



**COUNTY OF ALBEMARLE PLANNING**  
**STAFF REPORT SUMMARY**

<b>Proposal:</b> SP202300023 Buck Island Solar	<b>Staff:</b> William D. Fritz, AICP
<b>Planning Commission Public Hearing:</b> November 26, 2024	<b>Board of Supervisors Hearing:</b> Unscheduled
<b>Owner:</b> John Campbell	<b>Applicant:</b> Nexamp
<b>Acreage:</b> Approximately 105 acres by survey. (GIS approximates the acreage as 137 acres.)	<b>Special Use Permit Amendment for:</b> Solar-energy electrical generation facility.
<b>TMPs:</b> 10500-00-00-001A0 <b>Location:</b> 2826/2828 Campbell Farm Lane, immediately west of its intersection with Buck Island Rd., and approx. ½ mile south of the intersection of Buck Island Rd./Thomas Jefferson Pkwy	<b>Zoning/by-right use:</b> RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) and Flood Hazard Overlay District
<b>Magisterial District:</b> Scottsville	<b>Conditions:</b> Yes <b>EC:</b> No
<b>School Districts:</b> Stone-Robinson, Walton, Monticello	
<b>Proposal:</b> Solar-energy electrical generation facility covering approximately 11 acres with panels.	<b>Requested # of Dwelling Units:</b> None
<b>DA:</b> <b>RA: X</b>	<b>Comp. Plan Designation:</b> Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
<b>Character of Property:</b> The property has been used for timber and is currently wooded with young trees. Two dwellings are on the property.	<b>Use of Surrounding Properties:</b> The area is a mixture of wooded and open lands. Dwellings are located along Buck Island Road. The Rivanna Solar facility is to the northeast.
<b>Factors Favorable:</b> 1. Provides a source of renewable power generation. 2. In compliance with the Comprehensive Plan. 3. Site can be returned to by-right use.	<b>Factors Unfavorable:</b> This facility is near another solar energy facility. The concentration of facilities in one part of the County may be undesirable.
<b>RECOMMENDATIONS:</b> Special Use Permit – Approval with conditions. Compliance with the Comprehensive Plan (§15.2-2232 Review) – This project is substantially in accord with the adopted comprehensive plan.	

**STAFF CONTACT:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**William D. Fritz, AICP**  
**November 26, 2024**  
**Unscheduled**

### **PETITION**

PROJECT: SP202300023 Buck Island Solar

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 10500-00-00-001A0

LOCATION: 2826/2828 Campbell Farm Lane, immediately west of its intersection with Buck Island Rd., and approx. ½ mile south of the intersection of Buck Island Rd./Thomas Jefferson Pkwy

PROPOSAL: Solar-energy electrical generation facility.

PETITION: 10.2.2.58, Solar energy systems. No new dwelling units proposed.

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

OVERLAY DISTRICT(S): Flood Hazard Overlay District

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 SURROUNDING AREA**

The property is 105 acres and has been used for timber and is currently wooded with young trees. Two dwellings are on the property. The area is a mixture of wooded and open lands. Dwellings are located along Buck Island Road. The Rivanna Solar facility is to the northeast. Attachment 2 is an aerial photograph showing the character of the area and the approximate locations of this project and the previously approved Rivanna Solar project.

### **PLANNING AND ZONING HISTORY**

No relevant planning and zoning history.

### **DETAILS OF THE PROPOSAL**

The applicant proposes to install a solar energy facility generating approximately 3 MW. This involves the placement of approximately 11 acres of panels within a cleared area of approximately 30 acres. Attachment 4 is the concept plan included in the applicant's submittal packet. The full 311 page submittal document may be found [HERE](#).

### **COMMUNITY MEETING**

A community meeting was held on February 19, 2024 at the East Rivanna Volunteer Fire Station. Several nearby neighbors were in attendance and expressed concerns:

- Proximity to the existing Rivanna solar facility
- Visibility
- Provision of adequate buffers and screening
- Appearance of proposed fencing, concern about visibility of chain-link fencing
- Run-off and protection of water resources
- How wildlife would be affected
- Impacts to property value
- Noise
- Fire safety

## **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 33.8 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 the submitted information in this staff report and refers the reader to attachments for detailed information.

### **No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.**

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 150 foot setback/undisturbed buffer adjacent to properties with residences to the east. This setback is to the fence line. The concept plan shows that the panels will be located approximately 200 feet from the property line to the east and approximately 270 feet from the closest dwelling on abutting property. A 75 foot setback/undisturbed buffer to the fence and 130 foot distance to the panels is proposed adjacent to the northern property line. There are no dwellings on the property to the north. The project is not close to the western or southern property line. No panels are proposed within 800 feet of the western property line and 1,500 feet of the southern property line. (See attachment 4 for information.) Existing vegetation is being retained around the perimeter of the project and where necessary supplemental plantings to meet the screening requirements of the ordinance will be installed.

The proposed setback is greater than what is required for residential development or agricultural activity. Previously approved solar facilities have had a 100 to 200 foot setback.

The setbacks and retention of existing vegetation will effectively reduce or eliminate visibility from adjacent properties and public streets. 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 Buck Island 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 area is rural with mixed woodlands, farmlands and scattered houses. This facility is near another solar energy facility called Rivanna Solar. That facility is nearing the final stages of construction and is located to the northeast of this project. Attachment 2 shows the relationship between this project and the Rivanna Solar project. The concentration of facilities in one part of the County may be undesirable.

Solar facilities may represent a change in character of the area due to the industrial appearance of the facility. The design of the proposed facility has limited visibility from surrounding areas. Based on the limited visibility of the proposed facility, the character of the area will not be changed.

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

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. Typically, the value of the underlying real estate will increase with a solar project when compared to forestal value. The applicant has also stated “Nexamp proposes paying Albemarle County the equivalent of the revenue share whose methodology equates to \$1,400/MWac/year in personal property taxation.” Staff notes that due to the size of this project, under 5 MW, it is exempt from the requirement of a siting agreement. The siting agreement is where it is determined if the property will be taxed using Solar Revenue Share or the Machinery and Tools Tax (M&T Tax). Ideally, a solar developer would agree to pay the greater of the M&T tax or the solar revenue share.

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 primary commercial use intended for the Rural Areas is the production of forestal and agricultural commodities. This property has been used for pine production for decades. Land used for continuous pine production typically exhibit soil exhaustion limiting the value of the land for agricultural purposes. Staff has included a recommended condition that the site obtain Virginia Pollinator-Smart Solar program certification. This certification will promote the restoration of soil quality on the site and provide habitat for pollinators, small animals and benefit the ecosystems those animals are associated with. To protect wildlife, fencing consistent with the recommendations of the Department of Wildlife resources will be provided. This includes a fence at a minimum height of 8 feet to exclude deer with a four inch gap at the bottom to allow passage of smaller animals.

Staff opinion is that this request is in harmony with the purpose and intent of the ordinance.

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

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

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

This application is not subject to any provisions contained in section 5.

**...and with the public health, safety and general welfare (including equity).**

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. A condition is included requiring coordination with Fire/Rescue for training to address the unique characteristics of a utility scale solar facility.

The Virginia Department of Transportation has reviewed this request. No issues that must be addressed with the special use permit were identified. Access is proposed via Campbell Farm Lane to Buck Island Road. 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. 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 use is not identified as a policy priority for the Rural Area, 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 Climate Action Plan and 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.

The County has approved multiple solar energy facilities in the Rural Area. This indicates that generally, these types of facilities are appropriate in the Rural Area. Staff has reviewed the Comprehensive Plan to determine if this area has any features identified for special protection or consideration. Staff has not identified any statements in the Comprehensive Plan that differentiate this area from other areas approved for solar energy systems. For the reasons discussed above staff finds that this proposal is substantially in accord with the adopted comprehensive plan.

#### **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. The construction impact is of limited duration. The visual impacts of this facility are limited. 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. This facility is near another solar energy facility. The concentration of facilities in one part of the County may be undesirable.

#### **RECOMMENDED ACTION**

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

## **Motions:**

### **Review for Compliance with the Comprehensive Plan**

- A. Should the Planning Commission choose to find this application in compliance with the Comprehensive Plan:

**I move to find SP202300023 Buck Island Solar is substantially in accord with the adopted comprehensive plan.**

- B. Should the Planning Commission choose to find this application is not in compliance with the Comprehensive Plan:

**I move to find SP202300023 Buck Island Solar is not substantially in accord with the adopted comprehensive plan.**

### **Special Use Permit**

- C. Should the Planning Commission choose to recommend approval of this special use permit:

**I move to recommend approval of SP202300023 Buck Island Solar with the conditions outlined in the staff report.**

- D. Should the Planning Commission choose to recommend denial of this special use permit:

**I move to recommend denial of SP202300023 Buck Island 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 conceptual plan and information contained in the Special Use Permit Application Narrative & Attachments SP-2023-00023" prepared by BOHLER and NEXAMP dated 10/21/2024 (hereinafter "Concept Plan") and included as Attachment 4, 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 limit of disturbance as shown on the Concept Plan.

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. 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 reseeded;
  - 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 for 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. Fencing must be consistent with the recommendations of the Department of Wildlife resources. This includes a fence at a minimum height of 8 feet to exclude deer with a four inch gap at the bottom.
20. The facility is subject to §58.1-2636(A) of the Code of Virginia.

## **ATTACHMENTS**

- Attachment 1 - Applicant Narrative (without all attachments)
- Attachment 2 – Map showing the area
- Attachment 3 – Concept Plan
- Attachment 4 – Climate Action Plan
- Attachment 5 – Public Comment