

Round Hill Solar Project Special Use Permit Application

Potential Conditions of Approval:

1. This Special Use Permit (“Permit”) is granted solely for the subject property for operation of a large solar energy system (the “Facility,” or, the “Project”). This Permit shall be binding on Round Hill Solar, LLC and any successor-in-interest, including but not limited to any current or future owner, lessee, sub-lessee, and permitted assignee (“Applicant”).
2. The Permit shall not be assignable by Round Hill Solar, LLC to a third party absent the written consent of the Board of Supervisors of Augusta County, which consent may not be unreasonably withheld. Notwithstanding the foregoing, if a public utility company that is operating in the Commonwealth of Virginia and has an investment grade credit rating with Moody’s and/or Standard and Poor’s enters into an agreement to acquire and/or lease the Project prior to or contemporaneously with the start of construction of the Project, no such consent to assignment shall be required.
3. Any document memorializing or relating to the establishment of any successor-in-interest, e.g., lessee, sub-lessee, future owner, permitted assignee, etc., between Round Hill Solar, LLC and any such individual or business entity, shall include a recital as to the existence of the Permit, and the duties and obligations of the third party and now successor-in-interest thereunder the Permit, to ensure that successors-in-interest are on written notice of the Permit and its terms and conditions.
4. The Facility, including but not limited to, fence line boundary, access roads (unless otherwise required by VDOT and not to include access roads internal to the fence line boundary), buffering type and details, and setbacks (unless otherwise determined by the Board of Supervisors), shall be constructed and operated in substantial conformance with the approved SUP Concept Site Plan prepared by Kimley Horn, dated October 26, 2020 (the “SUP Concept Site Plan”). Notwithstanding the foregoing sentence, in the event that the Applicant agrees at the Board of Supervisors hearing on the Permit to any modifications to the SUP Concept Site Plan, the Applicant shall, within 10 days after the Board of Supervisors’ approval of the Permit, update the SUP Concept Site Plan to incorporate such modifications and resubmit such revised SUP Concept Site Plan to the County Planning Director or his designee, and such updated SUP Concept Site Plan shall thereafter constitute the final approved SUP Concept Site Plan.
5. All bonding or posting of sureties for the project shall at all times be by and in the name of the owner of the Facility and its successors and assigns.
6. A full site plan in accordance with Augusta County Code shall be submitted prior to the issuance of any building permits.
7. All non-operational, non-electrical site features along the perimeter of the Facility, such as landscaping and fencing, shall be properly maintained throughout the life of the Permit. Fencing shall be maintained in good repair and landscaping shall be maintained so as to provide the desired buffer benefits. Maintenance of such features shall be guaranteed by the surety agreement and surety as provided below. If the County Administrator and/or his designee determines that site features identified are not being properly maintained, as

described herein, then the Applicant shall be given a notice to remedy the situation pursuant to the standard in the then current zoning violation policy of Augusta County.

8. Setbacks, either as shown on the Concept Site Plan, or set by the Board during their review, shall be measured from the property line and/or VDOT Right of Way to the fence line of the Facility.
9. The Applicant shall not add additional panel areas, change the entrance locations of access roads (unless required by VDOT, or unless such change applies to an access road internal to the fence line), or revise the height of buffer trees without approval by the County Administrator and/or his designee. The types of modifications that may be administratively approved by the County Administrator and/or his designee include those that are in general accord with the SUP Concept Site Plan and that the Applicant reasonably demonstrates will reduce the impact of the Facility at least to an equivalent degree, or that are made in response to a request by an adjacent property owner to mitigate any impacts to that owner's property, such as modifications to the buffer area or types of materials in the buffer area, or a boundary line adjustment.
10. Wetlands shall be inventoried and delineated, and no construction of panels or access roads shall be permitted within 35 feet of the delineated wetland, except that construction for culverts, access roads and wire crossings shall be allowed pursuant to regulations or permits issued by the US Army Corps of Engineers and Virginia Department of Environmental Protection, as applicable.
11. All operations and infrastructure of the Facility shall maintain a 35 foot buffer from all streams, except that construction for culverts, access roads, and wire crossings shall be allowed pursuant to regulations or permits issued by the US Army Corps of Engineers and Virginia Department of Environmental Protection, as applicable.
12. The Applicant must obtain site plan approval within 36 months of the issuance of the Special Use Permit, building permits within 12 months of site plan approval, and shall substantially complete construction within 24 months of the issuance of final building permits. Notwithstanding the foregoing, the Board of Supervisors may approve an extension of any deadline herein for good cause, which approval shall not be unreasonably withheld.
13. Vegetation Management Plan The Applicant shall submit a proposed vegetation management plan for ground cover within the fence lines of the Facility to the County Administrator and/or his designee for review and approval as part of the full site plan, which vegetation management plan shall be implemented and bonded, and which shall also:
 - a. Describe in detail the design of the ground cover, to include proposed species, mix, application rates, timing and methods of planting, and within new landscape buffers adopt best management practices to increase pollinator activity during operation of the Facility.
 - b. Be designed to achieve a minimum score of 80 points on the Virginia Department of Conservation and Recreation's "Virginia Pollinator – Smart /Bird Habitat Scorecard" version 2.0a, and maintain such certification throughout the initial 10 years of operations so as to achieve a lifetime certification pursuant to the terms of such scorecard.

- c. Include a general plan and schedule for managing growth of the vegetation over the operational life of the Facility.
 - d. Include measures to survey for existing conditions, and prevent and control noxious weeds and invasive species, via an invasive species/weed management plan.
 - e. Emphasize mowing and other mechanical means as the primary method of managing vegetation growth.
 - f. Identify any class of herbicide to be used and provide that use of any such herbicide will be in accordance with its approved label.
 - g. Include considerations for the planting of desired grasses and pollinators in buffer areas and a mowing schedule that will provide wildlife benefits and some aesthetic benefit, especially within buffer areas.
 - h. Provide for the review by the County Administrator and/or his designee of any proposed significant changes to the vegetation management plan during the operational life of the Facility.
14. The Facility shall not obtain a building permit until evidence has been given to the County that an electric utility company has a signed interconnection agreement with the permittee.
15. The County Administrator, Building Official, Zoning Administrator, or any other parties designated by those County officials, shall be allowed to enter the property at any reasonable time to check for compliance with the provisions of this Permit, with reasonable advanced notice and subject to the security, health and safety standards and regulations that apply to the Facility.
16. The Applicant shall preserve and maintain existing wooded/vegetated areas where they serve as a natural buffer of the Facility from adjacent property and public right of ways and are not in conflict with the solar panels in such areas, as indicated on the Landscape Buffer Illustrative Exhibit included as Attachment D to the Application (the "Landscape Buffer Illustrative Exhibit"). Compliance shall be demonstrated on the final site plan with a Vegetation Management Plan, which shall show areas where such vegetation is to be preserved as a natural buffer, in general accord with the Landscape Buffer Illustrative Exhibit.
17. Landscaping Plan. The Applicant shall submit a proposed landscaping plan for each perimeter of the Facility (outside all fenced areas) to the County Administrator and/or his designee for review and approval as part of the full site plan, which shall be in general conformance with Landscape Buffer Illustrative Exhibit (the "Landscape Plan"). The following conditions shall govern the installation of landscaping in accordance with the Landscaping Plan:
- a. All landscaping shown on the Landscaping Plan shall be installed at the heights specified on the SUP Concept Site Plan and shall be in good condition prior to issuance of a Certificate of Occupancy.
 - b. In the event that the Applicant requires a minor deviation from the approved Landscaping Plan or full site plan, such deviation shall be provided on a revised plan

sheet for review and approval by the County Administrator and/or his designee. Minor deviations shall not include changes to the proposed install heights.

- c. In areas where there is an existing wooded/vegetated areas remaining on the Facility parcel that provides at least the equivalent buffer benefits as the buffer proposed on the Landscape Buffer Illustrative Exhibit, then such existing wooded/vegetated buffer shall be retained as the perimeter landscaping. All existing wooded/vegetated buffers, which may require supplementation with planted trees if the existing buffer consists of a relatively thin block of trees or lacks significant understory, are subject to review and approval by the County Administrator and/or his designee. The use of existing natural screening is preferable.
 - d. In areas where sufficient existing timber does not remain, the landscaping requirements shall conform to the SUP Concept Site Plan. The trees shall be planted during the appropriate time of year, subsequent to the completion of construction.
 - e. A surety agreement for landscape maintenance in a form acceptable to the County Attorney shall be submitted and approved prior to the issuance of any building permits. The amount of the surety shall be determined by an independent landscape architect selected and reasonably compensated by the Applicant but approved by the County Administrator and/or his designee. The amount of the surety shall be equal to a reasonable estimate of the amount needed to establish, and following establishment, to maintain the landscaping required by the approved Landscaping Plan for two (2) years after initial installation. Once the landscaping has been successfully established, the surety amount will be reduced to that amount required for two (2) years of maintenance thereafter. The surety will be released only after decommissioning is complete.
 - f. All landscaping will be reviewed by the County Administrator and/or his designee following installation, at one-year following installation, and as necessary thereafter to ensure the landscaping is being maintained.
 - g. Because the species of vegetation shown on the Landscape Buffer Illustrative Exhibit are indicative and not prescriptive, the Applicant shall work with the County during the site plan process to identify the specific types that will achieve the goals of the Landscape Buffer Illustrative Exhibit, while also considering market availability.
 - h. The use of herbicides for perimeter landscaping shall be minimized to the greatest extent reasonably practicable.
18. All construction and decommissioning activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 8:00 p.m. on Saturday, and will be prohibited on Sundays. These conditions shall apply to noise generated during the construction of the Facility and to any construction needed during replacement, repair, or maintenance activities during the ongoing operation of the Facility. Replacement, repair, and maintenance activities conducted at nighttime and not involving construction shall comply with all applicable noise standards.
19. The Facility shall not be lit during ongoing operations, unless as required by the Uniform Statewide Building Code. Lighting used during construction shall be downward facing and shall be located at least 500 feet from any off-site adjacent residential dwelling.

20. In the event that there is damage to adjoining properties as a result of ingress/egress of construction vehicles, the Applicant shall repair all damage in full prior to the issuance of a certificate of occupancy.
21. All solar panels shall use anti-reflective coatings.
22. Existing ACSA Infrastructure.
 - a. Use of the public water system for construction shall be coordinated with and approved by the Augusta County Service Authority ("ACSA"). Rate of withdrawal and total daily volume information is required for evaluation. A suitable location for access to the system must be evaluated and approved and/or a temporary connection will need to be installed. The same evaluation will apply for a permanent connection if ongoing water service is needed for the project. Costs will be in accordance with the ACSA Rate Schedule and Policies.
 - b. Ground surface elevations shall not be changed, and no water shall be impounded over any existing water/sewer infrastructure without written consent of the Augusta County Service Authority.
 - c. No panels and/or appurtenances, including fences and landscaping shall be installed within 20 feet each way of the centerline of any existing water or sewer main to ensure adequate space for future operations and maintenance.
 - d. Where public water/sewer utilities are located on the same property as the Facility, the Service Authority shall have the right to utilize access roads constructed for the project or be provided with reasonable access to the utilities by truck.
23. No corrosion control systems shall be part of the Facility.
24. The Applicant shall implement the following additional measures during construction:
 - a. Maintain all construction-related vehicles in good working order.
 - b. Designate a specific individual and provide that individual's name and contact information to the County Administrator and/or his designee, to which questions, complaints, or concerns during construction may be directed.
 - c. Prior to the initiation of construction, mail a notice of construction activity to all property owners whose properties are adjacent to areas on which the Facility will be constructed. The notice shall summarize upcoming construction activities, describe the areas in which construction will occur, including the main routes of delivery, and provide the name and contact information of the Facility representative to whom any complaints, concerns, or comments may be addressed.
 - d. Provide adequate portable sanitation facilities that are located in a manner that facilitates ease of disposal but that are not within one hundred and fifty (150) feet of any property boundary of a parcel on which a home is located and whose owner is not participating in the Facility.

- e. Prohibit any personnel associated with the construction of the Facility from overnight lodging at the site.
25. A construction phasing plan shall be submitted for review with the full site plan, and shall propose a protocol developed in coordination with the County Administrator and/or his designee that specifies the phased construction of designated units of land so that the total area of disturbed land at any one time is appropriately limited given the nature of the construction activities, the site of the Facility, the topography and water resources of and in the Facility area, and the erosion and sediment controls to be employed. The protocol will be designed to ensure that ground cover is expeditiously established, and appropriate site stabilization achieved throughout construction, and the approved construction phasing plan shall be implemented during construction.
26. Any electrical wiring used in the system shall be underground except where wiring is brought together for inter-connection to system components and/or at the project substation and switchyard for interconnection the local utility power grid. Electrical distribution lines between the inverters and the point of interconnection shall be underground except where crossing creeks, floodplains, wetlands, and at the point of interconnection. Nothing in this condition shall prevent the ability to utilize underground boring technology.
27. The Applicant shall fund, for the period of construction and until the site has been revegetated, a certified third-party erosion and sediment control and stormwater inspector, to be selected and directed by the County Administrator and/or his designee. Such erosion and sediment control and stormwater inspection shall provide e-reporting to a central File Transfer Protocol (FTP) site to which the County's Program Administrator shall be granted access. Reports will be submitted no later than next day following any inspection and shall include the inspection report for each disturbed area of development. Site inspection and reports shall be conducted and reported at a minimum as required by the Virginia Stormwater Management Program ("VSMP") permit. Any corrective actions done in the field shall be e-mailed to the County's Program Administrator within 24 hours of completion.
28. This Permit shall be valid from the time of issuance and thereafter for a period of thirty-five (35) years from the start of commercial operations of the Facility, which shall be the date on which the Facility first delivers non-test energy to the high-voltage transmission system, or until this Permit is lawfully terminated or terminated as a matter of ordinance or other law prior to the natural expiration date, whichever is sooner. At the end of the 35-year period, unless such period is otherwise extended by the Board, or unless decommissioning is required sooner pursuant to the conditions herein, the Facility shall be deemed to have reached the end of its lifespan and decommissioning shall begin pursuant to the conditions herein.
29. Decommissioning Plan Concurrent with the submittal of the final site plan, the owner of the Facility shall produce to the County a Decommissioning Plan as outlined in the Augusta County Code Section 25-70.8 and 25-70.9, as amended. Any structure or equipment associated with the Facility that is not operated for a continuous period of 12 consecutive months shall be deemed abandoned and subject to decommissioning, per Augusta County Code Section 25-70.8 and 25-70.9, as amended. Within 365 days of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration. This period may be extended at the request of the owner or operator, upon approval of the Board of Supervisors.

30. Decommissioning Estimate Concurrent with the submittal of the final site plan, the owner of the Facility shall produce to the County an estimate of the decommissioning costs as outlined in the Augusta County Code Section 25-70.8 and 25-70.9, as amended, and/or detailed below (the more stringent shall apply), and not to include a salvage value credit, by line item and the surety guaranteeing the payment of those costs and the decommissioning work. The estimate shall be signed and sealed by a third-party engineer licensed in Virginia. The decommissioning cost estimate shall include, at least, the following delineated by line item:
- a. Total cost related to complying with all the decommissioning work required by this Special Use Permit.
 - b. Costs related to creating, maintaining, and re-stabilizing all construction entrances identified on the Property, with a separate line item for each such construction entrance, unless written waiver to the Board of Supervisors is requested by the landowner.
 - c. Costs for mobilization.
 - d. Costs for removal and disposal of all materials, line itemed by category of facility. For example, "cost to remove conduit," "cost to remove panels," "cost to remove panel support structure," cost to remove inverters," etc.
 - e. Costs to de-compact soils.
 - f. Costs to stabilize land disturbed by the decommissioning work.
 - g. Costs of trucking, hauling and equipment use.
 - h. Costs for groundwater monitoring as required by Section 25-70.7 of the Augusta County Code.
 - i. Costs of all labor and estimated man hours to perform the decommissioning work.
 - j. Costs must assume an increase in labor and equipment costs of two percent (2%) a year every year until the completion of decommissioning and must assume commencement of decommissioning after year thirty-five (35) of operation.
 - k. Costs must include a 25% contingency of the total estimate.
 - l. The certification of a third-party engineer licensed in Virginia affirming that the owner/operators' cost estimate is sufficient to satisfy the decommissioning required herein. The estimated amount for the salvaged materials shall not be part of the consideration in the decommissioning cost estimate.
 - n. The interconnection switchyard, which shall become a permanent part of Dominion Energy's transmission system subject to an approved subdivision plat, shall not be subject to decommissioning requirements.
31. Decommissioning Security Prior to the issuance of a Building Permit for the Facility, the applicant shall submit a bond, an irrevocable Letter of Credit, a corporate guarantee from an

entity maintaining an investment-grade credit rating with Moody's and/or Standard and Poor's, or other appropriate surety acceptable to the County in accordance with Augusta County Code Section 25-70.8 and 25-70.9, as amended. Notwithstanding the foregoing, if a public utility company that is operating in the Commonwealth of Virginia and has an investment grade credit rating with Moody's and/or Standard and Poor's enters into an agreement to acquire and/or lease the Project prior to or contemporaneously with the start of construction of the Project, no such Decommissioning Security shall be required, for as long as such public utility company maintains its investment grade credit rating. If any such public utility company subsequently sells or leases the Project, a condition of the assignment of this Permit to such proposed assignee shall be that such assignee post an appropriate surety with the County pursuant to the terms of this condition.

32. Panel Specification and Composition. At the time of construction, the Applicant shall provide to the County Administrator, a written panel specification disclosure document that includes the composition, toxicological information, and the physical and chemical properties of all of the solar panels, including coatings, being utilized for the Facility. The Applicant shall utilize crystalline solar panels for the Project. The Applicant shall not utilize any panels that of the type known as thin-film panels, including but not limited to not utilizing panels manufactured with or coated using the GenX chemical, amorphous silicon (a-Si), cadmium telluride (CdTe), copper indium gallium selenide (CIS/CIGS), or organic photovoltaic cells (OPC) panels. Moreover, to the extent any panel utilized has a Safety Data Sheet associated therewith under 29 CFR 1910.1200(g) and its Appendix D, the Safety Data Sheet shall be disclosed, as well.
33. Corporate Structure, Associations, and Information.
 - a. Round Hill Solar, LLC, upon issuance of the Permit, shall provide written contact information/relational charts to the County Administrator, with a copy to the County Attorney, regarding its business structure and its affiliations, including but not limited to its affiliations, members, parent company, and subsidiaries.
 - b. Applicant and all successors-in-interest, including current and future owners, lessees, sub-lessees, and permitted assignees shall provide the County Administrator, with a copy to the County Attorney, written notice of changes of ownership within thirty (30) days thereof.
34. Any substantial upgrades or changes made to the design or operation of the Facility that are planned shall be disclosed to the County Administrator and/or his designee at least ninety (90) days before the intended implementation of the upgrades or changes – except as provided herein. Any substantial upgrades and/or changes resulting solely from a bona fide emergency and force majeure event shall be disclosed no later than (sixty) 60 days thereafter.
35. Upon completion of the installation of the Facility, Round Hill Solar, LLC shall provide training to the Augusta County Fire Rescue and Augusta County Sheriff's Office as to the potential risks involved in case of an emergency inside the Facility, which may not need to be a formal training but more of an introduction/tour of the Facility.
36. Any infraction of the above-mentioned conditions, or any Zoning Ordinance regulations, may lead to a stop work order and revocation of the Special Use Permit.

37. During construction of the Facility, the Applicant shall implement and comply with the Construction Traffic Management Plan (CTMP) included as Attachment I to the Application. The CTMP will be submitted to VDOT and the County during site plan development for review and approval.

BE IT FINALLY RESOLVED that the Augusta County Board of Supervisors' decision to approve this Permit is predicated on the Augusta County Board of Supervisors' understanding that the above conditions the Augusta County Board of Supervisors hereby imposes upon this Permit are valid, lawful, and shall apply to the approved use for the life of the use, provided, however, that if any provision of these conditions is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of these conditions and this Permit shall nonetheless remain in full force and effect.