

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 11<sup>th</sup> day of August, 2020.

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Present:

Donald R. Hunter, Chairman  
Alan R. Carmichael, Vice-Chairman  
Floyd M. Brown, Jr.  
Marlene J. Waymack  
T. J. Webb

Vote:

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T-1

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

RESOLUTION; ADOPTION OF THE PRINCE GEORGE COUNTY  
SOLAR ENERGY FACILITY SITING POLICY

WHEREAS, the Prince George County Solar Energy Facility Siting policy has been reviewed by the Planning Commission and staff and it has been determined that adopting this policy will guide the placement and design of new solar energy facilities in Prince George County; and,

WHEREAS, the Prince George County Solar Energy Facility Siting policy provides solar energy facility applicants, property owners, business owners and County residents with guidance on the official policies and standards of Prince George County;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Prince George this 11<sup>th</sup> day of August, 2020, does hereby adopt the Prince George County Solar Facility Siting Policy as recommended.

A Copy Teste:

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Percy C. Ashcraft  
County Administrator



# BOARD OF SUPERVISORS PRINCE GEORGE COUNTY

August 11, 2020

Solar Energy Facility Siting Policy

# Solar Energy Facility Siting Policy Guidelines

## Purpose:

- To set guidelines to be used by applicants when selecting sites and developing plans
- To be used by staff, Planning Commission, and Board of Supervisors when evaluating requests
- To establish an upper limit on the total acreage of approved facilities in the County



# Solar Energy Facility Siting Policy

## What Does the Policy Do?

- Sets objectives and standards for all proposed solar developments; leads to consistent, uniform review of projects
- Addresses separation from adjoining properties; landscaping requirements
- Protects natural resources
- Establishes a desired upper limit on total acreage of approved facilities in the County devoted to this type of Use
- Sets requirements for removal of facility and components at the end of life of the facility (“Decommissioning”)
- Provides a guide for staff review of proposed projects; provides a standard for the Board’s consideration when reviewing a project request through the Special Exception Process
- Provides for increased public notice for proposed solar facilities

# Solar Energy Facility Siting Policy

## What Does the Policy NOT Do?

- Does not “allow” or “approve” solar facilities (Proposed projects must go through the Special Exception Process and meet County Ordinances)
- Does not change or modify the County’s Ordinance provisions related to Solar Facilities
- Does not restrict a property owner’s right to apply for Special Exceptions



## POLICY REVISIONS:

- Increased setbacks, screening requirements, buffering requirements
- Applications will need to address citizens concerns expressed through public input and meetings
- Additional public meetings, increased direct mailing radius, added social media notices
- Revised construction hours and complaint procedures
- Added material restrictions

# POLICY DECISION TO BE MADE: Establish an upper limit on the total acreage of approved facilities in the County?

Approved and Proposed Solar Farms for Prince George County, Virginia		
Approved Solar Farms	Acreage	Percent of County Acreage*
Fort Powhatan	3,158.0	1.88%
Rives Road	148.0	0.09%
<b>Total Approved Acreage</b>	<b>3,306.0</b>	<b>1.97%</b>
<b>Proposed Solar Farms</b>		
Warwick (Special Exception)	535.0	0.32%
Sebera (Special Exception)	212.0	0.13%
Route 10 (Conceptual Stage)	237.8	0.14%
Hall Farm Road (Conceptual Stage)	145.5	0.09%
Sandy Ridge Road (Conceptual Stage)	167.2	0.10%
<b>Total Proposed Acreage Use</b>	<b>1,297.5</b>	<b>1.09%</b>
<b>Total Approved + Proposed</b>	<b>4,603.5</b>	<b>2.74%</b>
<b>Total County Acreage*</b>	<b>167,966.0</b>	

\* Excluding Water Bodies

# POLICY DECISION TO BE MADE:

Example Upper Limits for Solar Farms in the County

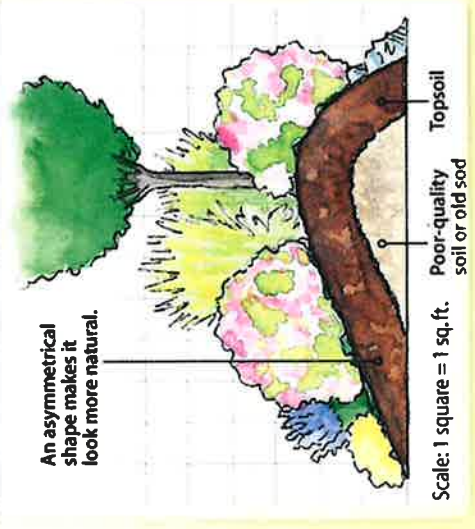
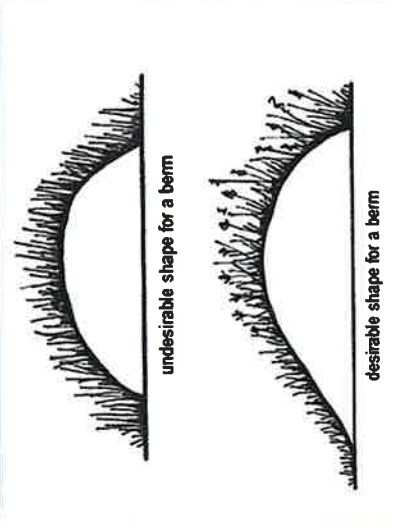
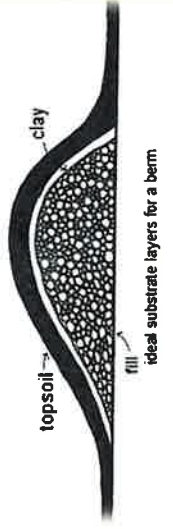
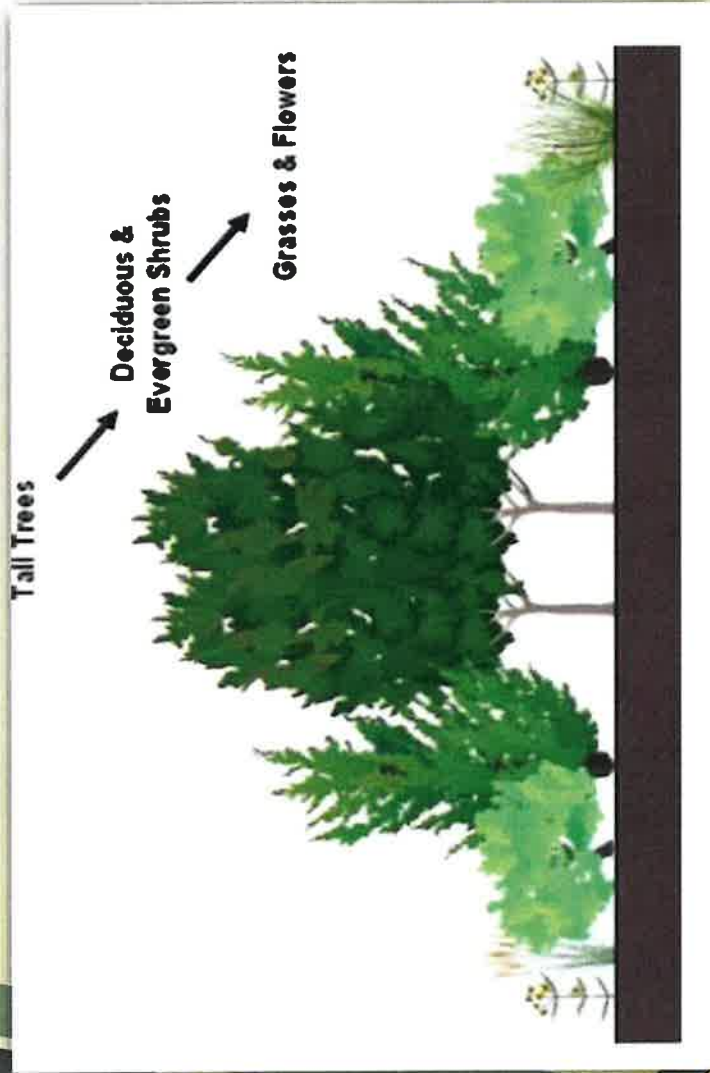
3% of County Acreage =	5,039.0
Remaining Acreage after Proposed Solar Farms with a 3% limit =	435.5

4% of County Acreage =	6,718.6
Remaining Acreage after Proposed Solar Farms with a 4% limit =	2,115.1

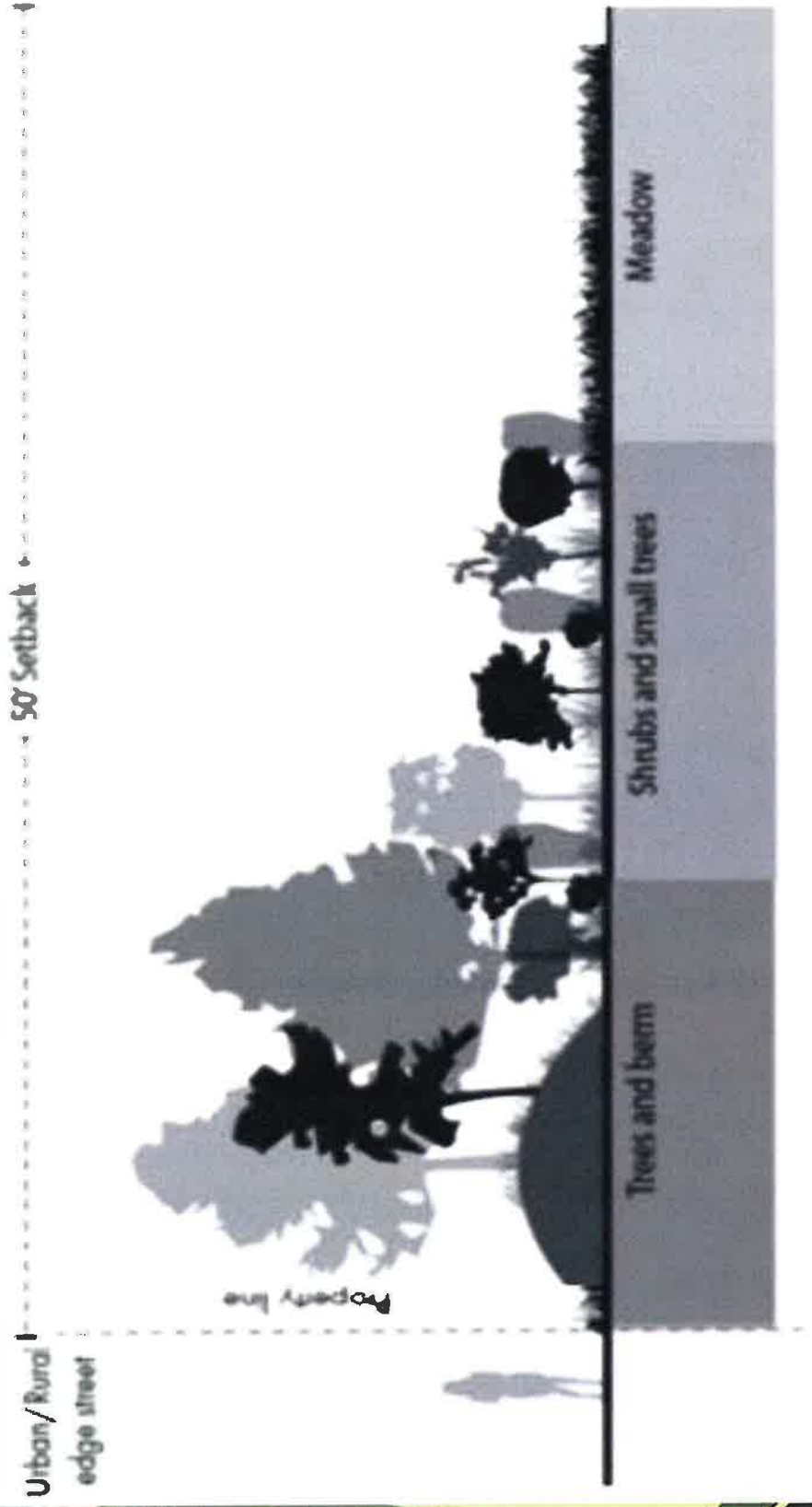
5% of County Acreage =	8,398.3
Remaining Acreage after Proposed Solar Farms with a 5% limit =	3,794.8



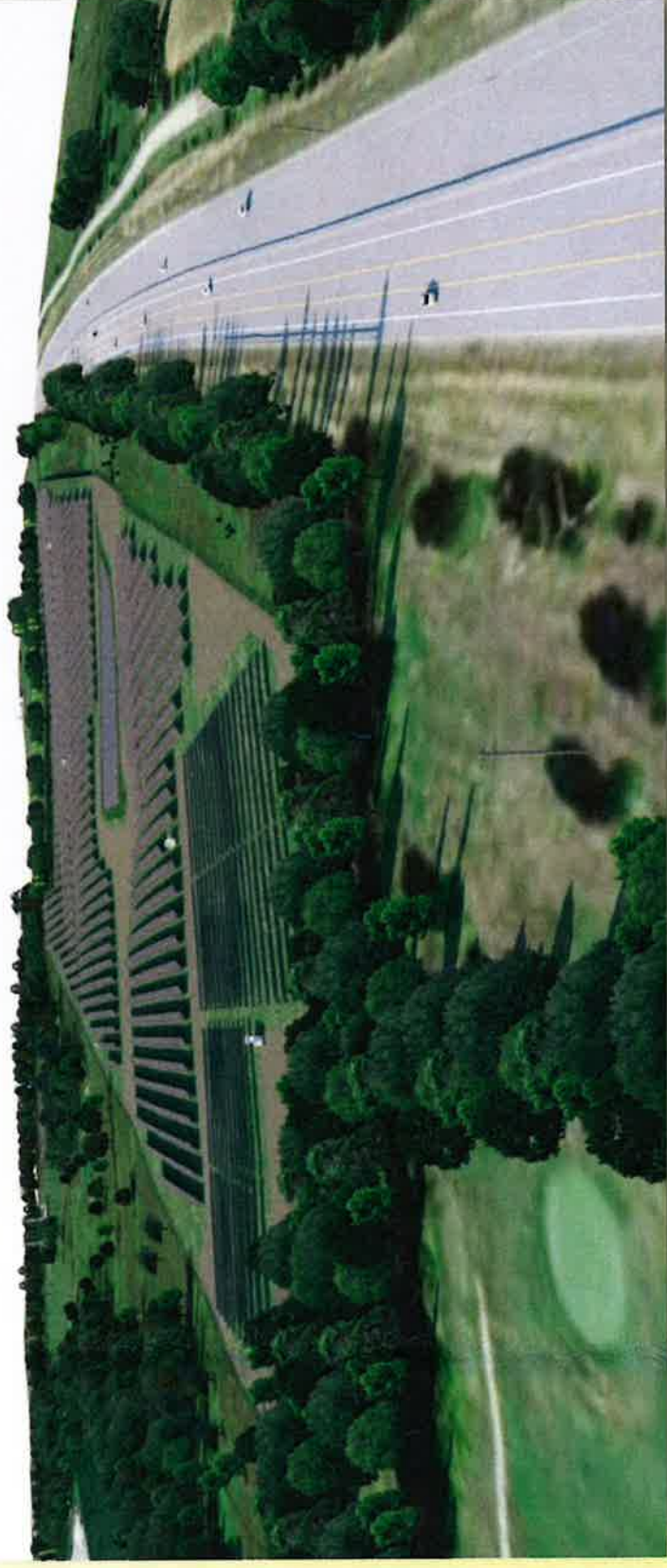
# Design Standards Examples:



# Design Standards Examples:



# Design Standards Examples:



*Use of existing trees and vegetation for screening*

# Design Standards Examples:



# Policy Status & Recommendations

- Citizen input through meetings, webpage, email, mailings
- Community meeting June 30<sup>th</sup>
- Compiled comments received, made recommended revisions
- August 11<sup>th</sup> - Board consideration for adoption



## Questions?

*Thank you!*

## Solar Facility Siting Policy Comments Received Through 7/31/2020

Comment Received	Policy, Ordinance or Bldg./Environ. Codes	Edits or Changes	Notes
Increase Setbacks and/or Screening, Buffering (8 comments)	Policy	Lines 257, 273, 289 – 307, 476 - 499	Setbacks and screening provisions have been increased in the policy. Ability to negotiate additional landscaping and buffering near dwellings added
Minimum acreage size of facility (2 comments)	Policy	No change: Recommend 70 acres minimum size currently in policy	Commenters requested smaller sized facilities
Opposed to Solar Facilities In General (6 comments)	Ordinances	No policy changes (This request would need an Ordinance Change)	Solar facilities are an allowed land use under County Ordinances and State Statutes. The policy does not “allow” or “disallow” the land use.
Citizen input on the policy requested (6 comments)	Policy		Additional opportunities for citizen input were provided
In favor of the policy as written/modified (15 comments)	Policy		Multiple submittals of the same comment were considered as 1 comment
In favor of using berms to screen panels (1) comment	Policy	No change required	Berms are included in the policy as an acceptable means of screening solar panels
Stronger, more regulatory type language should be used in the policy (2 comments)	Policy	No change recommended	Regulatory language typically in codes, ordinances. A Policy is designed to work in conjunction with the regulatory language in the codes and ordinances.

## Solar Facility Siting Policy Comments Received Through 7/31/2020

Comment Received	Policy, Ordinance or Bldg./Environ. Codes	Edits or Changes	Notes
Zoning Districts, Special Exception process, Comprehensive Plan Input (2 Comments)	Ordinances	No changes to policy necessary	These are separate items from a Siting Policy. Processes were reviewed with commenters to provide a better understanding of how to address issues within these items.
Address citizens concerns impacted by development (1 Comment)	Policy Public Hearing	Lines 18, 19, 74	Added additional provisions for staff, BOS, and applicant to address citizen concerns
Emphasis on By-Right Zoning sites (1 Comment)	Policy	Lines 21 – 24, 38, 90	Revisions made
Public notice radius increase (1 Comment)	Policy	Lines 190 - 204	Increased direct mailings to one-mile radius. Added social media as an additional notification. Required newspaper notice.
Additional Public Meetings, location of meetings, results of mtg. (1 Comment)	Policy	Lines 184 - 220	Revisions made; added an additional community meeting and social media postings. Defined location of meeting. Input rec'd. posted.
Hours of Construction (1 Comment)	Policy	Lines 363 - 365	Revisions made
General Construction Complaints (1 Comment)	Policy	Lines 378 - 380	Revisions made

## Solar Facility Siting Policy Comments Received Through 7/31/2020

Comment Received	Policy, Ordinance or Bldg./Environ. Codes	Edits or Changes	Notes
No site activation until work completed, screening (1 Comment)	Building Codes and Environmental Regulations	No Policy Change	These items are addressed through the existing codes. Policy cannot supersede codes.
Address site drainage, drainage around berms (2 Comments)	Environmental Regulations	No Policy Change	These items are addressed through the existing codes and regulations.
Visible utilities (1 comment)	Policy	No Policy Change	Reviewed with commenter, no revision based on explanation of requirements.
Design and materials for support structures and buildings, "shall" use certain materials, colors, textures, etc. Remove "to the greatest extent possible" (1 Comment)	Policy	No Policy Change Recommended	Staff recommends no change: some support structures, such as transformer cabinets or switchgear, must be housed in approved metal cabinets and cannot be encased in flammable materials. These types of support structures will be screened at appropriate offset distances.
Panel Materials	Policy	Lines 175, 457	Revision made





# County of Prince George, Virginia

*“A global community where families thrive and businesses prosper”*

## **Prince George County, Virginia: Solar Energy Facility Siting Policy**

1  
2 The intent of this policy is to help guide the placement and design of new solar energy  
3 facilities in Prince George County, VA. It provides solar energy facility applicants, property  
4 owners, business owners and County residents with guidance on the official policies and  
5 standards of Prince George County.

6  
7 The policy was developed with public input from community meetings for planned or  
8 proposed solar projects, independent citizen inquiries, and public hearings for proposed  
9 solar energy facilities. The siting policy guidelines shall be considered by applicants when  
10 they are selecting sites for solar energy facilities in the County. Prince George County staff  
11 members, Planning Commission members and Board of Supervisors members shall  
12 consider this policy when evaluating requests for solar energy facilities and related or  
13 accessory uses.

14  
15 Prince George County encourages and promotes the responsible generation of both clean  
16 and renewable alternative energy within the County. When solar energy facilities are  
17 proposed, ~~requested~~ locations and site designs shall be evaluated in terms of how they  
18 protect and enhance the scenic and natural beauty of the County **and mitigate any impacts**  
19 **to surrounding properties and the community.**

20  
21 **Solar Energy Facilities are permitted by-right in the M-3 Zoning District, and emphasis**  
22 **should be placed on locations within this district.** Prince George County desires an upper  
23 limit on the total acreage of approved solar energy facilities **across all other allowable**  
24 **districts at 4% of the total land acreage** in the County or 6,718.6 acres within the County, to  
25 allow for future land uses specifically enumerated in the County's Comprehensive Plan.

26  
27 Prince George County intends to fully comply with all of the applicable provisions of the  
28 Virginia State Corporation Commission as it relates to solar power energy generation and  
29 applicable federal and state laws, and to preserve the County's local zoning authority in the  
30 process for the betterment of our citizens and the business community.

31  
32 **Battery storage components of a solar energy facility and independent battery storage**  
33 **facilities are not addressed in this policy. Applications that include battery storage will be**  
34 **subject to additional conditions and a separate policy.**

### **ARTICLE I. ACREAGE FOR FACILITIES**

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37  
38 The County ~~has set~~ **desires** an upper limit on the total acreage **outside of the M-3 District,**  
39 **dedicated for solar energy facilities at 4% of the total land acreage** in the County or 6,718.6  
40 acres, to allow for future land uses specifically enumerated in the County's Comprehensive  
41 Plan. **The following guidelines shall be used to determine acreage dedicated for this land**  
42 **use:**

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1. Currently, Solar Energy facilities are permitted by special exception in (R-A) Residential-Agricultural, (A-1) General Agricultural, (B-1) General Business, (M-1) Light Industrial, and (M-2) General Industrial Zoning Districts. They are permitted by-right in the (M-3) Heavy Industrial Zoning District. The above acreage limitation does not apply to any project within the (M-3) Heavy Industrial Zoning District.
  
2. Site acreage dedicated to solar energy for a project shall be calculated as the aggregate acreage of all parcels for a special exception application, unless the applicant details and delineates the maximum acreage to be used for approval, which includes acreage for panels, fencing, access roads, and buffer and screening requirements.

**ARTICLE II. PROJECT REVIEW GUIDELINES**

All Special Exception requests for new or expanded solar energy facilities, including the replacement or modification of existing solar energy facilities, shall be reviewed by County Planning Division staff, the Planning Commission and the Board of Supervisors in consideration of the following criteria:

- a. The extent to which the solar energy facility proposal conforms to the general Special Exception criteria contained in the zoning ordinance, and the intent, the application requirements, and general standards for solar energy facilities found within this policy.
  
- b. The degree to which the following are located and designed to be compatible with the surrounding community character and design:
  - Proposed location of the solar energy facility
  - Site design and facilities, including fencing and other ground-mounted equipment
  - New or modified road, access or utility corridors
  - **Mitigation of community impacts**

The following text details how staff, the Planning Commission, and the Board of Supervisors are to review each proposal:

1. All potential applicants for a solar energy facility shall meet with County Planning Division staff at least thirty (30) days prior to submitting an application for a new, proposed facility. The County Planning Division staff **will** provide the potential applicant with information on Prince George County policies and standards for solar energy facilities, and discusses with the applicant possible alternatives to site the solar energy facility in the most appropriate location in Prince George County.
  
2. Prince George County desires to protect and enhance its agricultural and rural heritage, cultural, and recreational resources.
  - a. Siting of a facility within the Prince George Planning Area should be avoided, **except within the M-3 District.**

- 92 b. Location of solar facilities within areas planned to be serviced by public water or  
93 wastewater, as indicated in the most current Water and Wastewater Master Plan,  
94 will be discouraged and will not be recommended for approval, except those  
95 permitted by-right in the M-3 District.  
96
- 97 c. In order to protect the integrity of agricultural soils, mass grading of sites shall be  
98 limited to the greatest extent possible. **Development of areas with steep contours**  
99 **shall be avoided.**  
100
- 101 d. Sites located near recreational, cultural, or historic resources should be avoided.  
102
- 103 3. Prince George County desires to protect, maintain, and improve the quality of the  
104 natural environment, including elements such as air, water, natural habitats and  
105 wetlands.  
106
- 107 a. Site groundcover for the solar energy facility should consist of a variety of native  
108 groundcovers that benefit birds, bees, and other insects. Turf grass ~~should~~ **shall**  
109 **not be allowed.**  
110
- 111 b. Groundcover should be expeditiously established following the completion of  
112 construction activities to minimize erosion and loss of soil.  
113
- 114 c. Use of synthetic herbicides to control and maintain groundcover shall not be  
115 allowed.  
116
- 117 d. Wildlife corridors shall be considered in the layout and design of the site. Breaks  
118 in fencing and equipment shall be provided where appropriate.  
119
- 120 e. Development on wetlands, forested areas, and other valuable habitats shall be  
121 avoided or minimized to the greatest extent possible.  
122
- 123 4. All applicants for solar energy facility uses shall provide the following information **at**  
124 **the time of initial application:**  
125
- 126 a. Schematic layout of the proposed site with location of panels and buffers.  
127
- 128 b. **Buffering, screening, fencing and landscaping schematics with sufficient details**  
129 **to facilitate review for compliance with policy.**  
130
- 131 c. Photographic simulations illustrating the relationship of the proposed solar  
132 energy facility use in relation to the surrounding properties and uses, and  
133 additional simulations showing the relationship of any new or modified service  
134 road or utility corridors to be constructed or modified to serve the proposed solar  
135 energy facility use or other nearby infrastructure.  
136
- 137 d. Written verification that all required submittals to the State Corporation  
138 Commission (SCC) have been submitted for a solar energy facility use (if  
139 applicable).  
140

- 141 e. Written verification that the applicant is working with the Department of  
142 Environmental Quality toward obtaining Solar Permit by Rule approval.  
143  
144 f. Documentation justifying the need for the on-site substation should be submitted  
145 with the Special Exception application, if a substation is requested in conjunction  
146 with the solar energy facility. Documentation should also describe the  
147 components of the substation, physical dimensions including height, and  
148 endorsement from the grid-operating utility company.  
149  
150 g. Written comments from the relevant electric company regarding the capacity of  
151 the transmission lines or other electrical infrastructure as part of any Special  
152 Exception application.  
153  
154 h. Redacted offtake agreement, power purchase agreement, or other  
155 documentation that identifies a clear path to an off taker of the electricity  
156 generated from the project (prior to building permit).  
157  
158 i. An evaluation of fiscal impacts to the County for the proposed land use in  
159 comparison with the current land use and the comprehensive plan future land  
160 use.
- 161 5. The applicant shall be responsible for all fees associated with the filing of their  
162 application, including the reasonable cost of any independent analysis deemed  
163 necessary by the County.  
164  
165 6. General Requirements:  
166  
167 a. By applying and being granted the Special Exception request, the applicant and  
168 the owner of the land agree to dismantle and remove the solar energy facility and  
169 associated facilities from the site within six (6) months of the facility no longer  
170 being used for its intended purpose. Dismantling and removal of the facility shall  
171 only begin after the required notice is sent to Prince George County.  
172  
173 b. All solar energy facility structures, racks and associated facilities shall have a  
174 non-reflective finish or appearance. **Silicon based, or similar, panels shall be**  
175 **used; cadmium-based panels are prohibited.** Solar collectors shall be designed  
176 to maximize absorption and minimize glare outward toward adjoining properties  
177 and upward toward military and general aviation aircraft or other similar aircraft.  
178 Vehicles travelling on adjoining interstate and state-maintained roads shall also  
179 be protected from potential glare, including elevated tractor trailer cabs.  
180  
181 7. Public Notice.  
182  
183 a) Community Meetings: A **minimum of two (2) community meetings, a minimum of**  
184 **ten (10) days apart**, shall be held by the applicant prior to the Planning  
185 Commission Public Hearing date, and shall follow the following guidelines.  
186  
187 i. The applicant shall ~~inform~~ **notify** the Community Development and Code  
188 Compliance Department, adjacent property owners, and property owners  
189

190 within a ~~one-half~~ **one** mile radius of the project in writing of the date, time and  
191 the location of the meetings, at least seven (7) but no more than fourteen (14)  
192 days, in advance of the **first scheduled** community meeting. Additionally, the  
193 applicant shall supply the County a ~~list of all adjacent property owners or~~  
194 ~~parties invited~~ **copy of all mailing lists and media postings used to promote**  
195 **awareness of and attendance at the meetings.**  
196

197 ii. The date, time and location of the meetings ~~may~~ **will** be advertised in a  
198 newspaper of general circulation in the County by the applicant, and at the  
199 applicant's expense, at least seven (7) but no more than fourteen (14) days,  
200 in advance of the **first** meeting date.

201  
202 **iii. The applicant shall provide the County with acceptable social media postings**  
203 **containing the specifics of the meetings and contact information, for**  
204 **distribution across the County's available social media platforms and website.**

205  
206 **iv. The meetings** shall be held within the County, at a location open to the  
207 general public **within the community of the proposed site** with adequate  
208 lighting, parking and seating facilities, and which ~~may~~ **can** accommodate  
209 persons with disabilities from the general public and media.

210  
211 **v. The meetings** shall give the general public the opportunity to review the  
212 proposed application materials and ask questions of the applicant and to  
213 provide oral and/or written comments as feedback on their proposal.

214  
215 **vi. The applicant shall provide the Community Development and Code**  
216 **Compliance Department with a summary of any oral or written input received**  
217 **from members of the general public and media at the community meetings**  
218 **within two (2) weeks after the second meeting. The summary of input**  
219 **received will be posted on the County's webpage and included with case**  
220 **materials.**

## 221 8. Development Standards.

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223  
224 a) The minimum aggregate parcel size for a solar energy facility is seventy (70)  
225 contiguous acres.

226  
227 b) The design of support buildings and related structures shall, to the greatest  
228 extent possible, use materials, colors, textures, screening and landscaping that  
229 will screen the solar energy facility use from surrounding homes or surrounding  
230 commercial and industrial structures.  
231

- 232 c) Maximum height of primary structures and accessory buildings shall generally be  
233 fifteen feet, as measured from the finished grade at the base of the structure to  
234 its highest point, including appurtenances.  
235
- 236 d) All facilities shall meet or exceed the current standards and regulations of the  
237 State Corporation Commission (SCC) or equivalent, and any other agency of the  
238 local, state or federal government with the authority to regulate such  
239 infrastructure that are in force at the time of the application or which apply  
240 retroactively.  
241
- 242 e) To ensure the structural integrity of the infrastructure, the owner shall certify that  
243 it is designed and maintained in compliance with standards contained in  
244 applicable local, state and federal building codes and regulations that are in force  
245 at the time of the permit approval.  
246
- 247 f) All newly installed utilities (including but not limited to: electric, fiber, cable and  
248 telephone lines serving the site) which are visible from the ground-level view of  
249 adjacent properties zoned residential, agricultural and/or PUD Planned Unit  
250 Development, dwellings not owned by the owner of the subject property, and  
251 public rights-of-ways, shall be screened from view or shall be placed  
252 underground, unless prohibited by the state/federal agency regulating them.  
253
- 254 g) The facilities shall be enclosed by security fencing not less than six feet in height,  
255 and shall be designed to preclude trespassing, and shall be marked with the  
256 appropriate warning signs by the operator of the solar energy facility. **Fencing**  
257 **shall be located such to allow screening between the fence and any property**  
258 **lines, public rights-of-way, or adjacent residential dwellings not owned by the**  
259 **owner of the subject property.**  
260
- 261 h) The facilities, including fencing, shall be significantly screened from the ground-  
262 level view of adjacent properties zoned residential, agricultural, or PUD Planned  
263 Unit Development, dwellings not owned by the owner of the subject property, and  
264 public rights-of-way. **by a A vegetated** buffer zone **within the setback area of** at  
265 least fifty (50) feet in width **shall be maintained**, which shall be landscaped with  
266 plant materials unless existing vegetation or natural land forms on the site  
267 provide such screening materials or effect. If there is no existing vegetation or the  
268 existing vegetation is inadequate to serve as a landscape buffer as determined  
269 by the Planning Manager, a staggered triple row of evergreen trees and shrubs  
270 will be planted on approximately 10-foot centers in the 25 feet immediately  
271 adjacent to the security fence. New plantings of trees and shrubs shall be  
272 approximately six (6) feet in height at the time of planting. In addition, pine  
273 seedlings **and mixed native hardwoods and softwoods** will be installed in the  
274 remaining 25 feet of the 50-foot buffer. In the event existing vegetation or land

275 forms providing the screening are disturbed or removed, new plantings shall be  
276 provided which accomplish the same screening. Landscaping for screening shall  
277 be maintained and replaced **by the facility's operator** as necessary throughout  
278 the lifespan of the facility.

279

280 i) Lighting shall be the minimum necessary for safety and/or security purposes and  
281 shall use shielded fixtures to minimize off-site glare toward public rights of way  
282 and adjacent properties, and shall be limited to one-foot candle at the property  
283 line. No facility shall produce glare which would constitute a nuisance to the  
284 public.

285

286 j) The required setbacks and height limitations shall follow the requirements of the  
287 underlying zoning district, ~~unless County staff has recommended any additional~~  
288 ~~requirements while working with the applicant and adjacent property owners and~~  
289 ~~interested citizens.~~ **or the setbacks listed below, whichever is greater.**

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291 a. Setbacks for solar energy facilities should comply with the following  
292 minimum setbacks:

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- i. ~~400~~ **300** feet from residentially-zoned property
- ii. 100 feet from all other exterior property lines
- iii. Inverters located ~~450~~ **200** feet from exterior property lines
- iv. Substations located ~~300~~ **500** feet from exterior property lines

b. Landscaped buffering required:

- i. Berms shall be located outside the fence line and planted with appropriate groundcover
- ii. Vegetative buffers shall be at least 50 feet in width and include predominantly native evergreen species for aesthetics and wildlife habitat **as detailed in item 8(h) above.**
- iii. **Landscaping and buffer areas that are adjacent to residential dwellings not owned by the property owner or applicant, will have negotiated landscaping, fencing, and buffer areas that may exceed the requirements noted above.**

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9. Site Plan Requirements. In addition to all State and County site plan requirements, the Applicant shall provide the following plans for review and approval as a part of the site plan for the solar energy facility prior to the issuance of a land disturbance or building permit:

a. Construction Management Plan. The applicant shall prepare a Construction Management Plan for each applicable site plan for the solar energy facility, which shall address the following:

- i. Construction Traffic Management Plan including mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and Planning Division for review and approval. The Plan shall address traffic control measures, pre-and post-construction road evaluation,

323 and any necessary repairs to the public roads that are required as a  
324 result of any damage from the solar energy facility construction and/or  
325 expansion. All VDOT permits must be received and be approved by  
326 VDOT prior to site construction occurring on the premises.

- 327
- 328 ii. A site access plan directing employee and delivery traffic to minimize  
329 conflicts with local traffic.
- 330
- 331 iii. A site parking and staging plan shall be submitted as a part of the Site  
332 Plan approval and be submitted for various stages of the site  
333 construction process. All subsequent construction processes shall also  
334 adhere to submitting a parking and staging plan prior to the  
335 commencement of expansion or decommissioning.
- 336
- 337 iv. Fencing. The applicant shall install temporary security fencing prior to  
338 the commencement of construction activities occurring on the solar  
339 energy facility.
- 340
- 341 v. Lighting. During construction of the solar energy facility, any temporary  
342 construction lighting shall be positioned downward, inward, and  
343 shielded to eliminate glare from all adjacent properties.
- 344
- 345 b. Construction Mitigation Plan. The applicant shall prepare a Construction  
346 Mitigation Plan for each applicable site plan for the solar energy facility to the  
347 satisfaction of the Planning Division.
- 348

349 Each plan shall address, at a minimum:

- 350
- 351 i. The effective mitigation of dust. All construction roads and construction  
352 areas shall remain dust-free by the use of a water truck or other  
353 approved method to keep sediment on the premises and not be of a  
354 general nuisance to adjoining property owners during site construction  
355 and/or site expansion for a solar energy facility.
- 356
- 357 ii. Burning operations. **Burning operations must follow all local and state**  
358 **burning restrictions and distances from property lines and**  
359 **combustibles.** Must address smoke migration ~~and not so as to not~~ be  
360 **of a** general nuisance to adjoining property owners during burning  
361 operations.
- 362
- 363 iii. Hours of construction. All pile driving shall be limited to **eight (8) hours**  
364 **daily during** the hours from sunrise to sunset Monday through  
365 Saturday. No Sunday **or Holiday** pile driving shall occur during site  
366 construction, expansion, or operation of the facility. All other normal  
367 on-site construction activity is permitted Monday through Sunday in  
368 accordance with the provisions of the County Noise Ordinance, as  
369 amended from time to time, and as enforced by the Prince George  
370 County Police Department.
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- iv. Access and road damage. Must address mitigation of all damage, dirt, and debris on roads as a result of traffic generated by the solar energy facility construction.
  - v. General construction complaints. Provide contact information of responsible project manager capable of causing corrections to be made at the site. **Receipt of complaints shall be acknowledged by the project manager within 24 hours and addressed, at a minimum with an acceptable plan of action, within 72 hours of receipt.**
- c. Grading Plan. The owner or operator shall construct, maintain, and operate the project in accordance with the approved County Grading and Erosion and Sediment (E&S) Control Plans. An E&S bond or letter of credit will be posted for the construction portion of the project. The grading plan shall:
- i. Clearly show existing and proposed contours;
  - ii. Note the locations and estimated amount of topsoil to be removed (if any) and the percent of the site to be graded;
  - iii. Limit grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms;
  - iv. Require an earthwork balance to be achieved on-site with no import or export of soil, unless it can be demonstrated to the satisfaction of the Planning Division that doing so would create more clearing and grading than by allowing the import or export of soil; and
  - v. Require topsoil to first be stripped from areas proposed to be permanent access roads which will receive gravel, or in any areas where more than a few inches of cut are required, and require an on-site stockpile to be used later to increase the fertility of areas intended to be seeded.
- d. Solar Facility Screening and Vegetation Plan. A separate surety shall be posted for the ongoing maintenance of the project's vegetative buffers in the amount of 120% of the installation cost of all planted vegetation for three (3) years following the first date that power is supplied to the electrical grid.
- i. Site groundcover for the solar energy facility shall consist of a variety of native groundcovers that benefit birds, and bees, and other beneficial insects.
  - ii. Groundcover shall be expeditiously established following the completion of construction activities to minimize erosion and loss of soil.
  - iii. The use of synthetic herbicides to control and maintain groundcover post-construction shall not be permitted.

- 422  
423 e. The design, installation, maintenance, and repair of the solar energy facility  
424 shall be in accordance with the most current National Electrical Code (NFPA  
425 70).

426  
427 10. Operations.

- 428  
429 a. Permanent Security Fence. The applicant shall install a permanent security fence,  
430 consisting of chain link, 2-inch square mesh, (or comparable fencing) a minimum  
431 of 6 feet in height around the Solar Facility prior to the commencement of  
432 operations of the Solar Energy Facility. Failure to maintain the fence in a good  
433 and functional condition will result in revocation of the special exception. The  
434 security fence shall be placed no closer than the required setback for the facility  
435 as stated in Section 12. Buffers.
- 436  
437 b. Lighting. Any on-site lighting shall be dark-sky compliant, shielded away from  
438 adjacent properties, and positioned downward to minimize light spillage onto  
439 adjacent properties.
- 440  
441 c. Noise. Daytime noise generated by the facility post-construction will be under and  
442 average 67 dBA per day, measured at the property line, throughout the day with  
443 no noise emissions at night; provided, however the operator may seek temporary  
444 waivers from the Planning Division for specific repair or maintenance needs.
- 445  
446 d. Ingress/Egress. Permanent access roads and parking areas will be stabilized with  
447 gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.
- 448  
449 e. All newly installed utilities including but not limited to, electric, fiber, cable and  
450 telephone lines serving the site which are visible from the ground-level view of  
451 adjacent properties zoned residential, agricultural and/or PUD Planned Unit  
452 Development, dwellings not owned by the owner of the subject property, and  
453 public rights-of-ways, shall be screened from view or shall be placed  
454 underground, unless prohibited by the state/federal agency regulating them.
- 455  
456 f. All solar energy facility structures, racks and associated facilities shall have a non-  
457 reflective finish or appearance. **Silicon based panels shall be used; cadmium-  
458 based panels are prohibited.** The solar collectors shall be designed to maximize  
459 absorption and minimize glare outward toward adjoining properties and upward  
460 toward military and general aviation aircraft or other similar aircraft. **Vehicles  
461 travelling on adjoining interstate and state-maintained roads shall also be  
462 protected from potential glare, including elevated tractor trailer cabs.**

463  
464 11. Height of Structures. Solar Energy Facility structures shall not exceed 15 feet;  
465 however, towers constructed for electrical lines may exceed the maximum permitted  
466 height as provided in the zoning district regulations, provided that no structure shall  
467 exceed the height of 25 feet above ground level, unless required by applicable code  
468 to interconnect into existing electric infrastructure or necessitated by applicable code  
469 to cross certain structures.

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471 12. Buffers.

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- a. Setbacks.
  - i. A minimum 100-foot setback, which includes a 50-foot planted buffer as described in 12(b), shall be maintained from a principal Solar Energy Facility structure **or any component of the Facility** to the edge of the public right-of-way.
  - ii. A minimum 100-foot-setback, which includes a 50-foot planted buffer as described in 12(b), shall be maintained from a principal Solar Energy Facility structure to any adjoining property line which is a perimeter boundary line for the project area.
  - iii. **A minimum 300-foot setback, which includes fencing, screening and buffers as described in 12(b), 8(h), and 8(j) from residentially-zoned property.**
  - iv. **A minimum 100-foot setback from all other exterior property lines.**
  - v. A minimum ~~150~~ **200-foot setback from all exterior property lines, except from adjoining residentially-zoned properties**, shall be required for placement of all inverters associated with a Solar Energy Facility.
  - vi. A minimum ~~300~~ **500-foot setback from all exterior property lines** shall be required for placement of any required substations associated with a Solar Energy Facility.
- b. Screening. A minimum 50-foot vegetative buffer (consisting of existing trees and vegetation) shall be maintained. If there is no existing vegetation or if the existing vegetation is inadequate to serve as a buffer as determined by the Planning Manager, a staggered triple row of evergreen trees and shrubs will be planted on approximately 10-foot centers in the 25 feet immediately adjacent to the security fence. New plantings of trees and shrubs shall be approximately six (6) feet in height at time of planting. In addition, **pine seedlings and native mixed hardwoods and softwoods** will be installed in the remaining 25 feet of the 50-foot buffer.

### 13. Coordination of local emergency services.

- a. Applicants for new solar energy facility shall coordinate with the County's Fire, EMS, and Emergency Management staff to provide materials, education and/or training to the departments serving the property with emergency services on how to safely respond to on-site emergencies at the solar energy facility.

### 14. Roll Back Taxes.

- a. Payment of all applicable rollback taxes for parcels in the land use program shall be a pre-condition of the County's issuance of a land disturbance permit.

### 15. Decommissioning.

- a. Decommissioning Plan. A decommissioning plan shall be developed by the applicant, owner or operator prior to the approval of a site plan being issued for a solar energy facility. The purpose of the decommissioning plan is to specify the procedure by which the applicant or its successor would remove the solar energy facility after the end of its useful life and to restore the property for prior or future

520 usage consistent with the Comprehensive Plan or future zoning. If the solar energy  
521 facility is inactive completely or substantially discontinuing the delivery of electricity  
522 to an electrical grid for a continuous 6-month period it shall be considered  
523 abandoned. The applicant, owner or operator shall provide notice to Prince  
524 George County in writing once the property becomes inactive as a solar energy  
525 facility use. The decommissioning of the site shall commence within six (6) months  
526 of receipt of such notice from the applicant, owner or operator by Prince George  
527 County. The "notice" shall be known as the "Decommissioning Plan" under Zoning  
528 Ordinance Section 90-16 (ii) (e) which shall include the following:

- 529
- 530 i. Anticipated life of the solar energy facility project;
- 531
- 532 ii. The estimated cost of the decommissioning in the future as
- 533 expressed in current dollars by a State licensed professional
- 534 engineer;
- 535
- 536 iii. Method estimate was determined;
- 537
- 538 iv. The manner in which the project will be decommissioned; and
- 539
- 540 v. The name and physical address of the person or entity responsible
- 541 for the decommissioning plan.
- 542
- 543 b. Surety. Unless the solar energy facility project is owned by a public utility within the
- 544 Commonwealth of Virginia, the gross costs of decommissioning shall be secured
- 545 by an adequate surety in a form agreed to by the County Attorney, including but
- 546 not limited to a letter of credit, cash or a guarantee by an investment grade entity,
- 547 posted within 30 days of the project receiving its certificate of completion or
- 548 equivalent from Prince George County to operate the use. If an adequate surety is
- 549 required, the cost estimates of the decommissioning shall be updated at least
- 550 every five (5) years by the applicant, owner or operator, and provided to the
- 551 County. If the solar energy facility is sold to an entity that is not a public utility, the
- 552 Special Exception shall not transfer to the purchaser until such time as adequate
- 553 replacement surety is provided for the solar energy facility. At its option, the County
- 554 may require that a surety amount be increased based upon the net cost of
- 555 decommissioning the use and as approved by the County Attorney.
- 556
- 557 c. Applicant/Property Owner Obligation. Within six (6) months after the cessation of
- 558 use of the solar energy facility for electrical power generation or transmission, the
- 559 applicant or its successor, at its sole cost and expense, shall decommission the
- 560 solar energy facility in accordance with the decommissioning plan approved by the
- 561 County. If the applicant or its successor fails to decommission the solar energy
- 562 facility within six (6) months, the property owners shall commence
- 563 decommissioning activities in accordance with the decommissioning plan.
- 564 Following the completion of decommissioning of the entire solar energy facility
- 565 arising out of a default by the applicant or its successor, any remaining surety
- 566 funds held by the County shall be distributed to the property owners in a proportion
- 567 of the surety funds and the property owner's acreage ownership of the solar
- 568 energy facility.
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- d. Applicant/Property Owner Default; Decommissioning by the County.
- i. If the applicant, its successor, or the property owners fail to decommission the solar energy facility within six (6) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property.
  - ii. If applicable, any excess decommissioning surety funds shall be returned to the current owner of the property after the County has completed the decommissioning activities.
  - iii. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County (1) the right to access the property, and (2) an interest in the solar energy facility equipment and materials to complete the decommissioning upon the applicant's and property owner's default. Such instrument(s) shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the applicant, including under the County's zoning powers.
- e. Equipment/Building Removal. Unless otherwise approved by the Planning Manager, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, regardless of depth underground, shall be removed ~~following disturbance caused~~ in the removal process. Perimeter fencing will be removed and recycled or reused.
- f. Infrastructure Removal. Unless otherwise approved by the Planning Division, all access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material would be upon written request from the current or future landowner to leave all or a portion of these facilities in place for use by the landowner. Access roads will be removed within areas that were previously used for agricultural purposes and topsoil will be redistributed to provide substantially similar growing media as was present within the areas prior to site disturbance, unless a written request is received from the current or future landowner proposing alternative development plans for the property.
- g. Partial Decommissioning. Any reference to decommissioning the solar energy facility shall include the obligation to decommission all or a portion of the solar energy facility whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire solar energy facility, then the applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the solar energy facility; the remaining portion of the solar energy facility would continue to be subject to the decommissioning plan.

620 **ARTICLE III. SAMPLE SOLAR ENERGY FACILITY SPECIAL EXCEPTION CONDITIONS**

- 621
- 622 1. This Special Exception is granted for a \_\_\_\_\_-scale solar energy facility use to
- 623 \_\_\_\_\_ and is located on Tax Maps \_\_\_\_\_. This Special
- 624 Exception may be transferred provided that Condition 10(b) regarding proper surety
- 625 is met.
- 626
- 627 2. Payment of all rollback taxes for parcels \_\_\_\_\_ enrolled in the Land Use
- 628 program shall be a precondition of the County's issuance of a land disturbance
- 629 permit pursuant to a site plan prepared for the solar energy facility.
- 630
- 631 3. Site Plan Requirements. The Solar Energy Facility shall meet all conditions for Site
- 632 Plan Requirements as defined in the Solar Energy Facility Policy.
- 633
- 634 4. The solar energy facility shall be constructed in accordance with the County-
- 635 approved grading plan as approved by County staff prior to the commencement of
- 636 any construction activities, and in accordance with the Erosion and Sediment Control
- 637 Plan.
- 638
- 639 5. Operations. The Solar Energy Facility shall meet all conditions for operations in the
- 640 Solar Energy Facility Policy.
- 641
- 642 6. Buffers. The Solar Energy Facility shall meet all conditions for buffer setbacks and
- 643 landscape requirements as required in the Solar Energy Facility Policy.
- 644
- 645 7. Wildlife Corridors. The applicant shall identify an access corridor for wildlife to
- 646 navigate through the Solar Energy Facility. The proposed wildlife corridor shall be
- 647 shown on the site plan submitted to the County. Areas between fencing shall be kept
- 648 open to allow for the movement of migratory animals and other wildlife.
- 649
- 650 8. Height of Structures. Solar Energy Facility structures shall meet all required
- 651 conditions for structure height in the Solar Energy Facility Policy.
- 652
- 653 9. Inspections. The applicant will allow designated County representatives or
- 654 employees access to the facility for inspection purposes at any time during the
- 655 construction process and thereafter upon 24 hours advance notice. The applicant
- 656 will maintain current contact information on file with the Planning Manager.
- 657
- 658 10. The applicant, owner or operator shall coordinate directly with Fire, EMS and
- 659 Emergency Management to provide solar energy materials, educational information
- 660 and/or training to the respective personnel responding to the solar energy facility
- 661 project in regards to how to safely respond to any emergencies that may occur on
- 662 the premises.
- 663
- 664 11. Compliance. The Solar Energy Facility shall be designed, constructed, and tested to
- 665 meet relevant local, state, and federal standards as applicable.
- 666
- 667 12. Decommissioning. The Solar Energy Facility shall meet all conditions for
- 668 Decommissioning as specified in the Solar Energy Facility Policy.
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13. Power Purchase Agreement. Prior to the issuance of any building permit for the solar energy facility, the applicant shall have executed either a power purchase agreement with a third-party, or a sale agreement to transfer the project to a regulated utility. Upon the County's request, the applicant shall provide the County and legal counsel with a redacted version of the executed power purchase agreement or sale agreement.

14. This Special Exception shall become null and void if the use of a \_\_\_ scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.

15. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.