

**ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY**

Project Name: SP201900010 Rivanna Solar	Staff: Scott Clark, Senior Planner
Planning Commission (PC) Hearing: Nov. 12, 2019	Board of Supervisors (BOS) Hearing: Dec. 18, 2019
Owner: Carolyn P. Sweeney	Applicant: Rivanna Solar LLC
Acreage: 149 acres	Special Use Permit(s) for: 10.2.2.58, Solar energy systems. No new dwelling units proposed.
Tax Map Parcel (TMP): 09400-00-00-017A0	Zoning/by-right use: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Scottsville	Location: 2631 Buck Island Rd
School Districts: Stone-Robinson Elementary – Walton Middle School – Monticello High School	Conditions: Yes
Comprehensive Plan: Rural Areas	Requested # of Dwelling Units/Lots: N/A
Proposal(s): Request to amend SP201700018 to extend expiration time by three years for approved solar-energy electrical generation facility, with solar panels occupying approximately 90 acres on a 149-acre parcel.	Comp. Plan Designation: <u>Rural Area</u> – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/acre in development lots)
Character of Property: The property includes two dwellings. The majority of the site was cleared in a commercial forestry operation several years ago, and is largely open with some small planted pines.	Use of Surrounding Properties: Several adjacent properties are residential lots, and the site is adjacent to an existing electrical substation. Much of the surrounding land is in large farm and forest properties.
Factors Favorable: 1. Conditions in the surrounding area have not changed since the previous approval. 2. Extending the permitted time for construction of the already-approved facility to begin will not introduce new impacts.	Factors Unfavorable: None.
Recommendation: Staff recommends approval of SP201900010 with conditions.	

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

**Scott Clark, Senior Planner
November 12, 2019
December 18, 2019**

BACKGROUND:

SP201700018, which permits development of a solar-energy electrical generation facility, was approved by the Board of Supervisors on March 14th, 2018. See Attachment A for the original staff report for this permit.

Since the approval of the special use permit, the applicants have been pursuing necessary permits at the state level with the Department of Environmental Quality. Due to the standard length of time required for any solar facility to go through this DEQ process, it will not be possible for the applicants to commence on-the-ground work on the approved facility before the two-year approval period on the special use permit expires.

The applicants are requested a three-year extension of the approval period for the special use permit to allow time to finish the DEQ permitting process, and to allow for any delays in equipment procurement. This would require the following amendment to condition 11:

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.

DISCUSSION:

Neither County policies regarding the Rural Areas nor regulations governing solar energy facilities have changed since the approval of SP201700018. The character of the area is also unchanged. The previously-approved conditions are therefore still sufficient to establish the requirements for this permitted use.

SUMMARY:

Staff has identified the following factors favorable to this proposal:

1. Conditions in the surrounding area have not changed since the previous approval.
2. Extending the permitted time for construction of the already-approved facility to begin will not introduce new impacts.

Staff has identified no factors unfavorable to this proposal.

Staff does not find that any adverse public impacts would arise from extending the approval period for this Special Use Permit to March 14, 2023 as requested by the applicant.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of this special use permit amendment to the Board of Supervisors 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 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; 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.

ATTACHMENTS

Attachment A – SP201700018 Planning Commission Staff Report

Attachment B – Area Map

Attachment C – Site Map

Attachment D – Conceptual Plan Sheet 1: Conceptual Plan for Site

Attachment E – Conceptual Plan Sheet 2: Landscaping and Screening