

**RESOLUTION TO APPROVE
SP202100001 MIDWAY SOLAR**

WHEREAS, upon consideration of the staff report prepared for SP 202100001 Midway Solar 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. change the character of the adjacent parcels and the nearby area only minimally and until the screening trees mature;
- 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 202100001 Midway Solar, 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	_____	_____

SP202100001 Midway Solar 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 Hewitt Solutions, PLLC titled "Central Virginia Electric Cooperative Midway Solar Project," dated December 17, 2020 (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

Land disturbance, which includes (but is not limited to): grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, is limited to within the proposed fenced area shown on the Concept Plan. The location of the entrance and access to the solar facility is not subject to this condition.

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. Landscaping and screening must be substantially the same (as determined by the Director of Planning and the Zoning Administrator) as shown on the Concept Plan.
3. All inverters and solar panels must be set back at least one hundred (100) feet from property lines and rights-of-way.
4. 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, 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 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.
5. Before a grading permit may be issued, the applicant must record the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
6. 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.

7. The owner must notify the Zoning Administrator in writing within 30 days of any abandonment or discontinuance of the use.
8. 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. Any piece(s) of any underground component(s) must be excavated to a depth of at least 36 inches below the ground surface.
9. 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 will be deemed abandoned and will thereupon terminate.
10. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14.
11. Panels may be cleaned only with water and biodegradable cleaning products.
12. No above ground wires are permitted except for those associated with (a) the panels and attached to the panel support structure and (b) tying into the existing overhead transmission wires.
13. 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.
14. 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.
15. 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.
16. Plantings for screening must include either (a) a minimum of three species types from the Albemarle County Recommended Plants List or (b) plantings as may be approved by the County's Agent. Species must be dispersed throughout the site.
17. Except for passenger vehicles and small utility vehicles, construction/truck traffic may access this property only from the west and not from Batesville.