

**Strata Solar, LLC**

**Large Solar System Special Use Permit Application Materials Checklist**

**ARTICLE VI.D. Solar Energy Systems.**

**§ 25-70.4 Uses permitted by Special Use Permit by the Board of Supervisors**

The uses listed in this section shall be permitted within the General Agriculture and General Business zoning districts, **and not** in the General Industrial zoning districts, only upon the issuance of a Special Use Permit by the Board of Supervisors pursuant to the provisions of ARTICLE LVIII of this chapter.

*Each parcel in the proposed project is in the General Agriculture zoning district.*

A. General standards applicable to all Special Use Permits.

No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

*Please see pages 25-36 of the attached Project Narrative for information regarding conformity with the Comprehensive Plan.*

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

*Please see page 37 of the attached Project Narrative for information regarding impacts on the surrounding neighborhood.*

B. Large Solar Energy Systems shall be permitted by a Special Use Permit provided that:

1. The primary use of the system is electrical generation to be sold to the wholesale electricity markets and not used primarily for the onsite consumption of energy by a dwelling or commercial building.

*The proposed project would generate solar electricity for sale to utilities.*

**§ 25-70.5 Applications and Procedures**

In addition to the requirements of article LXVII, "Site Plan Review," and article LVIII, "Special Use Permits Procedures," applications for a large solar energy system shall include the following information:

A. Community Meeting

Prior to submittal of an application, the applicant shall hold a meeting to inform the community about the planned solar energy system installation. Said meeting shall be open to the public. Notice of the date, time, and location of the meeting, as well as a contact name and phone number of the project representative and a summary of the request, shall be delivered by first class mail to all property owners as noted in the Augusta County tax records within one (1) mile of the perimeter of the project. Such notice shall be mailed so as to be delivered at least five (5) and no more than twenty-one (21) working days prior to the community meeting. Upon conclusion of the community meeting, a mailing list of property owners notified, a sign-in sheet from the meeting, an agenda from the meetings, and a written summary of the meeting shall be included with the application.

*A community meeting was held on June 30, 2020, in compliance with the above requirements.*

B. Project description

A narrative identifying the applicant and describing the proposed solar energy system, including an overview of the project and its location; approximate rated capacity of the solar energy system; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable.

*Please see Section II of the attached Project Narrative.*

C. Submission of a Cost Benefit Analysis

An assessment of the impact on the immediate vicinity of the proposed solar energy system as well the greater Augusta County community shall be submitted by a professional.

*Please see the attached Cost Benefit Analysis.*

D. Site plan.

The site plan shall conform to the preparation and submittal requirements of article LXVII, "Site Plan Review," including supplemental plans and submissions, and shall include the following information:

1. Property lines and setback lines.
2. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
3. Existing and proposed access roads, drives, turnout locations, and parking.
4. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
5. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and

screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

6. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.

*Please see the attached letters from the property owners confirming that the Applicant has the right to use the land in the manner requested.*

7. The application shall include a decommissioning plan and other documents required by Section 25-70.8 of this ordinance.

*Please see the attached Decommissioning Plan.*

8. The applicant shall provide proof of adequate liability insurance for a large solar energy system at the time of application.

*Please see the attached proof of liability insurance.*

#### **§ 25-70.6 Location, Appearance and Operation of a Project Site**

##### **A. Visual impacts**

The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor.

*Please see the attached plans for more information on the visual impact of the proposed project.*

- B. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

*The proposed project meets this requirement.*

##### **C. Signage.**

Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a state or federal agency; and (d) signs that provide a 24-hour emergency contact phone number.

*The proposed project meets this requirement.*

##### **D. Noise.**

Audible sound from a solar energy system shall not exceed 60 dBA (A-weighted decibels), as measured at any adjacent non-participating landowner's property line. The level, however, may be exceeded during short-term exceptional circumstances, such as severe weather.

*Please see the attached Noise Memo.*

E. Setbacks.

All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least two-hundred feet (200') from all property lines and at least one thousand feet (1,000') from any residentially zoned properties; **unless the Board of Supervisors is satisfied that different setbacks are adequate to protect neighboring properties.**

1. Setbacks shall be kept free of all structures and parking lots.
2. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system; however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.

*Please see Section II.F of the attached Project Narrative.*

F. Ocular impact study.

An ocular impact study shall be performed for airports within five miles of the project site, for public roads within sight of the system, and from scenic highways and overlooks. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.

*Please see the attached ocular impact study.*

G. Buffering.

A buffer yard shall be provided and maintained adjacent to any property line, except those property lines interior to the solar energy system, and landscaped in one (1) of two (2) ways. If a property ceases being used for the solar energy system, buffering will be required along all property lines adjacent to the property which has been removed.

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque privacy fence, wall, berm or combination thereof. Opaque privacy fences shall be construction of good quality materials such as vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing.

Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per fifty linear feet (50') of buffer. The trees shall be a minimum of six feet (6') at the time of planting and the shrubs shall be a minimum of eighteen inches (18") at the time of planting.

- A. The applicant is free to choose from Alternatives 1 or 2. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree.
- B. Plant and structure location within buffer. The placement of required plants and structures shall be the decision of the applicant; however, they shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every fifty feet (50'). Buffer areas not retained in native habitat shall be seeded or sodded with lawn and maintained at a height of no more than 15 inches, established with ground cover, or mulched with organic mulch. Inorganic ground cover shall not exceed fifty percent (50%) of the total required area of the buffer.
- C. Where a fence or wall is used as part of a buffer, the decorative side of the fence or wall shall be faced to the adjacent property.
- D. Permitted structures in buffer area.
  - 1. Where walls are placed within any required buffer area:
    - a. No walls of exposed concrete block are permitted, whether painted or not.
    - b. The applicant shall be required to demonstrate provisions for access and maintenance of landscaping and the wall structure at the time of site plan approval.
    - c. Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.
  - 2. Where berms are placed within any required buffer area:
    - a. A berm or combination of materials such as a berm and a fence shall be a minimum six feet (6') in height.
    - b. Berms shall have slopes of not less than three feet (3') horizontal for each one foot (1') vertical.
    - c. Slopes in excess of three feet (3') horizontal for each one foot (1') vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable.
  - 3. Where opaque privacy fences are placed within any required buffer area:
    - a. No reduction in buffer width shall be provided based on the provision of a chain-link fence.

- b. Fences shall be a minimum of six feet (6') in height unless paired with a berm and in such case the combination of berm and fence shall be a minimum of six feet (6') in height.
- c. Breaks in the fence may be provided for pedestrian and vehicular connections to adjacent developments.
- d. Fences shall be maintained in a structurally safe and attractive condition and with finished faces located towards the adjacent property.

E. Permitted use of buffer area. A buffer area shall not be used for anything except:

- 1. Passive recreation and picnic facilities, including pedestrian and bike trails.
- 2. Other appurtenances which require high visibility and easy access, such as fire hydrants and utilities, public and emergency telephones, mail boxes, and bus shelters, or benches, are also permitted in a buffer. No screening of such appurtenances shall be required or permitted.
- 3. Access ways when necessary to provide access to adjacent properties.
- 4. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater management facilities. However, the minimum width of the buffer shall be preserved as a planting area and there shall be no reduction in buffer width based on the stormwater management facilities.

F. Alternative compliance. The buffer requirements may be modified by the Board of Supervisors upon a finding that a modification would be consistent with the purpose of this ordinance, this section, and the adopted plans and policies of the county; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one (1) or more of the following criteria:

- 1. The buffer is parallel and adjacent to an existing utility or drainage easement of at least one hundred feet (100') in width.
- 2. The buffer is between uses that are to be developed under a common development plan or series of development plans.
- 3. The buffer is parallel and adjacent to an existing railroad right-of-way;
- 4. The topography of the parcel is such that buffering would not be effective;

5. The property is adjacent to an established industrial use;
6. There is existing vegetation either on this lot or the adjacent lot to provide the required buffer benefits.

Financial hardship due to meeting the requirements of this section shall not be sufficient justification for alternative compliance.

*Please see the attached Project Narrative and Landscape Buffer Illustrative Exhibit.*

- G. Site Plan. Landscaping of buffer yards shall be shown on the site plan in accordance with the standards in Division J ARTICLE LXVII "Site Plan Review" and shall be provided and maintained in accordance with sound horticultural practices.

*Please see the attached Landscape Buffer Illustrative Exhibit.*

- H. Fencing.

All property containing panels must be enclosed with chain link fencing seven feet (7') tall, topped with barbed wire, and secured with gates.

*The proposed project meets this requirement.*

#### **§ 25-70.7 Safety and Construction**

- D. Traffic Impact Statement and/or Analysis

As part of the project application, the applicant shall submit a traffic impact statement. If required by the Virginia Department of Transportation, the applicant shall submit a Traffic Impact Analysis found to be in compliance with the requirements of Chapter 527 (24VAC30-155).

*Please see the attached Traffic Management Plan.*

#### **§ 25-70.8 Decommissioning**

- A. Decommissioning plan

As part of the project application, the applicant shall submit a decommissioning plan, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars; (3) how said estimate was determined; (4) the method of ensuring that funds will be available for decommissioning and restoration; (5) the method that the decommissioning cost will be kept current; and (6) the manner in which the project will be decommissioned and the site restored.

*Please see the attached Decommissioning Plan and Decommissioning Cost Estimate with Cover Letter.*

### **Article LVIII. Special Use Permit procedures**

#### **§ 25-583. Applications.**

Applications for Special Use Permits shall be made on forms provided by the Department of Community Development and shall be signed by the owner of the property for which the Permit is sought. If the applicant is not the owner, the application shall be accompanied by the written consent of the owner.

*The Applicant is not the property owner. Please see attached power of attorney documents from the property owners authorizing the Applicant to submit this special use permit application.*

**§ 25-585. BZA or BOS review plans.**

- A. Any application for a Special Use Permit shall be accompanied by a BZA or BOS review plan.
- B. Each BZA or BOS review plan shall be drawn on 8½" by 11", 8½" by 14", or 11" by 17" paper.
- C. For all new structures, each BZA or BOS review plan shall be drawn to scale. The scale shall be one inch (1") equals a stated number of feet. The number of feet shall be a multiple of ten (10). For example, the scale may be one inch (1") equals fifty feet (50') or one inch (1") equals one hundred feet (100').
- D. Each BZA or BOS review plan shall contain or be accompanied by the following:
  - 1. Reference to the tax map and parcel number, and when the tax map is inaccurate, an "insert map" showing the location of the tract or lot.
  - 2. A scaled drawing of the tract or lot with dimensions indicated or, if available, a boundary survey of the tract or lot.
  - 3. Names of owners of all adjoining property.
  - 4. Location of all zoning districts, buildings, structures, boundary lines and other features from which minimum setbacks are required by this chapter.
  - 5. Type of surfacing, size, design and dimension of all off-street parking spaces.
  - 6. Location, design and dimensions of all vehicular entrances and exits to the site.
  - 7. Location and dimensions, including height in feet, and the proposed general use of each building.
  - 8. Any information required by the reviewing agencies referenced in §25-586 below.

*Please see the attached plans, which contains all the information required for the BOS review plan.*