

**RESOLUTION TO APPROVE SP202400008
CROWN ORCHARD SOLAR**

WHEREAS, upon consideration of the staff report prepared for SP202400008 Crown Orchard Solar, the recommendation of the Planning Commission and 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 (RA) district, with the applicable provisions of Albemarle County Code § 18-5, 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 SP202400008 Crown Orchard Solar, subject to 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. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Mr. Pruitt	_____	_____

SP202400008 Crown Orchard Solar Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the Concept Plan titled "CROWN ORCHARD-AFTON 491.7kW SOLAR PROJECT" dated May 22, 2024. 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 envelope
- b. Retention of wooded vegetation

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

2. All solar panels must be set back at least two hundred (200) feet from property lines and at least one hundred (100) feet from Crown Orchard Road.

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 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 used at the site;
- e. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeded;
- f. 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;
- g. An estimate of all costs associated with rehabilitation of the site; and
- h. Provisions to recycle materials to the maximum extent possible.

4. Prior to issuance of a building permit, the Decommissioning Plan must be recorded by the applicant in the office of the Circuit Court Clerk of the County of Albemarle.

- a. 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 Clerk of the County of Albemarle.
- b. The Zoning Administrator must be notified in writing within 30 days of the abandonment or discontinuance of the use.
- c. 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. If 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.

5. The facility must comply with Albemarle County Code § 18-4.14.
6. Products used to clean panels are limited to water and biodegradable cleaning products.
7. No above ground wires are permitted, except if associated with (a) the panels and attached to the panel support structure or (b) tying into the existing overhead transmission wires.
8. Prior to activation of the site, the applicant must provide training to the Albemarle County Department of Fire/Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.