

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE: ZTA2016-07: Utility-Scale Photovoltaic Generation Facilities	AGENDA DATE: May 23, 2017
SUBJECT/PROPOSAL/REQUEST: Amend the zoning ordinance to allow for the siting, development, construction, operation, integration and decommissioning of utility-scale photovoltaic generation facilities (large-scale solar energy systems).	ACTION: X INFORMATION:
STAFF CONTACT(S): Scott Clark, Margaret Maliszewski, John Blair, Amelia McCulley	CONSENT AGENDA ACTION: INFORMATION:
	ATTACHMENTS: YES

BACKGROUND:

SolUnesco, a developer of large-scale solar energy projects, wishes to develop a 14.1MWdc/11 MWac photovoltaic solar energy generation system on approximately 70 acres in Albemarle County. The current zoning ordinance allows transmission and distribution of energy, but not generation. Consequently, a zoning text amendment (ZTA) is required to allow the energy generation use. On April 5, 2017, the Board of Supervisors adopted a resolution of intent (Attachment A) to amend the ordinance to allow utility scale photovoltaic energy generation facilities as a use by Special Use Permit in the Rural Areas zoning district.

DISCUSSION:

Alternative energy use is consistent with Albemarle County Comprehensive Plan policy. Renewable energy production is consistent with Natural Resources objectives and with the recommendations of the 2010 Local Climate Action Planning Process (LCAPP) Steering Committee. Renewable energy production can serve the public through the reduction in the use of fossil fuels and related emissions, which in turn preserves natural resources.

The purpose and intent of the Rural Areas zoning district is to preserve agricultural/forestal land and activities, to protect the water supply, to conserve cultural resources, and to maintain limited service delivery, encouraging the location of residential development outside the district. Solar energy systems, if designed and sited appropriately, can be consistent with this purpose and intent. Of particular note, disused facilities can be removed, making the land once again available for agricultural/forestal activities.

Fifteen Virginia counties allow utility-scale solar energy projects in designated zoning districts. One Virginia county allows utility-scale solar projects on property rezoned for the use. Ordinances typically define the use with reference to the rated capacity of the system (i.e., one megawatt, greater than 100 kilowatts, etc.) or with reference to the total land area occupied by the use. The Rockingham County definition, for example, identifies one-half acre as the cut-off between small and large solar facilities. Definitions typically also reference the system components (i.e., panels, support structures, electronics, etc.). Some also reference the method by which sunlight is converted (i.e., by photovoltaics, by transfer as heat to a carrier fluid, etc.).

Staff's primary concerns about this type of use are focused on the potential physical and visual impacts to the site and surrounding area. Consequently, staff is recommending a definition that focuses on total land

area impacted, requiring a Special Use Permit for any photovoltaic solar energy system occupying one-half acre or more in the Rural Areas district. (Note that this would not affect residential solar installations currently classified as by-right accessory uses.)

To expedite this ZTA as directed by the Board of Supervisors (BOS), staff recommends allowing the use by Special Use Permit, which limits the amendment to two additions to the zoning ordinance: 1) the addition of solar energy system as an allowable use by Special Use Permit in the Rural Areas zoning district, and 2) the addition of a definition of solar energy system. (See Attachment B.) Following adoption of the ZTA by the BOS, applicants wanting to establish large-scale solar energy systems would be required to submit a Special Use Permit (SP) request for the use on a specific site. Such requests would be reviewed following the County's standard SP review process, considering the factors outlined in the Zoning Ordinance relative to the review of all SPs (§18.33.8), and allowing for in-depth review of potential site-specific impacts such as: visibility and screening, glare and reflectivity, reversibility, stormwater runoff, tree and habitat loss, noise, setbacks, security fencing, impacts to natural, cultural, and historic resources, decommissioning the system, and impacts to agricultural/forestal uses, as well as the standards outlined in the Comprehensive Plan for new uses in the Rural Area. A community meeting will be held as a standard requirement of the SP process.

BUDGET IMPACT:

Staff does not anticipate the need for additional staff or funding as a result of the proposed ordinance amendment.

RECOMMENDATION:

Staff recommends adoption of the attached ordinance.

ATTACHMENTS:

A – [Resolution of Intent](#)

B – [Proposed Ordinance](#)