



Planning Commission

9/6/17

Public Hearing
Ordinance CA17-0009
Solar Energy Facilities

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Following recent inquiries of potential Solar Energy Facility developers to potentially locate projects within the County it was determined that a modification to current County codes was necessary.

Currently, a Solar Energy Facility would only be allowed via Special Use Permit within the I-2 zoning district due to it use meeting the definition of a Public utility, heavy.

"Public utility, heavy means the following shall be deemed to be heavy public utilities:

1. Electrical generating plants and facilities.

..."

This amendment separates Solar Energy Facilities into their own defined land use, allows them to be permitted via Special Use Permit in the A-2 and A-3 zoning districts, and sets minimum standards for them.

Pursuant to Virginia Code 67-102 (Commonwealth Energy Policy) and 67-103 (Role of Local Gov't)

Code Sections to be amended:

- Division 23-2.1.4 Definitions, to add defined terms;
- Division 23-4.5.7 Special Uses Standards of Review, to add standards for Solar Energy Facilities;
- Division 23-6.3.3 Special Uses in the Agricultural 2 (A-2) zoning district, to add Solar Energy Facility as a Special Use;
- Division 23-6.4.3 Special Uses in the Agricultural 3 (A-3) zoning district, to add Solar Energy Facility as a Special Use.

Division 23-2.1.4 Definitions, to add defined terms

- "Integrated Photovoltaic Material"
- "Photovoltaic material"
- "Solar Energy Facility"



Division 23-4.5.7 Special Uses Standards of Review, to add standards for Solar Energy Facilities

- Require adequate emergency access.
- Must meet all local, state, national codes.
- Must be screened to minimize visibility and aesthetic impacts from property owners and roadways. Demonstrated through viewshed analysis.
- Require submittal of phasing plan for construction.
- Require submittal of decommissioning plan for removal.

- Lands must be restored to reasonable condition upon decommissioning.
- Decommissioning surety to be placed to assure removal of facility:
 - Surety to include inflation adjustment.
 - Surety to be reevaluated every two years.
- If a component of facility exceeds 1 year of inoperable status Zoning Administrator notifies applicant of that components Date of Abandonment.
- Applicant or landowner then have 1 year to repair, replace, or remove. Should they fail, the decommissioning surety may be used.
- Should a decommissioning surety require use, no further site plans or building permits can be approved until the phasing and decommissioning plans, and the decommissioning surety are reapproved by staff.
- Should surety fail to fund decommissioning the difference will be obtained through legal action.
- Changes of ownership, lessee, or decommissioner shall be reported to Co within 60 days.

Division 23-6.3.3 Special Uses in the Agricultural 2 (A-2) zoning district, to add Solar Energy Facility as a Special Use

Sec. 23-6.3.3. - Special uses.

(43) Solar Energy Facility;

(Renumber of remaining uses)

Division 23-6.4.3 Special Uses in the Agricultural 3 (A-3) zoning district, to add Solar Energy Facility as a Special Use

Sec. 23-6.4.3. - Special uses.

(42) Solar Energy Facility;

(Renumber of remaining uses)

Staff recommends that the Planning Commission approve Ordinance 23-173.



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