

Spotsylvania County  
Planning Commission  
Executive Summary

 Print

Meeting Date: January 16, 2019

Title: sPower Site A Substantially In Accord Review

Type: Action

Agenda Title: sPower Site A Substantially in Accord Review

Recommendation: Staff recommends that the Planning Commission find Site A of the sPower project as substantially in accord with the Comprehensive Plan.

Summary: sPower has proposed a 400 MW solar energy facility known as Site A on 5,200 acres in western Spotsylvania County, of which approximately 2,800 acres are proposed to be disturbed in the construction of the project.

The Code of Virginia requires that the Planning Commission review solar energy facilities that are not shown on the Comprehensive Plan to determine whether the location, character, and extent of the facility are substantially in accord with the Comprehensive Plan (Code of VA Sec. 15.2-2232).

Solar Energy Facility is a use permitted in the Spotsylvania County Code as a Special Use in the Agricultural 3 zoning district. As per County Code Section 23-4.5.1, Special Uses are considered generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the County as a whole, require individual consideration of their design, configuration, and/or operation at the particular location proposed.

While the '2232 review' is separate from the Special Use Permit process, the use cannot be established with only a 2232 review. The use requires approval of a Special Use Permit. Any Special Use conditions are integral to the project if the Permit is approved. Staff's review of

Character, in part, and Extent is based on the project as proposed by the applicant with conditions recommended by staff in the Special Use report.

Following is staff's analysis of these elements:

Location – The Comprehensive Plan specifically references renewable energy generation and/or solar energy facilities at three locations within the Plan. The first two policies are in the Introduction and Vision chapter in which the County encourages innovative land uses as a business-friendly community with a focus on local job creation, and identifies agricultural and rural areas as appropriate for renewable energy generation. In the Land Use chapter, the policy statement related to all land uses is that "renewable energy generation facilities, such as solar, geothermal, or wind, should be sited and designed to minimize detrimental impacts to neighboring properties, uses, and roadways". The site is located in an agricultural and rural area near both an existing transmission line and a substation with adequate capacity. The location of Site A appears to be substantially in accord with the Comprehensive Plan.

Character – The facility is proposed in an area characterized by low-density residential development, neighborhoods with rural character, agricultural, and forestry uses. While the use will cover a large acreage, it will have a low profile to the ground and has limited public road frontage. Appropriate setbacks and buffering will help to maintain the rural character of the area and provide transitions to the surrounding uses. Establishment of the use would have two distinct phases: the construction phase, which is expected to be disruptive although temporary in duration. Conditions are recommended that minimize the disruption to the surrounding community. Once the operations phase begins, the impact on the surrounding community is significantly decreased and its character should be in keeping with the surrounding area, especially as time passes and landscaping has the opportunity to mature and further screen the facility from view. The character of Site A appears to be substantially in accord with the Comprehensive Plan.

Extent – The facility is proposed on 5,200 acres with a disturbance area of approximately 2,800 acres. The proposed facility covers a large land area that has historically been under forestry operations. When evaluating a public facility or utility for extent, typically

the evaluation looks at the size in relation to the area served. For example, is a proposed park the appropriate size and type to serve the identified need? In this case, the extent is proposed by the applicant to meet the needs of their end users, which is not the public, but corporate customers. While the proposed facility will encompass a large land mass, there is no policy in the Comprehensive that recommends limits on the size of individual uses or projects. That said, the magnitude of the project introduces a number of potential impacts that could be inconsistent with policies in the Comprehensive Plan. For example, environmental impacts, traffic impacts, and erosion and sediment impacts are some potential concerns compounded by the size of the proposed facility. Staff believes that appropriate conditions are critical to ensure the extent of the project is substantially in accord with the Comprehensive Plan.

Committee/Commission Summary:

Review Date:

Status:

Financial Impact:

Staff Contacts:

Wanda Parrish, Director of Planning

Legal Counsel:

Additional Background/Other Considerations:

The entire Comprehensive Plan is available at:

<http://www.spotsylvania.va.us/comprehensive-plan>

Consequence of Denial/Inaction:

The Planning Commission must make a finding of whether Site A is substantially in accord with the Comprehensive Plan and provide that finding to the Board of Supervisors.

#### **ATTACHMENTS:**

| Name:                                                                           | Description:                                 | Type:           |
|---------------------------------------------------------------------------------|----------------------------------------------|-----------------|
| <input type="checkbox"/> <a href="#">2 Introduction and Vision 20180522.pdf</a> | Comprehensive Plan - Introduction and Vision | Backup Material |
| <input type="checkbox"/> <a href="#">3 Land Use 20180522.pdf</a>                | Comprehensive Plan - Land Use                | Backup Material |
| <input type="checkbox"/> <a href="#">4 County Wide FLUM 20131114.pdf</a>        | Comprehensive Plan - Future Land Use Map     | Backup Material |
| <input type="checkbox"/> <a href="#">Site A Map.pdf</a>                         | sPower Site A Map                            | Backup Material |



Spotsylvania County  
Planning Commission  
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Meeting Date: January 16, 2019

Title: sPower Site B Substantially In Accord Review

Type: Action

Agenda Title: sPower Site B Substantially In Accord Review

Recommendation: Staff recommends that the Planning Commission find that Site B of the sPower project is substantially in accord with the Comprehensive Plan.

Summary: sPower has proposed a 30 MW solar energy facility known as Site B on 245 acres in western Spotsylvania County, of which approximately 200 acres are proposed to be disturbed in the construction of the project.

The Code of Virginia requires that the Planning Commission review solar energy facilities that are not shown on the Comprehensive Plan to determine whether the location, character, and extent of the facility are substantially in accord with the Comprehensive Plan (Code of VA Sec. 15.2-2232).

Solar Energy Facility is a use permitted in the Spotsylvania County Code as a Special Use in the Agricultural 3 zoning district. As per County Code Section 23-4.5.1, Special Uses are considered generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the County as a whole, require individual consideration of their design, configuration, and/or operation at the particular location proposed.

While the '2232 review' is separate from the Special Use Permit process, the use cannot be established with only a 2232 review. The use requires approval of a Special Use Permit. Any Special Use conditions are integral to the project if the Permit is approved. In part, staff's review of Character and Extent is based on the project as proposed by the applicant with conditions recommended by staff in

the Special Use report.

Following is staff's analysis of these elements:

Location – The Comprehensive Plan specifically references renewable energy generation and/or solar energy facilities at three locations within the Plan. The first two policies are in the Introduction and Vision chapter in which the County encourages innovative land uses as a business-friendly community with a focus on local job creation, and identifies agricultural and rural areas as appropriate for renewable energy generation. In the Land Use chapter, the policy statement related to all land uses is that "renewable energy generation facilities, such as solar, geothermal, or wind, should be sited and designed to minimize detrimental impacts to neighboring properties, uses, and roadways". The site is located in an agricultural and rural area near both an existing transmission line and a substation with adequate capacity. The location of Site B appears to be substantially in accord with the Comprehensive Plan.

Character – The facility is proposed in an area characterized by low-density residential development, neighborhoods with rural character, agricultural, and forestry uses. While the use will cover a large acreage, it will have a low profile to the ground and has limited public road frontage. Appropriate setbacks and buffering will help to maintain the rural character of the area and provide transitions to the surrounding uses. Establishment of the use would have two distinct phases: the construction phase, which is expected to be disruptive although temporary in duration. Conditions are recommended that minimize the disruption to the surrounding community. Once the operations phase begins, the impact on the surrounding community is significantly decreased and its character should be in keeping with the surrounding area, especially as time passes and landscaping has the opportunity to mature and further screen the facility from view. The character of Site B appears to be substantially in accord with the Comprehensive Plan.

Extent – The facility is proposed on 245 acres with a disturbance area of approximately 200 acres. When evaluating a public facility or utility for extent, typically the evaluation looks at the size in relation to the area served. For example, is a proposed park the appropriate size and type to serve the identified need? In this case, the extent is proposed by the applicant to meet the needs

of their end users, which is not the public, but corporate customers. While this is the smallest of the 3 sites proposed by sPower, staff believes that appropriate conditions are important to ensure the extent of Site B is substantially in accord with the Comprehensive Plan.

Committee/Commission Summary:

Review Date:

Status:

Financial Impact:

Staff Contacts:

Wanda Parrish, Director of Planning

Legal Counsel:

Additional Background/Other Considerations:

The entire Comprehensive Plan can be found at:

<http://www.spotsylvania.va.us/comprehensive-plan>

Consequence of Denial/Inaction:

The Planning Commission must make a finding of whether Site B is substantially in accord with the Comprehensive Plan and provide that finding to the Board of Supervisors.

**ATTACHMENTS:**

| Name:                                                                           | Description:                                 | Type:           |
|---------------------------------------------------------------------------------|----------------------------------------------|-----------------|
| <input type="checkbox"/> <a href="#">2 Introduction and Vision 20180522.pdf</a> | Comprehensive Plan - Introduction and Vision | Backup Material |
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| <input type="checkbox"/> <a href="#">4 County Wide FLUM 20131114.pdf</a>        | Comprehensive Plan - Future Land Use Map     | Backup Material |
| <input type="checkbox"/> <a href="#">Site B Map.pdf</a>                         | sPower Site B Map                            | Agreement       |



Spotsylvania County  
Planning Commission  
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 Print

Meeting Date: January 16, 2019

Title: sPower Site C Substantially In Accord Review

Type: Action

Agenda Title: sPower Site C Substantially In Accord Review

Recommendation: Staff recommends that the Planning Commission find that Site C of the sPower project is substantially in accord with the Comprehensive Plan.

Summary: sPower has proposed a 70 MW solar energy facility known as Site C on 905 acres in western Spotsylvania County, of which approximately 500 acres are proposed to be disturbed in the construction of the project.

The Code of Virginia requires that the Planning Commission review solar energy facilities that are not shown on the Comprehensive Plan to determine whether the location, character, and extent of the facility are substantially in accord with the Comprehensive Plan (Code of VA Sec. 15.2-2232).

Solar Energy Facility is a use permitted in the Spotsylvania County Code as a Special Use in the Agricultural 3 zoning district. As per County Code Section 23-4.5.1, Special Uses are considered generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the County as a whole, require individual consideration of their design, configuration, and/or operation at the particular location proposed.

While the '2232 review' is separate from the Special Use Permit process, the use cannot be established with only a 2232 review. The use requires approval of a Special Use Permit. Any Special Use conditions are integral to the project if the Permit is approved. Staff's review of Character, in part, and Extent is based on the project as proposed by the applicant with conditions recommended

by staff in the Special Use report.

Following is staff's analysis of these elements:

Location – The Comprehensive Plan specifically references renewable energy generation and/or solar energy facilities at three locations within the Plan. The first two policies are in the Introduction and Vision chapter in which the County encourages innovative land uses as a business-friendly community with a focus on local job creation, and identifies agricultural and rural areas as appropriate for renewable energy generation. In the Land Use chapter, the policy statement related to all land uses is that "renewable energy generation facilities, such as solar, geothermal, or wind, should be sited and designed to minimize detrimental impacts to neighboring properties, uses, and roadways". The site is located in an agricultural and rural area near both an existing transmission line and a substation with adequate capacity. The location of Site C appears to be substantially in accord with the Comprehensive Plan.

Character – The facility is proposed in an area characterized by low-density residential development, neighborhoods with rural character, agricultural, and forestry uses. While the use will cover a large acreage, it will have a low profile to the ground and has limited public road frontage. Appropriate setbacks and buffering will help to maintain the rural character of the area and provide transitions to the surrounding uses. Establishment of the use would have two distinct phases: the construction phase, which is expected to be disruptive although temporary in duration. Conditions are recommended that minimize the disruption to the surrounding community. Once the operations phase begins, the impact on the surrounding community is significantly decreased and its character should be in keeping with the surrounding area, especially as time passes and landscaping has the opportunity to mature and further screen the facility from view. The character of Site C appears to be substantially in accord with the Comprehensive Plan.

Extent – The facility is proposed on 905 acres with a disturbance area of approximately 500 acres. The proposed facility covers a large land area that has historically been under forestry operations. When evaluating a public facility or utility for extent, typically the evaluation looks at the size in relation to the area served. For example, is a proposed park the appropriate

size and type to serve the identified need? In this case, the extent is proposed by the applicant to meet the needs of their end users, which is not the public, but corporate customers. While the proposed facility will encompass a large land mass, there is no policy in the Comprehensive that recommends limits on the size of individual uses or projects. That said, the magnitude of the project introduces a number of potential impacts that could be inconsistent with policies in the Comprehensive Plan. For example, environmental impacts, traffic impacts, and erosion and sediment impacts are some potential concerns compounded by the size of the proposed facility. Staff believes that appropriate conditions are critical to ensure the extent of Site C is substantially in accord with the Comprehensive Plan.

Committee/Commission Summary:

Review Date:

Status:

Financial Impact:

Staff Contacts:

Wanda Parrish, Director of Planning

Legal Counsel:

Additional Background/Other Considerations:

The entire Comprehensive Plan can be found at:

<http://www.spotsylvania.va.us/comprehensive-plan>

Consequence of Denial/Inaction:

The Planning Commission must make a finding of whether Site C is substantially in accord with the Comprehensive Plan and provide that finding to the Board of Supervisors.

**ATTACHMENTS:**

| Name:                                                                                                                                      | Description:                                 | Type:           |
|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------|
|  <a href="#">2 Introduction and Vision 20180522.pdf</a> | Comprehensive Plan - Introduction and Vision | Backup Material |
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|  <a href="#">4 County Wide FLUM 20131114.pdf</a>        | Comprehensive Plan - Future Land Use Map     | Backup Material |
|  <a href="#">Site C.pdf</a>                             | sPower Site C Map                            | Backup Material |

