

***DRAFT DENIAL***

At a meeting of the Spotsylvania County Board of Supervisors held on \_\_\_\_\_, 2019 on a motion by \_\_\_\_\_, seconded by \_\_\_\_\_ and passed \_\_\_\_\_, the Board adopted the following resolution:

**RESOLUTION NO. 2019-**

**Denial**

**Special Use Permit SUP18-0003**

**RiverOak Timberland Investments, LLC (“Owner”) (Sustainable Property Holdings, LLC (“Applicant”) - sPower Solar Energy Facility Site C):**

**WHEREAS**, the Owner, through the Applicant, requests Special Use Permit approval on two parcels to develop a 70 MW solar energy facility on Agricultural 3 (A-3) zoned and unaddressed properties together constituting a site of approximately 905 acres. The properties are located in western Spotsylvania County south of W. Catharpin Road, north and east of Post Oak Rd. The properties are located outside of the Primary Development Boundary. The properties are identified for Rural Residential development on the Future Land Use Map of the Comprehensive Plan. Tax Parcels 29-A-7 and 43-A-3. Livingston Voting District; and

**WHEREAS**, staff has reviewed the subject application and recommends approval as stated in the staff report and the executive summary; and

**WHEREAS**, the Spotsylvania County Planning Commission held a public hearing on December 19, 2018, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, the Spotsylvania County Planning Commission voted to postpone the subject case to January 2, 2019 to provide an opportunity for the applicant to supply four plans recommended by staff for incorporation as conditions and to allow the Planning Commissioners additional time to review the application and consider public hearing input, with a vote of 5-2; and

**WHEREAS**, the Spotsylvania County Planning Commission voted to integrate condition comments and changes from SUP18-0001 into the subject case’s conditions, as applicable, with a vote of 5-2; and

**WHEREAS**, on January 2, 2019, the Spotsylvania County Planning Commission voted to postpone the vote on the subject case to January 16, 2019 to allow staff time to address comments from the Planning Commission, with a vote of 5-2; and

**WHEREAS**, the Spotsylvania County Planning Commission recommended denial with a vote of 4-3; and

**WHEREAS**, the Spotsylvania County Board of Supervisors held a public hearing on February 26, 2019, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, the Spotsylvania County Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application with the recommended conditions does not sufficiently satisfy all of the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the county;
2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and
8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

**WHEREAS**, general welfare and good zoning practice are served by denial of the Special Use Permit application;

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby deny SUP18-0003 Sustainable Property Holdings, LLC - sPower Solar Energy Facility Site C.

(SEAL)

A COPY TESTE:

\_\_\_\_\_  
Aimee Mann  
Deputy Clerk to the Board of Supervisors

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_