notify the Zoning Administrator in writing within 30 days of any abandonment or discontinuance of the use.
6. 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 rehabilitated as described in the Decommissioning Plan, within 180 days of any abandonment or discontinuance of the use.
7. If the use, structure, or activity for which this special use permit is issued is not commenced by November 3, 2024, the permit will be deemed abandoned and will thereupon terminate.
8. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14.
9. Panels may be cleaned only with water and biodegradable cleaning products.
10. No above ground wires are permitted except for those associated with (a) the panels and attached to the panel support structure; (b) the “above-ground conduit” shown on the Concept Plan; and (c) tying into the existing overhead transmission wires.
11. Before activating the site, the applicant must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
12. The property owner must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
13. 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.