

# GREENSVILLE COUNTY PLANNING COMMISSION

## AGENDA

Tuesday, November 12, 2019

6:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
  - A. Approval of Minutes – See Attachment - A.
    1. September 10, 2019
- IV. RECOGNITION OF SERVICE
  - A. Mr. Malcolm L. King, Jr.
- V. PUBLIC HEARING
  - A. 2232-4-19 – Jarratt Energy Facility – See Attachment – B.
- VI. REGULAR SESSION
  - A. 2232-4-19 – Jarratt Energy Facility
- VII. OTHER MATTERS
- VIII. ADJOURN

The Greenville County Planning Commission meeting was held Tuesday, September 10, 2019, 6:00 P.M., in the Board Room of the Greenville County Government, 1781 Greenville County Circle, Emporia, Virginia.

**PRESENT**

Walter Robinson, Chairman  
Jeff Robinson, Vice-Chairman  
Stephen Allen  
Lofton Allen  
Joe Antorn, Jr.  
William Cain  
Annie Odom  
Kim Wiley

**ABSENT**

Dianne Barnes-Rhoades

**STAFF PRESENT**

Linwood E. Pope, Jr.  
Treva Pernell

**OTHERS PRESENT**

Denise Nelson	Clint Slate
Boyce Adams	Wilson Clary
Sam Gulland	Amy Lifsey
David Stoner	James Ferguson
Rich Goodwin	Bill Robinson
Richard Pearson	

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Chairman Robinson called the meeting of Tuesday, September 10, 2019 to order. Mr. Robinson stated that the Commission would start the meeting with prayer. He called on Commissioner Jeff Robinson to offer prayer. The secretary called the roll.

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**In Re: APPROVAL OF THE AGENDA**

Chairman Robinson entertained a motion for approval of the agenda. Commissioner Stephen Allen made the motion, seconded by Commissioner Jeff Robinson, with all voting aye, motion carried.

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**In Re: APPROVAL OF THE MINUTES**

Chairman Robinson entertained a motion to approve the minutes of June 4, 2019. Commissioner Robinson made a motion, seconded by Commissioner Allen, with all voting aye, motion carried.

Vice-Chairman Robinson entertained a motion to go into Public Hearing. Commissioner Wiley made the motion, seconded by Commissioner Jeff Robinson, with all voting aye, to go into Public Hearing.

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**In Re: PUBLIC HEARING**

**ZTA-2-19 – Greenville County**

Mr. Linwood Pope stated that the Board of Supervisors had requested, at their August 19, 2019 meeting, that the Planning Commission make recommendations to them concerning the proposed amendments to Articles #4, #12 and #23 of the Zoning Ordinance that were prepared by the Berkley Group. He stated that the Board of Supervisors had also requested that the Planning Commission make a recommendation on a new article, Article #24: Solar Facilities.

Denise Nelson, Berkley Group stated that the recommendations for Articles #4, 12, and #23 were mainly in preparation to pave the way for a new article, Article #24 Solar Facilities.

Mr. Pope suggested that Ms. Nelson discuss the recommended changes to Articles #4, #12 and #23.

Ms. Nelson explained that #4 is an update to include the industry standard definitions for solar facilities. In #12 an update to include site plan requirements for solar facility projects. In Article #23, 23-2-125.1 and 23-2-125.2 definitions would be deleted as follows:

23-2-125.1 Solar Energy Project, greater than 20 MWAC. An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware, with a rated capacity greater than 20 MWAC. (Amended December 5, 2016).

23-2-125.2 Solar Energy Project, 20 MWAC or less: An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware, with a rated capacity 20 MWAC or less. (Amended December 5, 2016).

Ms. Nelson stated that the following definitions would be added:

23-2-9.2 Applicant means the person or entity who submits an application to the locality for a permit under this ordinance.

23-2-13.1 Brownfield means former industrial or commercial sites typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

23-2-41.1 Disturbance zone means the area within the site directly impacted by construction and operation of the facility.

23-2-67.5 Integrated PV means photovoltaics incorporated into building materials, such as shingles.

23-2-95.1 Operator means the person responsible for the overall operation and management of a facility.

23-2-95.2 Owner means the person who owns all or a portion of a facility.

23-2-125.1a Solar facility, small-scale means a facility that either: (a) generates less than 15 kilowatts (kW) electricity from sunlight, consisting of one or more Photovoltaic (PV) systems and other appurtenant structures and facilities within the boundaries of the site; or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce electrical or mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy; and (c) meets at least one of the following criteria: has a disturbance zone equal to or less than an acre; is mounted on or over a building, parking lot, or other previously disturbed area; or utilizes integrated PV only.

23-2-125.1b Solar facility, medium-scale means a facility that generates electricity from sunlight primarily to reduce onsite consumption of utility power for commercial and industrial applications. Sites are between one to three acres with a maximum capacity of 999 kW.

23-2-125.1c Solar facility, utility-scale means a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider. Sites are generally over two acres and have a capacity in excess of one megawatt (1 MW).

□ Ms. Nelson stated that to ensure that solar facilities are comprehensively addressed, the Berkley Group recommended amending the ordinance with a proposed new article specifically addressing solar facilities, ARTICLE #24. SOLAR FACILITIES added as follows:

ARTICLE 24  
(new article)

SOLAR FACILITIES

Sec. 16-401 Statement of intent

The purpose of this section is to establish requirements for construction and operation of solar facilities and to provide standards for the placement, design, construction, monitoring, modification, and removal of solar facilities; address public safety, minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.

Sec. 16-402 Applicability

This article shall apply to all solar facilities **permitted** after the effective date of this article, including any physical modifications to any existing solar facilities that materially alter the type, configuration, or size of such facilities or other equipment.

Sec. 16-403 Zoning districts

- (a) Small-scale solar facilities may be installed by-right in all zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
- (b) Medium-scale solar facilities may be installed by-right in commercial and industrial zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
- (c) Any commercial or industrial solar facility installed upon a roof top shall submit a site plan to the zoning administrator and an engineering study to the Building Official Office for review.
- (d) Utility-scale solar facilities shall be permitted by SUP only in the A-1 zoning district.
- (e) Utility-scale solar facilities should locate on brownfields or near existing industrial uses, where feasible.

Sec. 16-404 Applications and procedures

In addition to other requirements of the Greensville County Zoning Ordinance and Supplemental Use Permit requirements, applications for a utility-scale solar facility shall include the following information:

- (a) Pre-application meeting. Schedule a pre-application meeting with the zoning administrator to discuss the location, scale, and nature of the proposed use and what will be expected during that process.
- (b) Comprehensive Plan Review. A 2232 review by the County is required by the Code of Virginia (§15.2-2232) for utility-scale solar facilities. This Code provision provides for a review by the Planning Commission of public utility facility proposals to determine if their general or approximate location, character and extent are substantially in accord with the Comprehensive Plan or part thereof.
- (c) SUP application. A complete SUP application including:
  - 1. Documents demonstrating the ownership of the subject parcel(s).
  - 2. Proof that the applicant has authorization to act upon the owner's behalf.
  - 3. Identification of the intended utility company who will interconnect to the facility.
  - 4. List of all adjacent property owners, their tax map numbers, and addresses.
  - 5. A description of the current use and physical characteristics of the subject parcels.
  - 6. A description of the existing uses of nearby properties.

7. A narrative identifying the applicant, owner or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.
8. Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.
9. Payment of the application fee and any additional review costs, advertising, or other required staff time.

(d) Concept plan. A concept plan prepared by an engineer with a professional engineering license in the Commonwealth of Virginia that shall include the following:

1. A description of the subject parcels.
2. Property lines and setback lines.
3. Existing and proposed buildings and structures; including preliminary locations of the proposed solar panels and related equipment; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress.
4. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.
5. A grading plan.
6. A landscaping maintenance plan.
7. Existing and proposed access roads, drives, turnout locations, and parking.
8. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
9. Fencing or other methods of ensuring public safety.
10. Fourteen sets (11" x 17" or larger), one reduced copy (8½" x 11") and one electronic copy of the concept plan, including elevations and landscape plans as required.
11. Additional information may be required as determined by the zoning administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed 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.

(e) Concept plan compliance. The facility shall be constructed and operated in substantial compliance with the approved Concept Plan, with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) process.

(f) Decommissioning plan. A detailed decommissioning plan, certified by an engineer, which shall include the following:

1. The anticipated life of the project;

2. The estimated decommissioning cost in current dollars;
3. How the estimate was determined;
4. The method of ensuring that funds will be available for decommissioning and removal;
5. The method that the estimated decommissioning cost will be kept current; and
6. The manner in which the project will be decommissioned and the site restored.

The applicant shall provide a cost estimate for the decommissioning of the facility that shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar facility. The decommissioning cost estimate shall explicitly detail the cost and shall include a mechanism for calculating increased removal costs due to inflation and without any reduction for salvage value. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly.

- (g) A proposed method of providing appropriate escrow, surety or security for the cost of the decommissioning plan.
- (h) Traffic study submitted with application modelling the construction and decommissioning processes. County staff will review the study in cooperation with VDOT.
- (i) An estimated construction schedule.
- (j) Wetlands, waterways, and floodplains shall be inventoried, delineated, and avoided.
- (k) Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three (3) miles of the proposed project.
- (l) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County.
  1. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility.
  2. The total number of simulations and the perspectives from which they are prepared shall be established by the zoning administrator after the pre-application meeting.

#### Sec. 16-405 Neighborhood meeting

- (a) A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.

1. The applicant shall inform the zoning administrator's Office and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date.
2. The date, time and location of the meeting shall be advertised in the County's newspaper of record by the applicant, at least seven but no more than 14 days, in advance of the meeting date.
3. The meeting shall be held within the County, at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
4. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
5. The applicant shall provide to the zoning administrator summary of any input received from members of the public at the meeting.

Sec. 16-406 Minimum development standards

- (a) Provide an inventory of all solar facilities – existing or proposed – within a four (4) mile radius.
- (b) A utility-scale solar facility shall be constructed and maintained in substantial compliance with the approved concept plan.
- (c) The minimum setback **from the fencing to all exterior property lines** shall be 150 feet.
- (d) The maximum height of the lowest edge of the photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of primary structures and accessory buildings shall be 15 feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.
- (e) The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties by a buffer zone at least 100 feet wide that shall be landscaped with plant materials consisting of an evergreen and deciduous mix (as approved by County staff), except to the extent that existing vegetation or natural land forms on the site provide such screening as determined by the zoning administrator. In the event, existing vegetation or land forms providing the screening are disturbed, new plantings shall be provided which accomplish the same. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.
- (f) The facilities shall be enclosed by security fencing on the interior of the buffer area (not to be seen by other properties) not less than seven (7) feet in height and topped with razor/barbed wire, as appropriate. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the SUP and the facility's decommissioning.

- (g) Ground cover on the site shall be native vegetation and maintained in accordance with the Landscaping Maintenance Plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated landscaping maintenance shall be posted and maintained. Failure to maintain the landscaping shall result in revocation of the SUP and the facility's decommissioning. Incorporation of native plant species that require no pesticides, herbicides, and fertilizers or the use of pesticides and fertilizers with low toxicity, persistence, and bioavailability is recommended. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.
- (h) The Applicant shall identify an access corridor for wildlife to navigate through the Solar Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
- (i) The design of support buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the facilities to the natural setting and surrounding structures.
- (j) The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.
- (k) A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in force at the time of the permit approval.
- (l) A utility-scale solar facility shall comply with all permitting and other requirements of the Virginia Department of Environmental Quality.
- (m) The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator.
- (n) Lighting fixtures as approved by the County shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Concept Plan and approved by the zoning administrator.
- (o) No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

(p) All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, and any other agency of the local, state or federal government with the authority to regulate such facilities that are in force at the time of the application.

(q) Any other condition added by the Planning Commission or Board of Supervisors as part of a SUP approval.

#### Sec. 16-407 Decommissioning

The following requirements shall be met:

- (a) Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of one (1) year shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.
- (b) The owner or operator shall notify the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
- (c) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the Preliminary Site Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the land owner in writing, and this request must be approved by the Board of Supervisors (other conditions might be more beneficial or desirable at that time).
- (d) The site shall be re-graded and re-seeded or replanted within 12 months of removal of solar facilities. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment.
- (e) Decommissioning shall be performed in compliance with the approved decommissioning plan. The Board of Supervisors may approve any appropriate amendments to or modifications of the decommissioning plan.
- (e) Hazardous material from the property shall be disposed of in accordance with federal and state law.
- (f) The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.

1. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
  2. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon on the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
  3. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
  4. The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
  5. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County.
- (g) If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

#### Sec. 16-408 Coordination of local emergency services

Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

#### Sec. 16-409 Conditions

(a) The Board of Supervisors may consider conditions addressing a proposed solar facility, including, but not limited to, the following:

1. A solar facility shall be constructed, maintained, and operated in substantial compliance with:
  - i. The development standards under this article.
  - ii. The approved concept plan.
  - iii. Any other conditions imposed pursuant to a Conditional Use Permit.
2. The Conditional Use Permit may require the applicant to submit an erosion and sediment control plan for review by the County or by a qualified third party, however, the third party review shall not supersede any requirements imposed by state agencies. The applicant shall construct, maintain, and operate the solar facility in compliance with the approved plan.
3. The Conditional Use Permit may require the applicant to submit a stormwater management plan for review by the County or by a qualified third party. The

applicant shall construct, maintain, and operate the solar facility in compliance with the approved plan.

4. The applicant shall pay a supplemental application fee to cover the reasonable and actual cost of any review of the erosion and sediment control plan or the stormwater plan by a qualified third party.
5. If the solar facility does not receive a building permit within eighteen (18) months of approval of the Conditional Use Permit, the Permit shall be terminated.
6. If the solar facility is declared to be unsafe by the zoning administrator or building official, the facility must be in compliance within fourteen (14) days or the Conditional Use Permit shall be terminated, and system removed from the property.
7. The owner and operator shall give the County written notice of any change in ownership, operator, or Power Purchase Agreement within thirty (30) days.

#### Sec. 16-410 – 16-420 Reserved

Commissioner Robinson asked if the work permitted instead of constructed should be used in Sec. 16-402 of the new article.

Ms. Nelson stated that in Sec. 16-406 Minimum development standards, (c) the fencing to all exterior property lines shall be 150 feet.

Commissioner Wiley asked if the term should be security fencing.

Mr. Pope stated that it was the security fencing and was stated that way throughout the article.

Commissioner Cain suggested that all exterior property lines should be 300 feet.

Ms. Nelson stated that it would be 150 feet to the fence and then an additional 100 feet of vegetative buffer which provides visual screening.

Ms. Nelson stated that they had heard from the industry that eighteen (18) months was not sufficient time to get mobilized and get a building permit in place that quickly.

In discussion among the commissioners, it was suggested that thirty-six (36) months would give a better timeframe for permits. Also, the commissioners suggested that the metrics should be altered to reflect PV coverage of 75%.

Commissioner Jeff Robinson suggested that in Sec. 16-409 in #2 and #3 the word “may” should be changed to “shall”. He suggested that in Sec. 16-406 (h) “corridor” should be plural, “corridors”.

Mr. Pope suggested the commissioners look at the metrics table to discuss what they wanted to use as guidelines:

Utility-scale Solar Facility Policy Options

<u>Topic</u>	<u>Comp Plan</u>	<u>Zoning Ordinance</u>
Size	≤ 1000 ac	-
PV coverage	≤ 65%	-
Outside growth areas	yes	-
Distance from cities and towns	≥ 1 mi -	-
Distance from other solar	≥ 2 mi -	-
Distance from transmission lines	≤ 1 mi -	-
Land use	Agricultural, Brownfields	Agricultural, Brownfields
Acquire building permit	-	≤ 18 mos.

Chairman Robinson asked if anyone present would like to address the Commission.

Mr. Boyce Adams addressed the Commission, he asked how often those present had Googled Greenville County or the City of Emporia? He stated that to the outside world our community is good at nothing. He also stated that, as a land owner, he was optimistic and excited that solar opportunities were coming to the County. He further stated that he encouraged the citizens of Greenville County to not only support property owners' rights but to look at this renewable energy as a way to improve our community.

Mr. Sam Gullands, development manager with Torch Clean Energy, stated that he was hoping to apply for a special use permit in Greenville County. He asked that the Commission consider a distance of one mile between solar facilities instead of two and approving 6' fences instead of 7' fences.

Mr. David Stoner, Clearway Solar, thanked the Commission for working on the County Comp Plan and Zoning Ordinance. He stated he thought that the Comp Plan was overly restrictive in the amount of land that is being taken "out of commission" and denying landowners the ability to use their lands as they see fit and also denying tax revenues for the County and other benefits that would be involved.

Mr. Rich Goodwin stated that his dad, Pressley Goodwin, owns a tract of land along the Meherrin River and Brunswick Road. He stated that he felt solar would bring economic diversity to the County by increasing revenue stream. He also stated that he was encouraged to see that the community colleges were offering class to train operators for the solar projects. He further stated he was excited about what was happening in the County.

Mr. Richard Pearson stated that he wants to encourage the Planning Commission to work with solar projects.

Mr. Clint Slate stated that he appreciated all the Planning Commission was doing to make informed decisions for the County. He stated Emporia/Greenville County is a stagnant area and he hoped that the Commission would not restrict the opportunities that could help improve the quality of life for all landowners and residents. He stated that he asked the Commission to open their minds and think like a businessman.

Mr. Wilson Clary gave each Commissioner a packet explaining the PJM Companies. He stated that PJM (Pennsylvania, Jersey, Maryland) is a regulatory authority that covers 13 states.

He stated that this authority shows there was 1,437.5 megawatts of solar projects in Virginia. He stated that he encourages the Commission to make balanced decisions for everyone involved. He suggested that the Commission take each project at its own merits or detriments and make decisions accordingly.

Ms. Amy Lifsey addressed the Commission and stated that landowner rights are important. She stated that landowners today are trying to diversify the use of their land in a positive and more productive way.

Mr. James Ferguson addressed the Commission stating that the Comprehensive Plan should be fair for all people. He stated that if the size, distance from transmission lines and distance from other solar projects was taken out of the Comp Plan, everyone involved would be happy.

Mr. Bill Robinson addressed the Commission stating that landowners should be able to do what they want to do with their land. He stated that the Commission needs to decide on each project as to its own merits.

Ms. Denise Nelson stated that The Berkley Group recommended changes to the Comp Plan were as follows:

GREENSVILLE COUNTY TODAY

ECONOMIC & BUSINESS ENVIRONMENT

Add after the first paragraph:

Utility-Scale Solar Facilities greater than 1 MWAC are one of Greenville County's newest industrial scale land uses, with interest throughout the County. Greenville's agricultural land combined with its electrical infrastructure and transportation system, appear to be attractive to the solar industry. The potential impacts of a solar facility must be carefully considered because of the size and scale of the use; the potential conversion of land to an industrial scale use, with few permanent jobs, that was productive agricultural/forestal land or potential residential, commercial, or industrial land; and the potential impact on nearby properties and the character of the area in general.

PLANNING ISSUES & STRATEGIES

LOCAL PRODUCTION OF RENEWABLE ENERGY

Revise to read as follows:

- 1) There is interest in the construction of Utility-Scale Solar Facilities in the County as a result for the quest to generate environmentally friendly energy.

STRATEGIES/POLICIES

- a. Utility-Scale Solar Facilities greater than 1 MWAC may be acceptable in agricultural zoned districts.
- b. A Decommissioning Plan will be provided by the owner of Utility-Scale Solar Facilities to ensure to proper dismantling of the project.

THE LAND USE PLAN

RECOMMENDED LAND USE CATEGORIES

COMMERCIAL USES

Add a new section as follows:

UTILITY-SCALE SOLAR FACILITIES

A relatively new land use to Greenville County is the emergence of utility-scale solar facilities. These facilities can be an industrial-scale land use that may occupy significant acreage. As used in this Comprehensive Plan, a utility-scale solar facility is a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider or a large private user with a generating capacity in excess of one megawatt (1 MW). Greenville's abundant agricultural and forest land combined with its electrical infrastructure and transportation system appear to be attractive to the solar industry. These facilities are an industrial scale land use that occupy significant acreage. Many utility-scale solar facilities are located on agricultural or forested land that may have had other future land use potential or land use designations.

The County will consider solar facilities on districts zoned agricultural, industrial, or commercial (based on project size) with preference for brownfields. The following site features should be addressed to mitigate the potential negative impacts of utility-scale solar facilities on County land use patterns as part of the evaluation of a Special Use Permit (SUP) application:

- 1) The total size shall be larger than two (2) acres and less than 1,000 acres with no more than 65% 75% PV panel coverage;
- 2) Located outside growth areas;
- 3) Further than one (1) mile from any village, town, city boundary;
- 4) Further than two (2) one and a half (1.5) miles from other existing or permitted solar facilities;
- 5) Within one (1) mile of electric transmission lines; and
- 6) Distance from residences; historic, cultural, recreational, or environmentally-sensitive areas; and scenic viewsheds.

Chairman Robinson entertained a motion to go into Regular Session.

Commissioner Steve Allen made the motion, seconded by Commissioner Lofton Allen, with all voting aye, motion carried.

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**In Re: REGULAR SESSION**

Mr. Pope gave a synopsis of each change/amendment to the Zoning Ordinance and Comprehensive Plan. He stated that Article #4 was Permitted Uses. Article #12 was Site Plan Requirements and Article #23 was Definitions.

Commissioner Steve Allen made a motion that stated changes to Articles #4, #12, and #23 be approved, seconded by Commissioner Jeff Robinson, with all voting aye, motion carried.

Mr. Pope stated that Article #24 – Solar Facilities is the new article to be added to the Zoning Ordinance. He stated that there were some suggested changes to the article that the Commissioners agreed upon. Sec. 16-402 “constructed would be changed to permitted”. Sec. 16-406 (c) “from the fencing to all exterior property lines shall be 150 feet, (h) “corridor should be plural, corridors”, (f) “Not less than seven (7) feet in height should be changed to six (6) feet in height”. Sec. 16-409 – 2. and 3. “shall instead of may” and 5. “36 months instead of 18 months”.

Commissioner Steve Allen made a motion that Article #24 with stated changes be approved, seconded by Commission Jeff Robinson, with all voting aye except Commissioner Cain who abstained.

Mr. Pope stated that changes to the Comprehensive Plan entailed adding or revising language to areas as stated in discussion and adding a new section, Utility-Scale Solar Facilities to Recommended Land Use Categories that included the Metrics Table with the agreed 75% PV panel coverage.

Chairman Robinson entertained a motion to approve changes to the Comp Plan.

Commissioner Wiley stated that she would like to make a motion to approve the Comprehensive Plan without any of the Metrics added. No second.

Commissioner Cain stated that he would like to make a motion to approve the Comp Plan with the Metrics added with the increase of PV coverage to 75%. No second.

Commissioner Robinson made a motion to added the Metrics Table to the Comprehensive Plan with the PV coverage changed from 65% to 75% and Distance from other Solar Projects changed from two (2) miles to one and one-half (1.5) miles, second by Commissioner Lofton Allen, with a roll call vote as follows:

Commissioner Lofton Allen	AYE	
Commissioner Cain		NAY
Commissioner Jeff Robinson	AYE	
Commissioner Walter Robinson		NAY
Commissioner Steve Allen	AYE	
Commissioner Odom	AYE	
Commissioner Antorn	AYE	
Commissioner Wiley		NAY

Chairman Robinson stated that the motion carried with a five AYE and three NAY vote.

Mr. Pope stated that staff would prepare a staff report that would go to the Board of Supervisors with the Planning Commission recommendations at their next meeting that would include a Public Hearing.

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**In Re: ADJOURN**

There being no other discussions, Commissioner Steve Allen made a motion to adjourn, seconded by Commissioner Robinson, with all voting aye, the motion carried and meeting was adjourned.

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Walter W. Robinson, Jr.  
Vice-Chairman

**Staff Report**  
**Jarratt Energy Solar Project**  
**Public Facility Application Review for 2232-4-19**  
**Code of Virginia § 15.2-2232**  
**Greensville County, Virginia**

**October 30, 2019**

**APPLICATION SUMMARY**

**Project:** Jarratt Energy Solar Project  
**Location:** Located on the south side of Wyatts Mill Road at Sykes Lane toward Allen Road west of Jarratt in Greensville County, Virginia.

**Parcel Record Numbers:** 11-36, 11-37, 11-37A, 11-55

**Proposal:** Applicant's request for review of the Jarratt Energy Solar Project pursuant to Virginia Code Section 15.2-2232

**Application Submitted:** October 15, 2019

**Applicant:** Jarratt Energy Facility, LLC  
939 Pearl Street, Suite 210  
Boulder, CO 80302

**Representative:** Sam Gulland  
[sgulland@torchcleanenergy.com](mailto:sgulland@torchcleanenergy.com)  
703-999-4280

**Owners:** See Appendix A

**PLANNING COMMISSION ACTION**

The Applicant has requested that the Planning Commission review its proposed solar energy facility, as a "public utility facility" under Virginia Code Section 15.2-2232(A), to determine if the general or approximate location, character, and extent of the proposed facility is substantially in accord with the County's Comprehensive Plan. As required by the Zoning Ordinance, the Applicant submitted a 2232 Review Application (County reference number: 2232-4-19) that was deemed complete on October 18, 2019, proposing a solar photovoltaic generation facility. Staff has recommended that the Planning Commission review the request for determination under Virginia Code Section 15.2-2232 prior to any review of a special use permit (SUP) application. For reference, Jarratt Energy Solar Project's 2232 application materials are attached (Attachment A) to this staff report.

The issue presented to the Planning Commission is whether the general or approximate location, character and extent of the proposed solar energy facility is substantially in accord with the County's Comprehensive Plan or part thereof. Subject to the Planning Commission's 2232 decision, **the**

**Planning Commission will separately review and consider the merits of any associated SUP Application.**

## **PROPOSED DEVELOPMENT**

The Applicant proposes to construct a 49 megawatt (alternating current) photovoltaic solar energy generation facility on four (4) parcels consisting of a total of approximately 474 acres with approximately 70% solar panel coverage. The nearby Fields Substation north of Wyatts Mill Road allows for interconnection to the grid.

The largest parcel in the project area (11-55), located on the south side of Wyatts Mill Road at Sykes Lane west of Jarratt, is bisected by a linear parcel (11-7) formerly for a railroad and now for the Virginia Beach/Lake Gaston water pipeline. Parcel 11-7 is not in the project area.

The site is zoned A-1 and currently consists of wooded areas, fields, farm paths, and natural wetlands. The future land use designation for the large parcel (11-55) is Industrial, and it is located in an Enterprise Zone serviced by water and sewer utilities three (3) miles from I-95. The future land use designation for the remainder of the application area is Rural Residential.

## **PURPOSE OF THE REVIEW UNDER VIRGINIA CODE SECTION 15.2-2232**

Virginia Code Section 15.2-2232 requires that the Planning Commission review all proposed developments that include a "public utility facility" prior to the construction or authorization of such facility. The purpose of the Planning Commission's review is to determine if the general or approximate location, character, and extent of the proposed public utility facility is substantially in accord with the Greensville County Comprehensive Plan or part thereof. The Planning Commission has set aside time at its November 12, 2019 meeting to afford citizens an opportunity to offer their comments to the Planning Commission. The Planning Commission must advise the Board of Supervisors of its determination. If appealed by the Applicant, the Board of Supervisors may overrule the action of the Planning Commission.

## **EXISTING CONDITIONS AND ZONING**

The application property consists of a mixture of timber land, cleared land, and crop land with the land historically used for agricultural and forestry purposes. The application property is currently zoned A-1, agricultural zoning district.

## **ADJACENT AND SURROUNDING USES**

The largest parcel in the project area (11-55), located on the south side of Wyatts Mill Road at Sykes Lane west of Jarratt, is bisected by a linear parcel (11-7) formerly for a railroad and now for the Virginia Beach/Lake Gaston water pipeline. Parcel 11-7 is owned by the City of Virginia Beach. The portion of the former railroad right of way in Brunswick County (west of Greensville) has been converted to a trail. The Future Land Use Plan indicates the section of the former railroad right of way from Brunswick County to parcel 11-55 (coinciding with the border of the Enterprise Zone) has been identified for a trail. In the case of future development of a continuation of a trail on parcel 11-7, adequate setbacks shall be maintained around the parcel to allow for a vegetated buffer.

The application property is bordered by:

- M-1 zoning to the north of Wyatts Mill Road. This is an Enterprise Zone serviced by water and sewer utilities (see Appendix B).
- R1-B zoning to the northeast for a single-family residential property on the south side of Wyatts Mill Road.
- A-1 zoning to the southeast, south, and west consisting of a mixture of cleared land and existing timber land. The future land use designation is Rural Residential.

The application property is not proximate to any scenic byways or known historic resources.

## **COMPREHENSIVE PLAN CITATIONS**

Below are the relevant excerpts of Greenville County's Comprehensive Plan.

### ➤ **GREENSVILLE COUNTY TODAY**

#### **ECONOMIC & BUSINESS ENVIRONMENT**

Utility-Scale Solar Facilities greater than 1 MW<sub>AC</sub> are one of Greenville County's newest industrial scale land uses, with interest throughout the County. Greenville's agricultural land combined with its electrical infrastructure and transportation system, appear to be attractive to the solar industry. The potential impacts of a solar facility must be carefully considered because of the size and scale of the use; the potential conversion of land to an industrial scale use, with few permanent jobs, that was productive agricultural/forestral land or potential residential, commercial, or industrial land; and the potential impact on nearby properties and the character of the area in general.

### ➤ **GOALS AND OBJECTIVES**

#### **GENERAL**

- 1) Provide adequate governmental services, including public utilities, to meet the needs of Greenville's citizens.
- 2) Coordinate development with the provision for public utilities and services.
- 3) Preserve the rural character of the County by directing and controlling growth in designated areas.

#### **LAND USE GENERAL**

- 1) Encourage new development that complements surrounding uses.
- 2) Concentrate development in appropriate locations by encouraging more efficient site design and incorporating proper buffers between differing uses.

#### **RESIDENTIAL**

- 3) Prevent the encroachment of conflicting land uses on existing viable neighborhoods.

## COMMERCIAL/INDUSTRIAL

- 5) Evaluate large scale industrial economic development projects that will provide an economic benefit to the County but that may not be in designated development areas or near major transportation systems.

## PUBLIC FACILITIES

- 3) Plan accordingly for the future needs of the population.

## ➤ PLANNING ISSUES & STRATEGIES

### LOCAL PRODUCTION OF RENEWABLE ENERGY

- 1) There is interest in the construction of Utility-Scale Solar Facilities in the County as a result for the quest to generate environmentally friendly energy.

#### STRATEGIES/POLICIES

- a. Utility-Scale Solar Facilities greater than 1 MW<sub>AC</sub> may be acceptable in agricultural zoned districts.
- b. A Decommissioning Plan will be provided by the owner of Utility-Scale Solar Facilities to ensure to proper dismantling of the project.

### AGRICULTURAL AND FORESTAL LAND ISSUES

- 1) There is concern to maintain the agricultural characteristics of the County not included in the Urban Services District.

#### STRATEGIES/POLICIES

- a. Re-evaluate current development standards to ensure all areas that lie within the Rural Development Area, with the exception of Major Commercial Hub, maintain these agricultural and rural development qualities.

## ➤ THE LAND USE PLAN

### RECOMMENDED LAND USE CATEGORIES

Land use categories are general indications of what the community would like to see in the future. They are not the same as zoning classifications. Zoning designations are more detailed and site-specific and carry the power of law. The land use categories are set for in this plan as a guide for future rezoning and review of zoning requests.

### 3. Rural Residential; Conservation Area

Characterized by low-density residential development such as detached single-family units on lots larger than urban or suburban lots. Certain agricultural and farming uses are typically allowed. In addition, large scale economic development projects may be allowed subject to required land use approvals as approved by the Board of Supervisors.

## COMMERCIAL USES

### UTILITY-SCALE SOLAR FACILITIES

A relatively new land use to Greenville County is the emergence of utility-scale solar facilities. These facilities can be an industrial-scale land use that may occupy significant acreage. As used in this Comprehensive Plan, a utility-scale solar facility is a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider or a large private user with a generating capacity in excess of one megawatt (1 MW). Greenville's abundant agricultural and forest land combined with its electrical infrastructure and transportation system appear to be attractive to the solar industry. These facilities are an industrial scale land use that occupy significant acreage. Many utility-scale solar facilities are located on agricultural or forested land that may have had other future land use potential or land use designations.

The County will consider solar facilities on districts zoned agricultural, industrial, or commercial (based on project size) with preference for brownfields. The following site features should be addressed to mitigate the potential negative impacts of utility-scale solar facilities on County land use patterns as part of the evaluation of a Special Use Permit (SUP) application:

- 1) The total size shall be larger than two (2) acres and less than 1,000 acres with no more than 75% PV panel coverage;
- 2) Located outside growth areas;
- 3) Further than one (1) mile from any village, town, city boundary;
- 4) Further than one and a half (1.5) miles from other existing or permitted solar facilities;
- 5) Within one (1) mile of electric transmission lines; and
- 6) Distance from residences; historic, cultural, recreational, or environmentally-sensitive areas; and scenic viewsheds.

## STAFF COMMENTS AND ANALYSIS

### A. Applicant's Position

In the application materials dated October 15, 2019 (Attachment A), the Applicant set forth its reasons why the proposed project is substantially in accord with the Comprehensive Plan.

The Applicant identifies the following items in support of its project:

- This facility will be smaller than other proposed and approved facilities.

- Connecting to the existing Fields Substation eliminates the need to construct a transmission line or substation.
- The site is located adjacent to an industrial parcel.
- The proposed facility will not need public water, public sewer, or related government services.
- There will be no impacts to the public schools, no long-term impacts to public roads, and traffic during construction will be limited to a short timeframe.
- The project will be surrounded with a natural buffer to minimize visibility and noise.
- A decommissioning plan will be submitted with the SUP application.
- The project is anticipated to employ 200 employees during construction. To the extent possible, the applicant will encourage utilization of local residents for construction.

## **B. Staff Analysis**

Staff has analyzed the proposed project in light of the recently approved amendments to the County's Comprehensive Plan. Analysis considerations include:

1. The application property is currently zoned A-1, agricultural zoning district, but the largest parcel (11-55) is in an Enterprise Zone serviced by water and sewer utilities three (3) miles from I-95 and has a future land use designation of Industrial.
2. The application property is on the south side of Wyatts Mill Road adjacent to M-1 Industrial zoning on the north side of the road.
3. The future land use designation for the remainder of the application area is Rural Residential.
4. The proposed site is approximately one (1) mile west of the Town of Jarratt.
5. The largest parcel in the project area (11-55) is bisected by a linear parcel (11-7) formerly for a railroad and now for the Virginia Beach/Lake Gaston water pipeline. Parcel 11-7 is owned by the City of Virginia Beach. The portion of the former railroad right of way in Brunswick County (west of Greenville) has been converted to a trail. The Future Land Use Plan indicates the section of the former railroad right of way from Brunswick County to parcel 11-55 (coinciding with the border of the Enterprise Zone) has been identified for a trail. In the case of future development of a continuation of a trail on parcel 11-7, adequate setbacks shall be maintained around the parcel to allow for a vegetated buffer.
6. The applicant states a Decommissioning Plan will be submitted with the SUP application.

Staff has also analyzed the Comprehensive Plan elements and the proposed project appears to meet some, but not all, of the Comprehensive Plan's land use and renewable energy goals, objectives, and strategies. Subject to the project's final design and construction, and based on the information reviewed for this report, staff finds that the proposed utility-scale solar facility may not be substantially in accord with the Greenville County Comprehensive Plan, or parts thereof.

1. The proposed location appears to be in partially in accord with some of the land use goals and objectives set forth in the Comprehensive Plan.
  - a. The project generates environmentally friendly energy.
  - b. The project is in an agricultural zoned district and near an industrial zoned district.
  - c. The project size is less than 1,000 acres and is proposed to have less than 70% solar panel coverage.
  - d. The project is located outside growth areas, one (1) mile from the the Jarratt boundary, further than one and a half (1.5) miles from other existing or permitted

- solar facilities, and close to an existing substation.
2. The character and extent of the proposed utility-scale solar project does not appear to be substantially in accord with the Comprehensive Plan.
    - a. The project is competing with other major land uses in desired locations (an Enterprise Zone with water and sewer service near I-95).
    - b. The project is adjacent to a residential land use and surrounding a potential future regional trail.
    - c. The project does not provide adequate setbacks or buffers around parcel 11-7.

An approved plan for a solar facility should, as set forth in the Comprehensive Plan:

- **Preserve the rural character** of the County by directing and controlling growth in designated areas.
- Concentrate development in appropriate locations by encouraging more efficient site design and **incorporating proper buffers** between differing uses.
- **Prevent the encroachment of conflicting land uses** on existing viable neighborhoods.
- **Plan accordingly for the future needs** of the population.
- Utility-Scale Solar Facilities greater than 1 MW<sub>AC</sub> **may be acceptable in agricultural zoned districts.**
- There is concern to **maintain the agricultural characteristics of the County** not included in the Urban Services District.

The encroachment on a neighboring residential land use and the potential future trail will need to be mitigated with adequate buffers and screening.

The question before the Planning Commission with this 2232 application is:

**Whether the general location or approximate location, character, and extent of the proposed solar energy facility is substantially in accord with the Comprehensive Plan or part thereof.**

- The Planning Commission should consider all relevant portions of the Comprehensive Plan in its analysis.
- The Planning Commission should carefully and thoroughly document its reasons for whatever conclusion it reaches.
- The Planning Commission has three options:
  - a. Approve the application with written reasons for its decision.
  - b. Deny the application with written reasons for its decision.
  - c. Defer the application for further discussion and consideration (within the 60 day window).

Attachments:

A – 2232-4-19 Application, dated October 15, 2019

B – Maps

## **DRAFT PLANNING COMMISSION ACTIONS**

### **Option 1 – Applicant’s proposal is substantially in accord with the Comprehensive Plan**

I move that the Jarratt Energy Facility, LLC’s proposed 49-megawatt photovoltaic solar energy facility as described in 2232 Review application 2232-4-19, is substantially in accord with the Greenville County Comprehensive Plan or parts thereof for the following reasons:

1. The Comprehensive Plan notes an interest in the development of environmental friendly energy in agricultural zoned districts.
2. The project size is less than 1,000 acres and is proposed to have less than 70% solar panel coverage.
3. The project is located outside growth areas, one (1) mile from the the Jarratt boundary, further than one and a half (1.5) miles from other existing or permitted solar facilities, and close to an existing substation.
4. The proposed project involves only a small part of the total agricultural land in the County and will have setbacks and buffers which, if adequate in scope and required in the Special Use Permit, could afford protection for adjacent properties.

The Secretary of the Planning Commission is directed to communicate the Planning Commission’s findings to the Board of Supervisors.

### **Option 2 – Applicant’s proposal is not substantially in accord with the Comprehensive Plan**

I move that the Jarratt Energy Facility, LLC’s proposed 49-megawatt photovoltaic solar energy facility as described in 2232 Review application 2232-4-19, is not substantially in accord with the Greenville County Comprehensive Plan or parts thereof for the following reasons:

1. The Comprehensive Plan indicates that solar energy facilities may be acceptable on agricultural land if they preserve the rural character of the County.
2. The proposed solar energy facility will occupy 474 acres of agricultural/forestal land.
3. The majority of the site is identified in the future land use plan as Industrial in an Enterprise Zone serviced by water and sewer in close proximity to I-95, and the solar energy facility is inconsistent with this designation.
4. The project is adjacent to a residential land use and surrounding a potential future regional trail.
5. The project does not include adequate setbacks and buffer around parcel 11-7.

The Secretary of the Planning Commission is directed to communicate the Planning Commission’s findings to the Board of Supervisors.

### **Option 3 – Deferral of the application**

I move that the Planning Commission defer a decision on Jarratt Energy Facility, LLC’s request under Va. Code § 15.2-2232 regarding its proposed 49-megawatt photovoltaic solar energy facility as described in 2232 Review application 2232-4-19, until the Planning Commission meeting scheduled to begin at \_\_\_\_ p.m. on \_\_\_\_\_, in the Board of Supervisors meeting room.



GREENSVILLE COUNTY, VIRGINIA

APPLICATION FOR DETERMINATION PURSUANT TO VIRGINIA STATE CODE §15.2-2232

1. APPLICANT (Company or Agency): Jarratt Energy Facility, LLC
2. APPLICANT'S MAILING ADDRESS: 939 Pearl St, Suite 210, Boulder, CO 80302
3. TELEPHONE NUMBER: (703) 999-4280 EMAIL: sgulland@torchcleanenergy.com
4. REPRESENTATIVE/AGENT NAME: Sam Gulland
5. REPRESENTATIVE/AGENT'S MAILING ADDRESS: same as above
6. REPRESENTATIVE'S TELEPHONE NUMBER: same as above EMAIL: same as above
7. LOCATION OF PROPERTY (Common description if no street address): South of Wyatts Mill Road near Sykes Lane, west of Jarratt, VA
8. ZONING DISTRICT: A-1
9. COMPREHENSIVE PLAN DESIGNATION: Agricultural, Industrial
10. TAX MAX NUMBER (S): 11-36, 11-37, 11-37A, 11-55
11. SIZE OF PARCEL (S) (ACERAGE): 476.96 acres
12. ACREAGE PROPOSED FOR PROPOSED USE: 476.96 acres
13. PROPERTY OWNER INFORMATION (IF OTHER THAN APPLICANT):
  - a. OWNER'S NAME: 1) Butts, James Heirs  
2) Butts, Joseph Estate  
3) Butts, Robert  
4) Meadows 163 LLC c/o Roseburg Resources Co
  - b. OWNER'S MAILING ADDRESS: 6043 Redwood Lane, Alexandria VA 22310 (Butts Family)  
3660 Gateway Street, Springfield OR 97477 (Roseburg)
  - c. Has the Property Owner been contacted about this proposed use? YES  NO

14. DESCRIPTION OF PROPOSED USE/REASON FOR REQUEST: \_\_\_\_\_

Applicant intends to construct a 49 megawatt utility-scale solar facility, as summarized in the attached application text. \_\_\_\_\_ (attach additional sheets if necessary)

15. PRIOR ZONING APPROVALS: none \_\_\_\_\_

16. SUPPORTING MATERIALS AND INFORMATION (attach additional sheets):

- a. Fee of \$ 775.00 payable to "Greensville County"
- b. Proposed use drawing/site plan- may be submitted as 11" x 17".
- c. List of adjoining property owners to include names and addresses.
- d. Comprehensive Plan policies and guidelines that directly support the proposed use.
- e. Alternative sites considered for the proposed use.
- f. Anticipated impacts and mitigation measures proposed.
- g. Photographs of any existing structures, buildings, and property, as applicable.

APPLICANT'S SIGNATURE

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals and that all statements made herein are, to the best of my knowledge, true and correct. The undersigned acknowledges that additional review requirements may be identified during the review of this application. The undersigned also acknowledges that all Greensville County Zoning Ordinance requirements pertaining to the proposed use must be fulfilled.

I, undersigned, understand that the cost incurred by the County to retain independent consultants to review the application and any other associated documents is my responsibility and agree to pay when billed by the County. I agree to pay all additional advertising costs for continuances and appeals.

October 4th, 2019

DATE



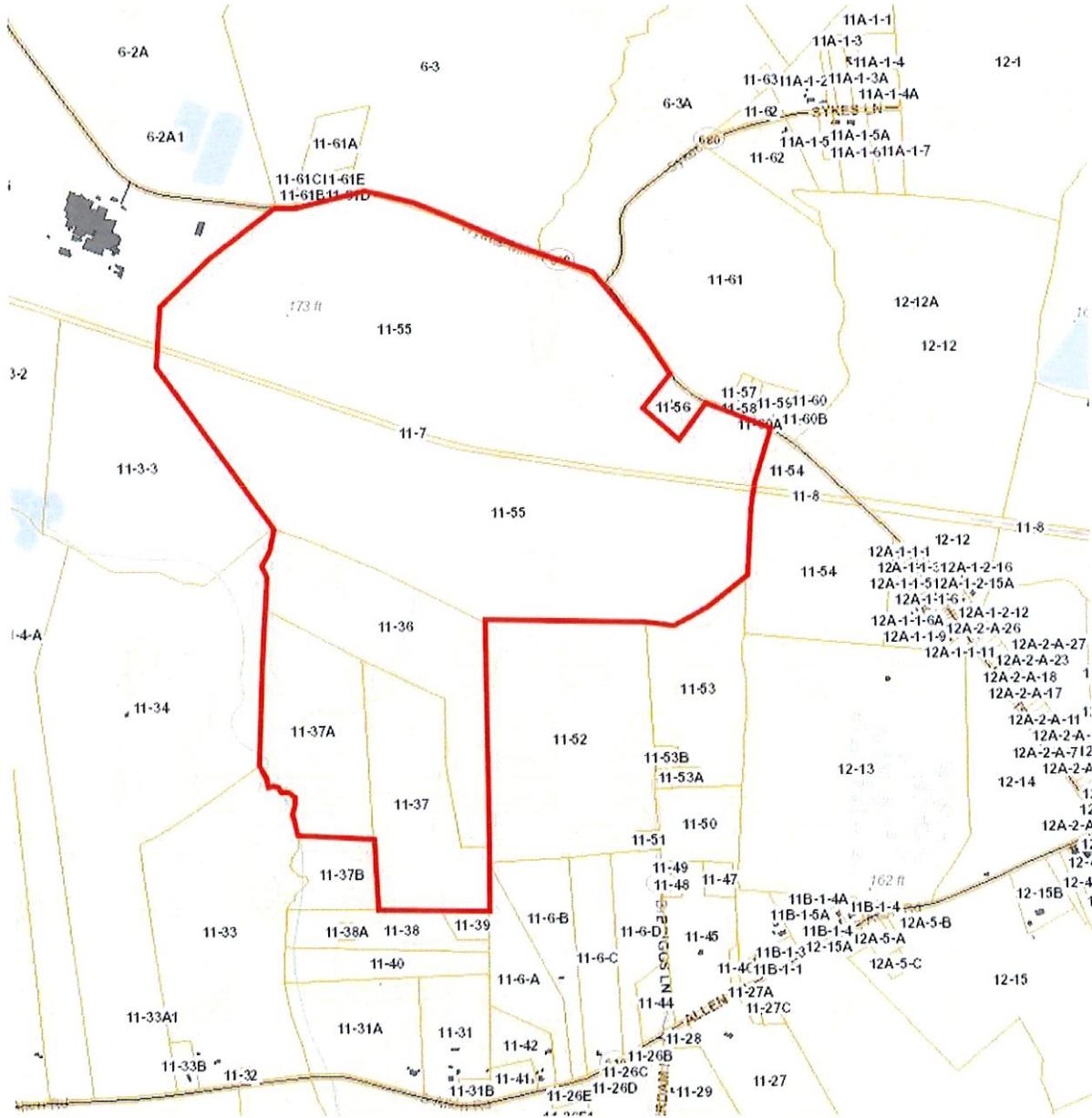
SIGNATURE OF APPLICANT

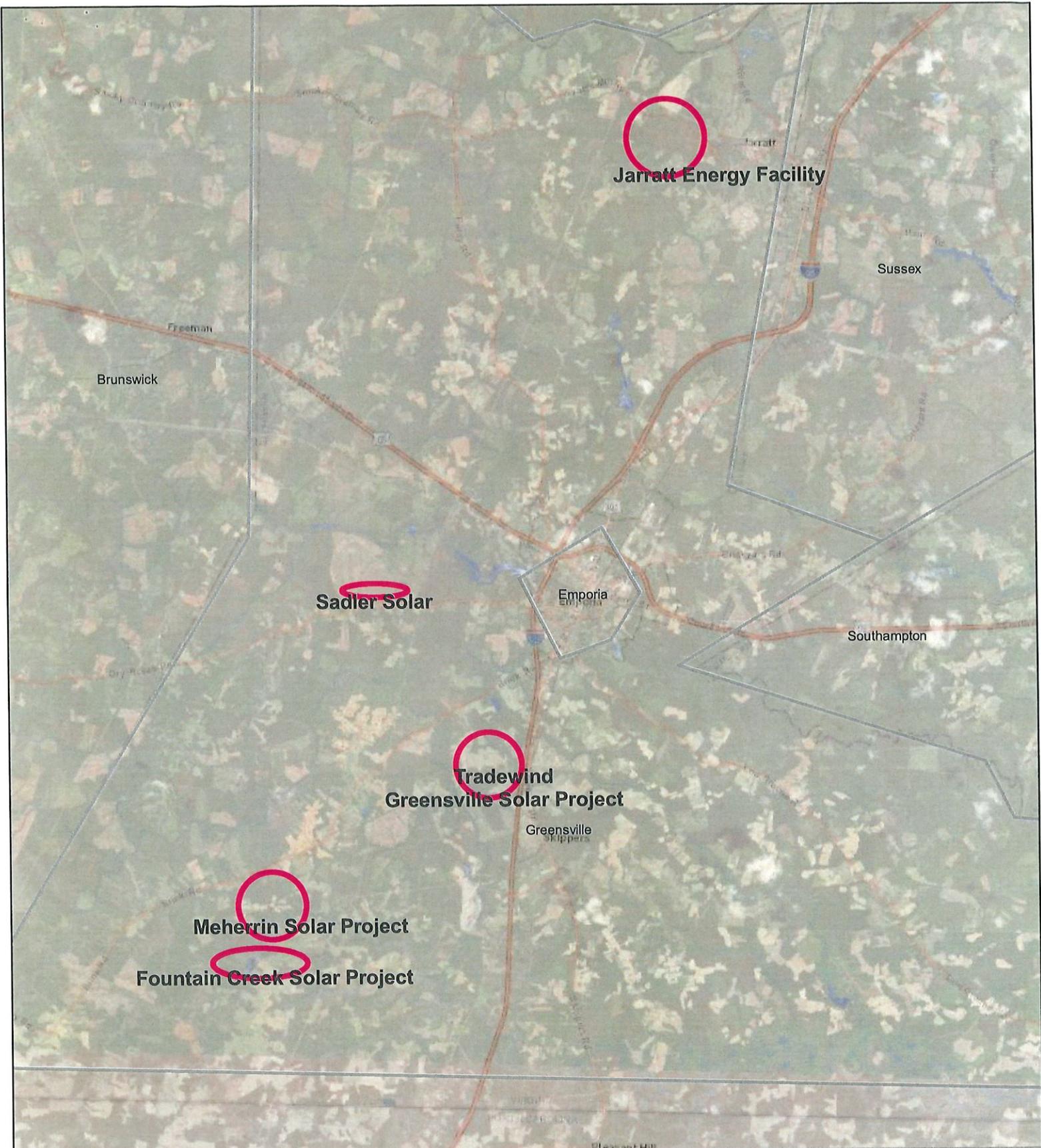
**Submit FOURTEEN (14) sets of completed application, fee, and supporting materials to:**

Director of Planning, 1781 Greensville County, Emporia, Virginia 23847 (by mail)  
Or by hand at the Building and Planning Department in Greensville County Government Building at 1781 Greensville County Circle, Emporia, Virginia, 23847. Phone (434)348-4232.

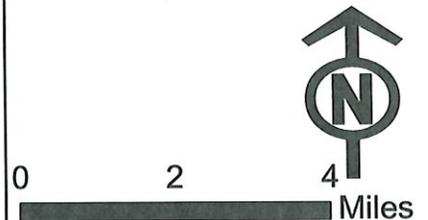
Incomplete applications will not be processed. The applicant will be notified of any deficiencies. Any revisions to the application that require replacement of pages or plans is the responsibility of the applicant. Any questions should be directed to the Director of Planning.

Parcel Diagram: Parcels 11-36, 11-37, 11-37A, and 11-55





 Solar Projects



**List of Adjoining Parcels**

<b>Parcel Number</b>	<b>Owner Name</b>	<b>Mailing Address</b>
11-6, 11-7, 11-8	CITY OF VIRGINIA BEACH	Virginia Beach, 23456
11-52, 11-54	SHADY OAK LAND AND TIMBER LLC	3834 Wyatts Mill Road, Jarratt, VA 23867
11-53	PHILLIP MAGGIE A AMPEY G COLE JOHN DAYMOND & MAMIE D LOVITT	P O Box 683, Jarratt, VA 23867
11-33	DAUGHTRY LUTHER EST & ROBERT SR	P O Box 504, Jarratt, VA 23867
11-36	BUTTS JAMES HEIRS	c/o Samuel Butts, 6043 Redwood Lane, Alexandria VA 22310
11-39	BROWN WILLIAM T EST	1504 Pacific St 2 <sup>nd</sup> Floor, Brooklyn, NY 11213
11-38, 11-6-A	TYLER CALVIN E JR & JESSIE LEWIS ESTATE	3299 Allen Road, Jarratt, VA 23867
11-6-B	TYLER WELTON	639 Freemans Cross Road, Freeman, VA 23856
11-34	WHITMAN WILLIAM L OR ROBIN R	310 Washington Ave, Jarratt, VA 23867
11-3-3, 11-5, 6-2A	JARRATT ASSOCIATES	c/o Boars Head Provisions Co Inc, 1819 Main St Suite 800, Sarasota FL 23236
6-3, 11-61A	GREENSVILLE COUNTY WATER AND SEWER AUTHORITY	1781 Greensville County Circle, Emporia, VA 23847
11-61B, 11-61C	VELIKY ELWOOD WAYNE	423 Lincoln Ave, Jarratt, VA 23867
11-61D	BROOKS ERNEST C/O BOBBY BROOKS	P O Box 102, Jarratt, VA 23867
11-61E	DITECH FINANCIAL, LLC	P O Box 0049, Tempe AZ 85283
6-3A	FAJNA, CAROLYN M	4270 Purdy Road, Emporia VA 23847
11-61	NORWOOD JACK E	4812 Old Wake Forest Road, Raleigh, NC 27609
11-56	SYKES DOROTHY OR ROBERT L & QUEEN ESTHER SYKES ESTATE	1094 Wyatts Mill Road, Jarratt, VA 23867
11-57	WILKINS MAURICE ELTON	1003 Wyatts Mill Road, Jarratt, VA 23867
11-58	COOKE ANITA	1003 Wyatts Mill Road, Jarratt, VA, 23867
11-59	BUTTS GREGORY A	955 Wyatts Mill Road, Jarratt, VA 23867
11-60A	BROWN HAROLD D	c/o Sharon M Brown, 24828 Rock Road, North Dinwiddie, VA 23803

**Applicant Text for Section 15.2-2232 Review  
Jarratt Energy Facility, LLC  
Greensville County, VA**

I. Introduction

Section 15.2-2232 of Virginia Code provides that no public utility facility may be “constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof.”

Jarratt Solar Facility, LLC is an affiliate of Torch Clean Energy. The applicant requests approval from the Greensville County Planning Commission that the Jarratt Solar Facility (“Project”) is substantially in accord with the County’s *Comprehensive Plan 2013-2018*. (“Comprehensive Plan”). Specific goals and objectives from the Comprehensive Plan are quoted below in order to demonstrate the Project’s consistency. It is also important to note the ways in which the Project is different than other planned utility-scale solar developments in the County and the State:

- At a maximum size of 49 MW, the Jarratt Solar is smaller than many utility-scale developments planned in the Commonwealth.
- By connecting to the existing Fields Substation at distribution voltage, the Project achieves a more cost-effective interconnection and does not require the construction of new transmission lines or a new substation.
- The Project is sited on in the Agricultural District and is adjacent to an industrial parcel as well as the recently constructed Jarratt Reservoir.

II. Consistency with Comprehensive Plan

Excerpts from the Comprehensive Plan are included below, with an explanation of the Project’s consistency in *italics*. Only items related to the Project are addressed below. Items not related have been omitted because they are not relevant to the development of this solar facility.

**GOALS AND OBJECTIVES**

**GENERAL**

- 1) Provide adequate governmental services, including public utilities, to meet the needs of Greenville’s citizens.

*The Project will not require water or sewer services and will not burden the public school system. The Project will cause a slight increase in traffic during the construction period, with no impact once the facility is operational.*

- 2) Coordinate development with the provision for public utilities and services.

*The Project will not need County services because it will not require water or sewer infrastructure and no road improvements are anticipated.*

- 3) Preserve the rural character of the County by directing and controlling growth in designated areas.

*The Project will use natural buffers and is isolated from populated parts of the County. Once operational, the Project will not make any noise and will represent a minimal visual change. The Project is also located in an ideal area and is consistent with the County's desire to site solar projects "near industrial areas", which is being contemplated as a revision to the Comprehensive Plan.*

#### **LAND USE GENERAL**

- 1) Encourage new development that compliments surrounding uses.

*The Project will have no adverse effects to the surrounding area. The applicant plans on using a pollinator-friendly seed mix that would have a positive impact on surrounding agricultural land.*

- 2) Concentrate development in appropriate locations by encouraging more efficient site design and incorporating proper buffers between differing uses.

*The Project would make use of an efficient interconnection that would not require a new substation. Additionally, the favorable topography and minimal wetlands on the site allows for efficient project design. A robust buffer, including existing vegetation, will be used.*

#### **RESIDENTIAL**

- 3) Prevent the encroachment of conflicting land uses on existing viable neighborhoods.

*The Project site abuts the Jarratt Reservoir, an Industrial Site, and other agricultural land. Due to the natural buffer and isolated nature of the Project Site, it will not affect existing or future houses in the area. The Project represents an excellent transition from a more Industrial area to the Agricultural District.*

## **COMMERICAL/INDUSTRIAL**

- 4) Plan future industrial sites near major transportation systems and utility lines.

*The Project is sited in an Agricultural District, but the site was selected for its proximity to the Fields Substation. This siting minimizes the amount of new infrastructure required for the Project.*

- 5) Evaluate large-scale industrial economic development projects that will provide an economic benefit to the County but that may not be in designated development areas or near major transportation systems.

*The Project site is located approximately 2.5 miles from Interstate 95. It is in an Agricultural District and was selected for its suitable location and proximity to the proper electrical infrastructure.*

## **PUBLIC FACILITIES**

- 2) Maximize the best use of existing facilities and systems through renovation or expansion.

*The Project will interconnect at the existing Fields Substation and will not require the construction of a new one.*

- 6) Plan accordingly for the future needs of the population.

*The Project will provide a reliable, local source of renewable energy generation.*

## **PLANNING ISSUES & STRATEGIES**

### **LOCAL PRODUCTION OF RENEWABLE ENERGY**

- 1) There is great interest in the construction of Solar Energy Farms throughout the County as a result for the quest to generate environmental friendly energy.

*The Jarratt Solar Facility would produce up to 120,000 MWh of clean energy in its first year of operation, which represents the energy consumption of approximately 10,000 homes. The Commonwealth's Grid Transformation and Security Act of 2018 set ambitious goals for the adoption of solar, which has become a low-cost source of new energy. Dominion Energy has committed to having 3,000 MW of solar and wind operating or under development by 2022.*

*The Jarratt Solar Facility is a well-sited project and would use existing infrastructure to contribute to these goals.*

### **STRATEGIES / POLICIES**

- a. If not detrimental to the surrounding area, Solar Energy Projects greater than 20MWac are encouraged in agricultural zoned districts.

*The Jarratt Solar Facility is in an agriculturally zoned district. Due to the location of the site, and the use of existing buffers, it will not have detrimental effects to the surrounding area.*

- c. It is encouraged that a decommissioning plan be provided by the owner of such Solar Energy Projects to ensure proper dismantling of the project.

*A decommissioning plan will be submitted with the Project's Conditional Use Permit application.*

### **ECONOMIC DEVELOPMENT ISSUES**

- 1) Unemployment rates in Greensville County, as in all of Southside Virginia, are higher than the rates of the Commonwealth of Virginia. In June 2013, Greensville County's unemployment rate was 8.7% and the Commonwealth's unemployment rate was 6.0%.

*Historically, Torch has hired 70% of employees for construction locally. The Project is expected to employ up to 200 employees during the construction period.*

### **STRATEGIES/POLICIES**

- b. Update the County's current Economic Development Strategy to include large scale economic development projects in areas outside of existing planned areas for commercial and industrial development.

*The Project is sited in the Agricultural District and will represent a major economic investment in the County.*

### **AGRICULTURAL AND FORESTAL LANDS ISSUES**

- 1) There is a concern to maintain the agricultural characteristics of the County not included in the Urban Services District.

*A solar facility does not permanently change the use of the land and the land can again be used for Agriculture when the project is decommissioned. The Project is sited in appropriate part of the County, and buffers will visually hide the project from adjacent parcels.*

### **STRATEGIES / POLICIES**

- a. Re-evaluate current development standards to ensure all areas that lie within the Rural Development Area, with the exception of Major Commercial Hub, maintain these agricultural and rural development qualities.

*The Comprehensive Plan encourages the Rural Development Area for solar projects greater than 20MW.*

## **FUTURE LAND USE MAP**

The Land Use Plan, illustrated on the Future Land Use map, depicts general land use concepts for Greenville County. The purpose of this plan is to recommend the orderly development of the County.

*The Land Use Plan identifies the future land use as industrial. As the Solar Facility is not a permanent installation, the property can return to Agricultural or be converted to an Industrial use after the life of the Project.*

### **III. Alternative Sites Considered for Proposed Use**

Torch spent a considerable amount of time identifying an ideal site for a solar project in Greenville County that could connect to an existing substation at a distribution voltage. After coordinating with Dominion and looking at potential sites, we identified the Fields Substation as the most best infrastructure for interconnection and as having the most favorable land surrounding it. We selected the site based on its adequate size, access to a distribution line, and its separation from residential areas in the County.

### **IV. Anticipated Impacts and Mitigation Measures Proposed**

The Project will be a benefit to the County and will not adversely affect its agricultural character. Existing vegetation and county-recommended setbacks will be used to screen the Project. It is a quiet, passive use of the land and will support the stated goals of the County.

V. Site Photos



**Existing Vegetation – Wyatts Mill Road**



**Site Entrance – Wyatts Mill Road**

**TORCH**  
CLEAN ENERGY  
939 PEARL STREET,  
SUITE 210 BOULDER,  
COLORADO 80302

NOTES:  
1. TOTAL 48 MW AC GROUND MOUNTED PV SYSTEM:  
SINGLE AXIS TRACKER  
AZIMUTH : -80°/+80°  
TILT : -60°/+60°

RESPONSIBLE AGENCY

NOT FOR CONSTRUCTION

SYSTEM DESIGNER

TORCH CLEAN ENERGY

PERMIT NUMBER

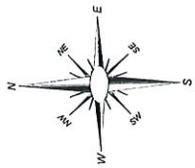
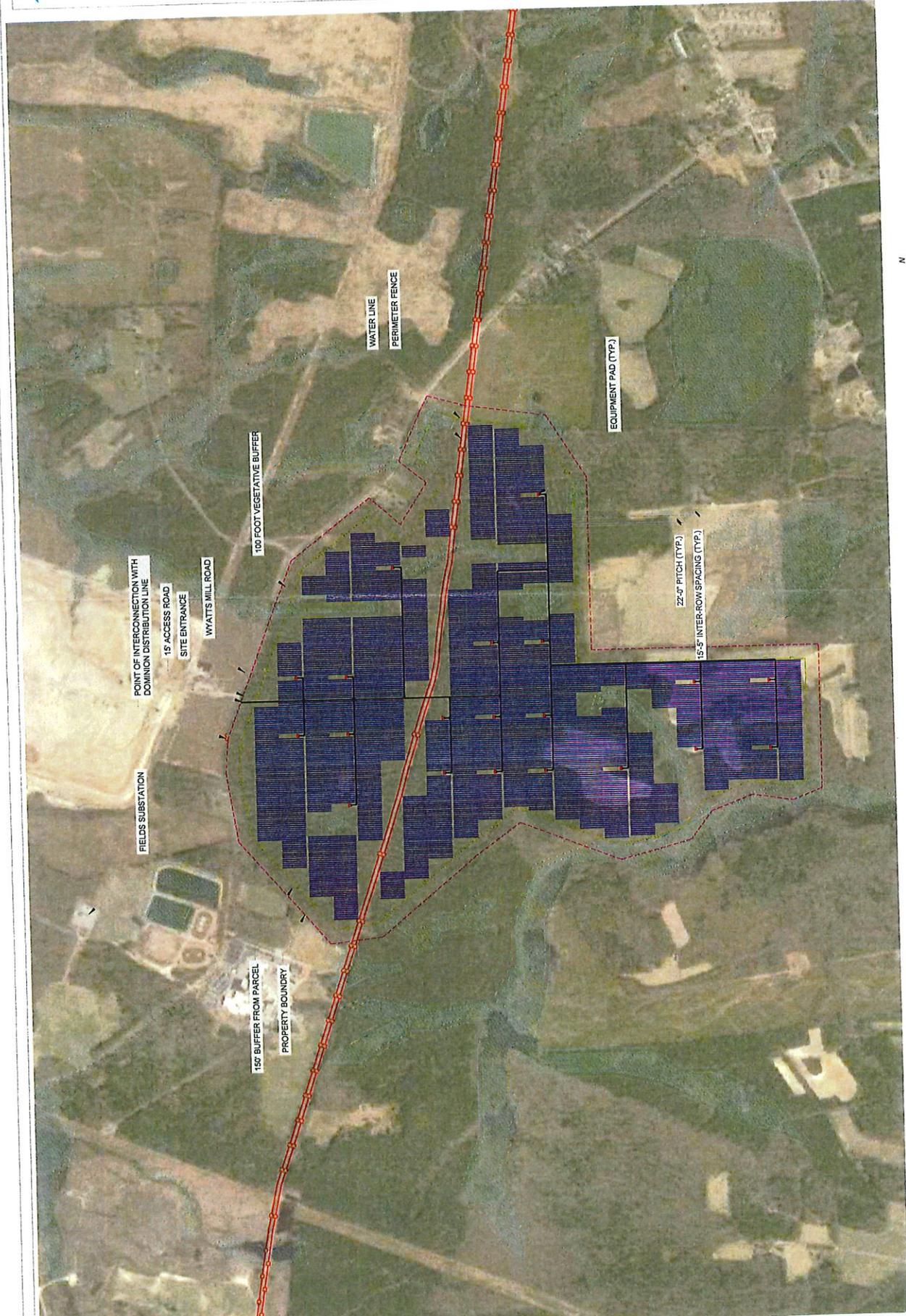
JARRATT SOLAR FACILITY, LLC

PROJECT NAME AND ADDRESS

JARRATT SOLAR FACILITY,  
WYATTS MILL ROAD,  
JARRATT, VA

SHEET TITLE  
PRELIMINARY SITE PLAN

OWNER	PROJECT #	DRAWN BY	SHEET NO
JARRATT SOLAR FACILITY, LLC	08/12/2019	AT	BD-01
DATE	SCALE	AS NOTED	



22'	6'-7"	15'-5"	6'-7"
(30%)	(70%)	28'-7"	

SOLAR MODULE TILT & SPACING

Appendix B – Maps  
 Jarratt Energy Solar Project

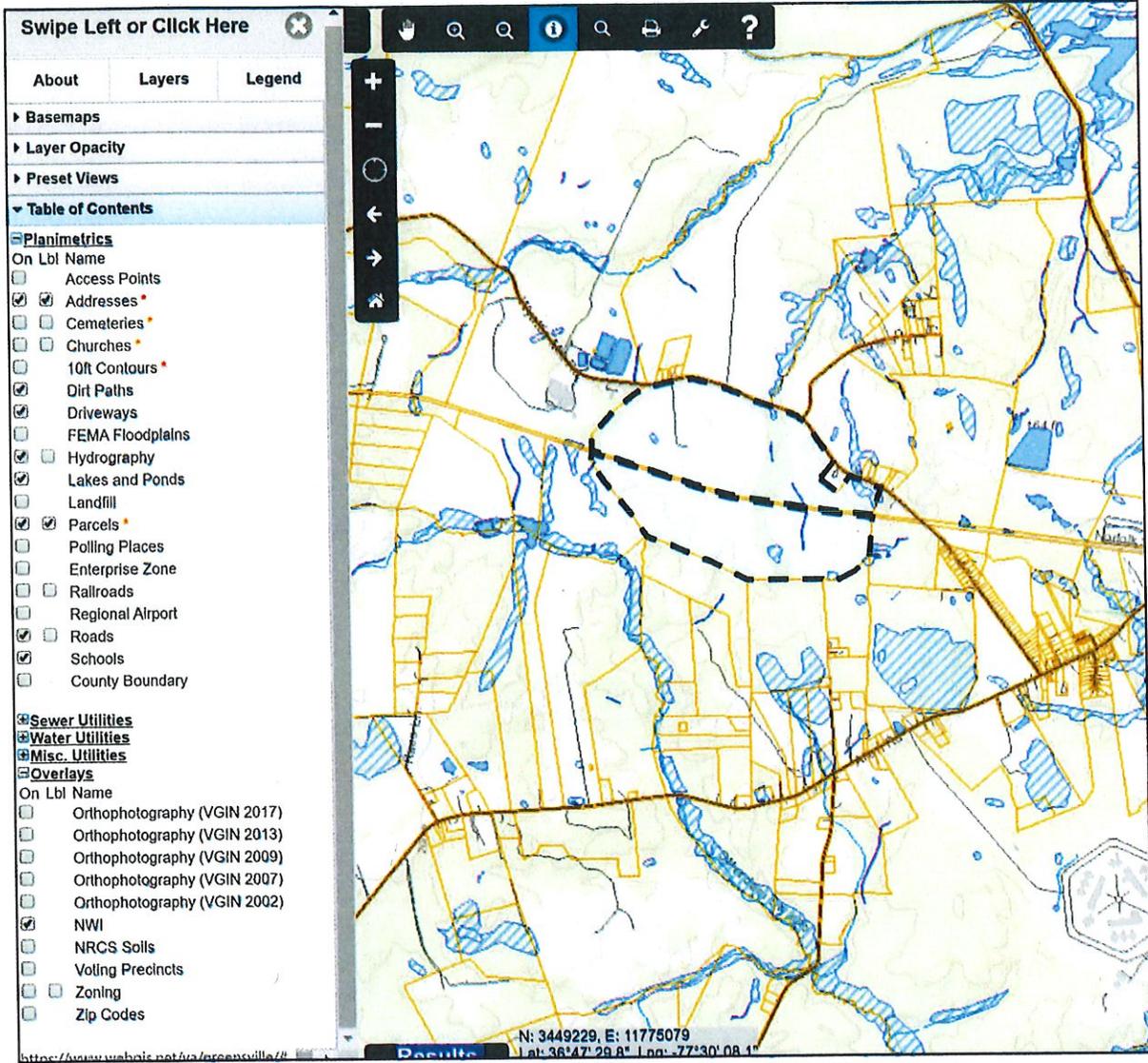


Figure B-1. Parcel 11-7 Bisecting Parcel 11-55

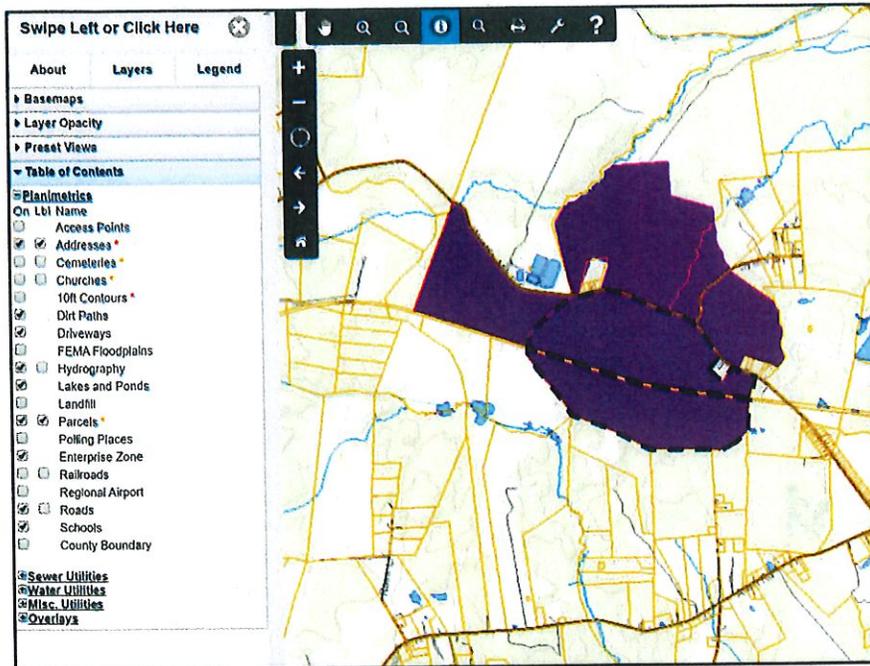


Figure B-2. Enterprise Zone

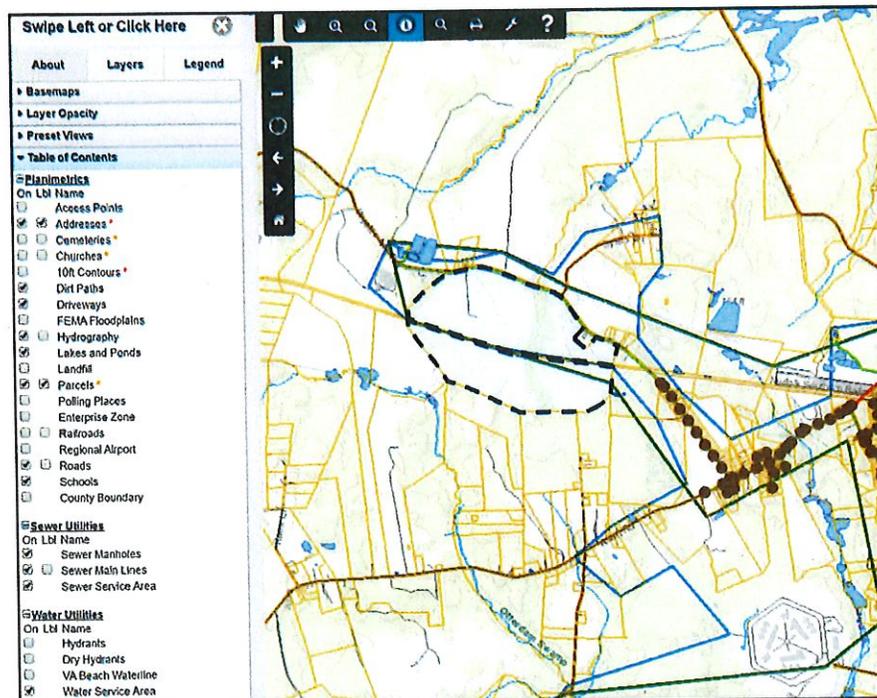


Figure B-3. Water and Sewer Service Areas

## COUNTY OF GREENSVILLE

TO: Greensville County Board of Supervisors  
FROM: Linwood E. Pope Jr., Director of Planning   
SUBJECT: Comprehensive Plan Amendments Related to Solar  
Date: September 11, 2019

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At the August 19, 2019 meeting of the Greensville County Board of Supervisors, the Board requested that the Planning Commission advertise, solicit public comment, and make a recommendation to the Greensville County Board of Supervisors on the proposed amendments to the Greensville County Comprehensive Plan as the plan relates to solar development.

On September 10, 2019 the Greensville County Planning Commission solicited public comment on the proposed amendments to the Comprehensive Plan and offer the following recommendations to the Board:

1. Approve the attached amendments and add a new section to Greensville County Comprehensive Plan. (See Attachment "A")

Attached for your convenience is a chart that lists the metrics that were used by the Planning Commission as the basis to draft the proposed Comprehensive Plan amendments. (See Attachment "B")

2019  
**Comprehensive Plan Recommendations**

➤ **GREENSVILLE COUNTY TODAY**

**ECONOMIC & BUSINESS ENVIRONMENT**

**Add** after the first paragraph:

Utility-Scale Solar Facilities greater than 1 MW<sub>AC</sub> are one of Greenville County's newest industrial scale land uses, with interest throughout the County. Greenville's agricultural land combined with its electrical infrastructure and transportation system, appear to be attractive to the solar industry. The potential impacts of a solar facility must be carefully considered because of the size and scale of the use; the potential conversion of land to an industrial scale use, with few permanent jobs, that was productive agricultural/forestral land or potential residential, commercial, or industrial land; and the potential impact on nearby properties and the character of the area in general.

➤ **PLANNING ISSUES & STRATEGIES**

**LOCAL PRODUCTION OF RENEWABLE ENERGY**

**Revise** to read as follows:

- 1) There is interest in the construction of Utility-Scale Solar Facilities in the County as a result for the quest to generate environmentally friendly energy.

**STRATEGIES/POLICIES**

- a. Utility-Scale Solar Facilities greater than 1 MW<sub>AC</sub> may be acceptable in agricultural zoned districts.
- b. A Decommissioning Plan will be provided by the owner of Utility-Scale Solar Facilities to ensure to proper dismantling of the project.

2019

➤ THE LAND USE PLAN

RECOMMENDED LAND USE CATEGORIES

COMMERCIAL USES

**Add** a new section as follows:

UTILITY-SCALE SOLAR FACILITIES

A relatively new land use to Greenville County is the emergence of utility-scale solar facilities. These facilities can be an industrial-scale land use that may occupy significant acreage. As used in this Comprehensive Plan, a utility-scale solar facility is a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider or a large private user with a generating capacity in excess of one megawatt (1 MW). Greenville's abundant agricultural and forest land combined with its electrical infrastructure and transportation system appear to be attractive to the solar industry. These facilities are an industrial scale land use that occupy significant acreage. Many utility-scale solar facilities are located on agricultural or forested land that may have had other future land use potential or land use designations.

The County will consider solar facilities on districts zoned agricultural, industrial, or commercial (based on project size) with preference for brownfields. The following site features should be addressed to mitigate the potential negative impacts of utility-scale solar facilities on County land use patterns as part of the evaluation of a Special Use Permit (SUP) application:

- 1) The total size shall be larger than two (2) acres and less than 1,000 acres with no more than ~~65%~~ 75% PV panel coverage;
- 2) Located outside growth areas;
- 3) Further than one (1) mile from any village, town, city boundary;
- 4) Further than ~~two (2)~~ one and a half (1.5) miles from other existing or permitted solar facilities;
- 5) Within one (1) mile of electric transmission lines; and
- 6) Distance from residences; historic, cultural, recreational, or environmentally-sensitive areas; and scenic viewsheds.

**Utility-scale Solar Facility Policy Options**

<b>Topic</b>	<b>Comp Plan</b>	<b>Zoning Ordinance</b>
Size	≤ 1000 ac	-
PV coverage	≤ <del>65%</del> 75%	-
Outside growth areas	yes	-
Distance from cities and towns	≥ 1 mi	-
Distance from other solar	≥ 2 mi	-
Distance from transmission lines	≤ 1 mi	-
Land use	Agricultural, Brownfields	Agricultural, Brownfields
Acquire building permit	-	≤ <del>18 mo</del> 36 mo

## COUNTY OF GREENSVILLE

TO: Greenville County Board of Supervisors  
FROM: Linwood E. Pope Jr., Director of Planning   
SUBJECT: ZTA-2-19 – Greenville County  
Date: September 11, 2019

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At the August 19, 2019 meeting of the Greenville County Board of Supervisors, the Board requested that the Planning Commission advertise, solicit public comment, and make a recommendations to the Greenville County Board of Supervisors on the proposed amendments to Articles #4, #12 and #23 of the Greenville County Zoning Ordinance that were prepared by the Berkley Group.

The Board of Supervisors has also requested that the Planning Commission advertise, solicit public comment and make a recommendation on a new article, ARTICLE #24: Solar Facilities.

On September 10, 2019 the Greenville County Planning Commission solicited public comment on the proposed amendments to the Zoning Ordinance and offers the following recommendations to the Board:

1. Approve the attached amendments to Article #4, Article #12 and Article #23 of the Greenville County Zoning Ordinance. (See Attachment "A")
2. Adopt a new Article, Article #24, Solar Facilities. (See Attachment "B")

Attached for your convenience is a chart that lists the metrics that were used by the Planning Commission as the basis to draft the proposed Zoning Ordinance Amendments. (See Attachment "E")

2019

**Zoning Ordinance Recommendations**

➤ **ARTICLE 4. PERMITTED USES IN PRIMARY ZONING DISTRICTS**

**Delete these uses:**

- Solar Energy Projects greater than 20 MW<sub>AC</sub> in agricultural zoned districts (A-1) with SUP (p.4-4).
- Solar Energy Projects 20 MW<sub>AC</sub> or less in industrial and commercial zoned districts (B-1, B-2, and M-1) with SUP (p.4-8).

➤ **ARTICLE 12. SITE PLAN REQUIREMENTS, Sec. 12-2. When required**

**Add a new item at the end of the list in the first paragraph:**

(g) solar facility projects.

➤ **ARTICLE 23. DEFINITIONS**

**Delete the following definitions:**

23-2-125.1 Solar Energy Project, greater than 20 MW<sub>AC</sub>. An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware, with a rated capacity greater than 20 MW<sub>AC</sub>. (Amended December 5, 2016).

23-2-125.2 Solar Energy Project, 20 MW<sub>AC</sub> or less: An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware, with a rated capacity 20 MW<sub>AC</sub> or less. (Amended December 5, 2016).

**Add the following definitions:**

23-2-9.2 Applicant means the person or entity who submits an application to the locality for a permit under this ordinance.

23-2-13.1 Brownfield means former industrial or commercial sites typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

23-2-41.1 Disturbance zone means the area within the site directly impacted by construction and operation of the facility.

23-2-67.5 Integrated PV means photovoltaics incorporated into building materials, such as shingles.

2019

23-2-95.1 Operator means the person responsible for the overall operation and management of a facility.

23-2-95.2 Owner means the person who owns all or a portion of a facility.

23-2-125.1a Solar facility, small-scale means a facility that either: (a) generates less than 15 kilowatts (kW) electricity from sunlight, consisting of one or more Photovoltaic (PV) systems and other appurtenant structures and facilities within the boundaries of the site; or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce electrical or mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy; and (c) meets at least one of the following criteria: has a disturbance zone equal to or less than an acre; is mounted on or over a building, parking lot, or other previously disturbed area; or utilizes integrated PV only.

23-2-125.1b Solar facility, medium-scale means a facility that generates electricity from sunlight primarily to reduce onsite consumption of utility power for commercial and industrial applications. Sites are between one to three acres with a maximum capacity of 999 kW.

23-2-125.1c Solar facility, utility-scale means a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider. Sites are generally over two acres and have a capacity in excess of one megawatt (1 MW).

➤ **Add new ARTICLE 24. SOLAR FACILITIES (see file).**

## ARTICLE 24

*(new article)*

### SOLAR FACILITIES

#### Sec. 16-401 Statement of intent

The purpose of this section is to establish requirements for construction and operation of solar facilities and to provide standards for the placement, design, construction, monitoring, modification, and removal of solar facilities; address public safety, minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.

#### Sec. 16-402 Applicability

This article shall apply to all solar facilities **constructed permitted** after the effective date of this article, including any physical modifications to any existing solar facilities that materially alter the type, configuration, or size of such facilities or other equipment.

#### Sec. 16-403 Zoning districts

- (a) Small-scale solar facilities may be installed by-right in all zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
- (b) Medium-scale solar facilities may be installed by-right in commercial and industrial zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
- (c) Any commercial or industrial solar facility installed upon a roof top shall submit a site plan to the zoning administrator and an engineering study to the Building Official Office for review.
- (d) Utility-scale solar facilities shall be permitted by Supplemental Use Permit (SUP) only in the A-1 zoning district.
- (e) Utility-scale solar facilities should locate on brownfields or near existing industrial uses, where feasible.

**Sec. 16-404 Applications and procedures**

In addition to other requirements of the Greenville County Zoning Ordinance and Supplemental Use Permit requirements, applications for a utility-scale solar facility shall include the following information:

- (a) **Pre-application meeting.** Schedule a pre-application meeting with the zoning administrator to discuss the location, scale, and nature of the proposed use and what will be expected during that process.
- (b) **Comprehensive Plan Review.** A 2232 review by the County is required by the *Code of Virginia* (§15.2-2232) for utility-scale solar facilities. This Code provision provides for a review by the Planning Commission of public utility facility proposals to determine if their general or approximate location, character and extent are substantially in accord with the Comprehensive Plan or part thereof.
- (c) **Supplemental Use Permit (SUP) application.** A complete SUP application including:
  1. Documents demonstrating the ownership of the subject parcel(s).
  2. Proof that the applicant has authorization to act upon the owner's behalf.
  3. Identification of the intended utility company who will interconnect to the facility.
  4. List of all adjacent property owners, their tax map numbers, and addresses.
  5. A description of the current use and physical characteristics of the subject parcels.
  6. A description of the existing uses of nearby properties.
  7. A narrative identifying the applicant, owner or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.
  8. Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.
  9. Payment of the application fee and any additional review costs, advertising, or other required staff time.
- (d) **Concept plan.** A concept plan prepared by an engineer with a professional engineering license in the Commonwealth of Virginia, that shall include the following:
  1. A description of the subject parcels.
  2. Property lines and setback lines.
  3. Existing and proposed buildings and structures; including preliminary locations of the proposed solar panels and related equipment; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress.
  4. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.
  5. A grading plan.
  6. A landscaping maintenance plan.
  7. Existing and proposed access roads, drives, turnout locations, and parking.
  8. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
  9. Fencing or other methods of ensuring public safety.

10. Fourteen sets (11"× 17" or larger), one reduced copy (8½"× 11") and one electronic copy of the concept plan, including elevations and landscape plans as required.
  11. Additional information may be required as determined by the zoning administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed 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.
- (e) Concept plan compliance. The facility shall be constructed and operated in substantial compliance with the approved Concept Plan, with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) process.
- (f) Decommissioning plan. A detailed decommissioning plan, certified by an engineer, which shall include the following:
1. The anticipated life of the project;
  2. The estimated decommissioning cost in current dollars;
  3. How the estimate was determined;
  4. The method of ensuring that funds will be available for decommissioning and removal;
  5. The method that the estimated decommissioning cost will be kept current; and
  6. The manner in which the project will be decommissioned and the site restored.

The applicant shall provide a cost estimate for the decommissioning of the facility that shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar facility. The decommissioning cost estimate shall explicitly detail the cost and shall include a mechanism for calculating increased removal costs due to inflation and without any reduction for salvage value. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly.

- (g) A proposed method of providing appropriate escrow, surety or security for the cost of the decommissioning plan.
- (h) Traffic study submitted with application modelling the construction and decommissioning processes. County staff will review the study in cooperation with VDOT.
- (i) An estimated construction schedule.
- (j) Wetlands, waterways, and floodplains shall be inventoried, delineated, and avoided.
- (k) Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three (3) miles of the proposed project.
- (l) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County.

1. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility.
2. The total number of simulations and the perspectives from which they are prepared shall be established by the zoning administrator after the pre-application meeting.

**Sec. 16-405 Neighborhood meeting**

- (a) A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.
  1. The applicant shall inform the zoning administrator's Office and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date.
  2. The date, time and location of the meeting shall be advertised in the County's newspaper of record by the applicant, at least seven but no more than 14 days, in advance of the meeting date.
  3. The meeting shall be held within the County, at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
  4. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
  5. The applicant shall provide to the zoning administrator summary of any input received from members of the public at the meeting.

**Sec. 16-406 Minimum development standards**

- (a) Provide an inventory of all solar facilities – existing or proposed – within a four (4) mile radius.
- (b) A utility-scale solar facility shall be constructed and maintained in substantial compliance with the approved concept plan.
- (c) The minimum setback from the fencing to all exterior property lines shall be 150 feet.
- (d) The maximum height of the lowest edge of the photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of primary structures and accessory buildings shall be 15 feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.
- (e) The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties by a buffer zone at least 100 feet wide that shall be landscaped with plant materials consisting of an evergreen and deciduous mix (as approved by County staff), except to the extent that existing vegetation or natural land forms on the site provide such

screening as determined by the zoning administrator. In the event, existing vegetation or land forms providing the screening are disturbed, new plantings shall be provided which accomplish the same. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.

- (f) The facilities shall be enclosed by security fencing on the interior of the buffer area (not to be seen by other properties) not less than ~~seven (7)~~ six (6) feet in height and topped with razor/barbed wire, as appropriate. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the SUP and the facility's decommissioning.
- (g) Ground cover on the site shall be native vegetation and maintained in accordance with the Landscaping Maintenance Plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated landscaping maintenance shall be posted and maintained. Failure to maintain the landscaping shall result in revocation of the SUP and the facility's decommissioning. Incorporation of native plant species that require no pesticides, herbicides, and fertilizers or the use of pesticides and fertilizers with low toxicity, persistence, and bioavailability is recommended. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.
- (h) The Applicant shall identify ~~an~~ access corridors for wildlife to navigate through the Solar Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
- (i) The design of support buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the facilities to the natural setting and surrounding structures.
- (j) The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.
- (k) A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in force at the time of the permit approval.
- (l) A utility-scale solar facility shall comply with all permitting and other requirements of the Virginia Department of Environmental Quality.
- (m) The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator.
- (n) Lighting fixtures as approved by the County shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public.

Any exceptions shall be enumerated on the Concept Plan and approved by the zoning administrator.

- (o) No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.
- (p) All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, and any other agency of the local, state or federal government with the authority to regulate such facilities that are in force at the time of the application.
- (q) Any other condition added by the Planning Commission or Board of Supervisors as part of a SUP approval.

**Sec. 16-407 Decommissioning**

The following requirements shall be met:

- (a) Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of one (1) year shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.
- (b) The owner or operator shall notify the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
- (c) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the Preliminary Site Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the land owner in writing, and this request must be approved by the Board of Supervisors (other conditions might be more beneficial or desirable at that time).
- (d) The site shall be re-graded and re-seeded or replanted within 12 months of removal of solar facilities. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment.
- (e) Decommissioning shall be performed in compliance with the approved decommissioning plan. The Board of Supervisors may approve any appropriate amendments to or modifications of the decommissioning plan.
- (f) Hazardous material from the property shall be disposed of in accordance with federal and state law.

- (g) The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.
1. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
  2. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon on the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
  3. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
  4. The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
  5. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County.
- (h) If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

**Sec. 16-408    Coordination of local emergency services**

Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

**Sec. 16-409 Conditions**

- (a) The Board of Supervisors may consider conditions addressing a proposed solar facility, including, but not limited to, the following:
1. A solar facility shall be constructed, maintained, and operated in substantial compliance with:
    - i. The development standards under this article.
    - ii. The approved concept plan.
    - iii. Any other conditions imposed pursuant to a Supplemental Use Permit.
  2. The Supplemental Use Permit **may shall** require the applicant to submit an erosion and sediment control plan for review by the County or by a qualified third party, however, the third party review shall not supersede any requirements imposed by state agencies. The applicant shall construct, maintain, and operate the solar facility in compliance with the approved plan.
  3. The Supplemental Use Permit **may shall** require the applicant to submit a stormwater management plan for review by the County or by a qualified third party. The applicant shall construct, maintain, and operate the solar facility in compliance with the approved plan.
  4. The applicant shall pay a supplemental application fee to cover the reasonable and actual cost of any review of the erosion and sediment control plan or the stormwater plan by a qualified third party.
  5. If the solar facility does not receive a building permit within **eighteen-(18) thirty-six (36)** months of approval of the Supplemental Use Permit, the Permit shall be terminated.
  6. If the solar facility is declared to be unsafe by the zoning administrator or building official, the facility must be in compliance within fourteen (14) days or the Supplemental Use Permit shall be terminated, and system removed from the property.
  7. The owner and operator shall give the County written notice of any change in ownership, operator, or Power Purchase Agreement within thirty (30) days.

**Sec. 16-410 – 16-420 Reserved**

The Berkley Group  
September 11, 2019

### Utility-scale Solar Facility Policy Options

Topic	Comp Plan	Zoning Ordinance
Size	≤ 1000 ac	-
PV coverage	≤ <del>65%</del> 75%	-
Outside growth areas	yes	-
Distance from cities and towns	≥ 1 mi	-
Distance from other solar	≥ 2 mi	-
Distance from transmission lines	≤ 1 mi	-
Land use	Agricultural, Brownfields	Agricultural, Brownfields
Acquire building permit	-	≤ <del>18 mo</del> 36 mo