

# Issue Analysis Form

**Date:** September 22, 2020

**Item:** Sebera Solar Farm – Special Exception

**Lead Department:** Community Development

**Contact Person:** Horace Wade, Planner II



## Description and Current Status

The applicant is proposing to build a 20 MW solar energy facility on a 182 +/- acre parcel located along Sebera Road and Lawyers Road and is identified as Tax Map 250(0A)00-054-0.

Staff and the Planning Commission recommend approval to the Board of Supervisors as the request is consistent with the Comprehensive Plan and substantially consistent with the recently adopted Solar Facility Siting Policy.

## Government Path

**Does this require IDA action?**

Yes  No

**Does this require BZA action?**

Yes  No  
 No February 27, 2020 Recommended for Approval by 7-0 vote

**Does this require Planning Commission action?**

Yes

**Does this require Board of Supervisors action?**

Yes  No

**Board of Supervisors Public Hearing 9/22/2020**

**Does this require a Public Hearing? 9/22/2020**

Yes  No

**If so, before what date?**

## Fiscal Impact Statement

There will be no cost to the County. However, if this Special Exception is approved, it will allow for this utility-scale solar energy provider to produce green electricity. Utility-scale solar energy providers will be treated as a commercial business land use and they will be taxed by the County accordingly under both the prevailing County and State rates.

## Prince George County Impact

This land will be dedicated to solar energy land use for forty (40) years. The project will contain landscaping and screening provisions along the perimeter of the parcel to reduce the visibility of the land use.

## Notes

**SPECIAL EXCEPTION SE-19-12 STAFF REPORT**

**BOARD OF SUPERVISORS  
PUBLIC HEARING: SEPTEMBER 22, 2020**

**SPECIAL EXCEPTION SE-19-12:** Request of Sebera-Winstead, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District for the use of a 20 MW solar energy facility. The subject property is located along Sebera Road and Lawyers Road in the Blackwater Magisterial District on 182+/- acres and known as Tax Map 250(0A)00-054-0. The Comprehensive Plan indicates the property is suitable for residential uses.

**CASE NUMBER:** SE-19-12  
**APPLICANT:** Sebera-Winstead, LLC  
**ADDRESS:** Along Sebera Road and Lawyers Road  
**TAX MAP ID:** 250(0A)00-054-0  
**SIZE OF PROJECT:** 182+/- ac (legal)  
**MAGISTERIAL DISTRICT:** Blackwater  
**PLANNING AREA:** Prince George Planning Area  
**UTILITIES:** Well and Septic  
**REAL ESTATE TAXES:** All taxes paid as of 9/10/2020  
**PROPOSED USE(S):** Large Solar Energy Facility  
**CURRENT USE:** Silviculture, Agriculture, Residential  
**COMP PLAN FUTURE USE:** Residential  
**EXISTING ZONING:** R-A, Residential Agricultural  
**SURROUNDING ZONING:** R-A, Residential Agricultural

**MEETING INFORMATION:**  
**Community Meeting:** December 3, 2019 at 5:30 p.m.  
**Planning Commission:** January 23, 2020 at 6:30 p.m. – Public Hearing  
**Postponed 7-0 until February 27, 2020**  
February 27, 2020  
**Recommended Approval 7-0**  
**Board of Supervisors:** September 22, 2020

**STAFF RECOMMENDATION:** Planning Commission and Staff recommend approval of the Special Exception with conditions

**ATTACHMENTS:**

1. GIS Location Map
2. Satellite View
3. Land Use Map
4. Application
5. Applicant Narrative

## SPECIAL EXCEPTION SE-19-12 STAFF REPORT

### **Special Exception Request:**

Sebera-Winstead, LLC is proposing a 20 MW large-scale solar energy facility on 182+/- acre parcel in a R-A, Residential-Agricultural Zoning District.

The applicant anticipates the project will encompass 150 acres of the overall 182 acres (an unrecorded plat survey shows the parcel is 212 acres) with approximately 86,000 photovoltaic panels. The panel arrays will be mounted on fixed-tilt structures made of galvanized steel with no moving parts or noise associated with the arrays. The panel arrays will not exceed 10 feet in height. Associated electrical equipment will be located in the interior portions of the site. Inverters will not be any closer than 200 feet from any perimeter property line. Solar panels will be distributed across the site to minimize and avoid impacts to wetland areas.

It is contemplated that up to three (3) small pre-fabricated sheds (approximately 10 feet in height) will be located on the property to store various maintenance equipment, replacement parts, and supplies.

The area encompassing the solar energy facility will be ringed with a minimum six (6)-foot high security fence, with up to three (3) vehicular entry gates as depicted on the Special Exception Plan [September 1, 2020]. The primary vehicular access point will be on Sebera Road; up to two additional vehicular access points may be located on Lawyers Road. Personnel gates at multiple locations throughout the facility may be considered for operational safety and maintenance convenience. Personnel can be expected to be on-site one to three times per month, performing routine inspections, maintenance, and repairs as needed.

Screening of the solar panel arrays and inverters from adjacent properties and public rights-of-way will be achieved through a 100-foot setback along the perimeter of parcel. In many areas of the site, setbacks will exceed 100, 150, and 500 feet from the property line as shown on the Special Exception Plan.

Photovoltaic panel arrays will generate electricity during daylight hours only and no outdoor lighting is proposed.

### **Proposed Use:**

Based on the use request described by the applicant, the applicant's described use fits the following use and definitions found in the Prince George County Zoning Ordinance:

***Sec. 90-103. - Uses and structures permitted by special exception. (R-A District)***  
***(57) Large-scale solar energy facility.***

***Sec 90-1 Definitions.***

***Large-scale solar energy facility means a photovoltaic system consisting of solar PV panels, modules, accessory structures and related equipment such as DC to AC inverters, wiring, electric transformers, control systems and storage areas that collect solar energy and convert it into electricity using ten acres or more.***

***Photovoltaic or PV means materials and devices that absorb sunlight and convert it directly into electricity by semiconductors.***

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*Photovoltaic cell or PV cell means a solid state device that converts sunlight directly into electricity. PV cells may be connected together to form PV modules, which in turn may be combined and connected to form PV arrays (often called PV panels).*

*Photovoltaic system or PV system means PV cells, which may be connected into one or more PV modules or arrays, including any appurtenant wiring, electric connections, mounting hardware, power-conditioning equipment (inverter), and storage batteries.*

### **Comprehensive Plan**

The Comprehensive Plan Future Land Use Map identifies this subject area as appropriate for residential or agricultural uses.

The Future Land Use Map serves as a general guide for the future development of Prince George County. The Planning Commission and Board of Supervisors can use this map as one resource when planning public facilities or evaluating land use requests. The Future Land Use map presents a generalized overview of desired locations for land uses in the County, and it is not intended to be parcel-specific. Actual proposed land uses will be individually reviewed by the Planning Commission and the Board of Supervisors with consideration for the proposed use's compatibility with surrounding land uses, both current and future, and the overall impact on the larger community. The Comprehensive Plan explains the intent of the future land uses planned for this area as follows:

*Residential – includes areas within the Prince George Planning Area where small lot residential development is encouraged. Public water and/or wastewater facilities are available and required for such development.*

*Agricultural - Includes land areas in the rural portions of the County where agricultural and forestall land uses are, and should be, the dominant land use. Large lot single family development may exist within some of these areas. Future residential development of these properties is not encouraged.*

The Comprehensive Plan Recommends:

1. The Planning Commission and Board of Supervisors use the future land use map contained within the Comprehensive Plan as a general guide for determining the desired location of development.
2. Commercial and/or industrial developments that are approved in rural portions of the County should be small in scale and of a design character that is consistent with a rural environment.

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### Staff Review Comments:

#### Planning & Zoning Division:

1. Future Land Use

The Future Land Use Map shows that the 182+/- acre site should be used for Residential or Agricultural uses. The Board of Supervisors should consider the Future Land Use Map as a general guide for development and not parcel specific.

2. Prince George Planning Area

The 182+/- acre site is located in the County's Prince George Planning Area. The County has a policy that requires require that all new development in the Prince George Planning Area be connected to public utility services. The site also directly abuts the Rural Conservation Area, which is the County's designated conservation area.

The Comprehensive Plan states that the Crater Planning District Commission determined that under the County's current zoning regulations that there is sufficient vacant acreage within the current limits of the Prince George Planning Area to accommodate over seventy (70) years of anticipated residential growth.

This development does not propose any water or sewer improvements. If the development requires water and/or sewer services in the future, it will be required to install public facilities in accordance with the current Water & Wastewater Master Plan.

3. Land Use and Prince George Planning Area

Based on the fact that the property borders two different future land use designations, staff finds that the Planning Commission and Board of Supervisors, , can determine if the parcel is appropriate for either agricultural or residential future land use. The existing use of the land is silviculture and agriculture.

The Prince George Planning Area requires that the applicant connect to water and sewer if it is developed (or subdivided). Staff believes that because this property could be considered for either agricultural or residential development, the special exception for solar energy facility, if approved, should have a time limit because it is located in the Planning Area.

4. Setbacks and Screening

The County Zoning Ordinance addresses minimum setbacks for solar energy facilities in 90-16:

- a. *The minimum setback for a ground-mounted solar energy facilities are required to meet a minimum of 75 -85ft from the right-of-way(depending on the width), and*
- b. *A minimum of 50 ft from all other property lines.*

Minimum setbacks should be increased above what is required by the ordinance in order to provide additional separation from residential properties. Conditions of approval of the special exception should include increased setbacks and required landscape buffers.

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The applicant addresses setbacks and landscaping, and has proposed a variety of setback and buffer treatments throughout the site:

Special Exception Case SE-19-12 was filed December 2019, prior to release of the County's Solar Siting Policy. As the policy emerged and evolved, the applicant revised and adapted its application to comply with the policy. As of the February 27, 2020 Planning Commission meeting where the application was heard and unanimously recommended for approval, the application was in substantial compliance with the policy as it existed at that time.

After the Solar Energy Siting Policy was adopted on August 11, 2020, the applicant reached out to and met with staff to review the changes to the policy from February 27<sup>th</sup> when the application was recommended for approval by the Planning Commission. The result of the analysis and discussion was that the applicant was willing to comply with all of the subsequent changes to the policy, except one. At that time that they were initially recommended for approval, the application was meeting or exceeding the policy recommendation for setbacks in most respects.

The adopted policy recommends a minimum 200-foot setback for solar facilities along all property and right-of-way lines for lands within the R-A Residential-Agricultural zoning district. The subject property and all adjoining parcels are zoned R-A, Residential-Agricultural. In response, the Applicant has proposed to increase certain setbacks, which now range from 100 feet to 500 feet. In comparison, the Zoning Ordinance requires a minimum 50-foot setback.

This application is on the smaller end of the scale for commercial solar facilities. The projected power generation is 20 MW and the subject parcel is approximately 200 acres in size (only approximately 70 of which are being proposed for the solar facility). The applicant has expressed that its business model is focused on smaller solar facilities of this type because such facilities are less intrusive to the community, can be more broadly distributed throughout a locality, and can be more effectively screened. The applicant has further expressed that the recommended setbacks pose a unique challenge for smaller facilities of this type because they have less acreage to work with and less economies of scale.

After a careful analysis, the applicant has determined that to strictly adhere to the increased setback recommended by the newly adopted policy when taken into consideration with other regulatory constraints, such as wetlands and 50-foot wetland buffers on the property, would shrink the footprint of the project so as to render it financially infeasible.

However, the applicant's proposed setback and buffering plan (as revised in response to The Board's policy) does meet or exceed the policy recommendations for setbacks and buffering in most respects. Staff believes this project achieves the overall goal of the policy to provide an appropriate visual buffer to adequately screen the facility from adjacent roads and properties

The applicant has created a two-pronged approach to viewshed management – screening and setbacks. While setbacks create greater separation between differing land

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uses, from a visual standpoint, screening is the most effective method for addressing viewshed concerns. Taken together, the goal of the two-pronged approach is to substantially reduce, not eliminate entirely, the visibility of solar facilities from adjoining properties and rights-of-way.

From the applicant's first Community Meeting held on December 3, the Applicant has expressed to the citizens and interested parties that its objective is to make the solar facility practicably invisible from adjoining properties and rights-of-way. This will be accomplished by a combination of (1) preserving substantial stands of existing, mature vegetation along the property's perimeter, (2) supplementing existing stands where necessary with installed understory evergreen vegetation and (3) the installation and landscaping of earthen berms on portions of the property where no vegetation exists to provide screening.

### a. Screening

1. Preservation of existing stands of vegetation: a forest stand delineation, prepared by the Virginia Department of Forestry to support the property's application for Land Use assessment several years ago, found that the vast majority of the property's forest cover is overstocked with approximately 600 trees per acre. The typical density is 430-480 trees per acre. The Conceptual Plan has been revised to more clearly show the limits of tree preservation along all property perimeters. The policy's guidance is for a minimum of 50-foot vegetated buffer zones along all property perimeters. For the Sebera property, nowhere will preserved vegetation be less than 75 feet; it is 100-feet for most of the Northern boundary; it is 150-feet along Lawyers Road; and it is a minimum of 500-feet along the Western boundary. The combination of a mature forest with committed deeper vegetative buffers than required in the policy substantially advances the viewshed management objectives of the policy.
2. Supplemental understory plantings: To further ensure that effective screening will be provided, the Applicant has committed to supplement all preserved tree stands with evergreen understory plantings, where determined necessary by the Planning Manager. Dense evergreen plantings not more than 10-feet on center will be installed where needed to fill in any portions of the perimeter where needed to mitigate the visual impacts of the project.
3. Landscaped berm: The solar policy recognizes installed berms as an effective method of screening solar facilities. The applicant is proposing a minimum 4.5-foot tall berm along its presently unvegetated Northern boundary (currently an agricultural field), as shown on the Conceptual Plan, with double offset-rows of evergreen trees and shrubs, providing a robust screening treatment for adjoining properties and the Sebera Road right-of-way.

### b. Setbacks

The Western boundary provides a minimum 500-foot setback. The Eastern boundary, Lawyers Road, provides a minimum 150-foot setback. The Northern and Southern boundaries provide a minimum 100-foot setback. This setback plan, across the entire

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project perimeter, provides an average setback of 200-feet. For individual adjacent property owners, average figures provide little consolation.

At the direction of Staff, the applicant analyzed all adjoining parcels containing residential structures. The attached Home Separation Exhibit presents the results of this analysis. With the exception of two properties, all homes are located a minimum of 255 feet from the edge of proposed solar panel areas, with most exceeding 400 feet. The average separation is over 500 feet.

Out of 13 adjoining homes, two are located less than 200 feet from the edge of proposed solar panel areas (both are located approximately 185 feet away). Particular emphasis has been given to providing these two homes with comparable viewshed protection as other homes.

1. The home on the Northern boundary is protected by a combination of preserved vegetation on the subject property, approximately 85 feet of forest on the landowner's property and the heavily landscaped berm on the subject property.
2. The home on the Southern boundary is protected by a minimum of 100-feet of preserved vegetation on the subject property, understory plantings on the subject property as needed and an additional 85 feet of forest on the landowner's property. Should this combination of screening prove insufficient, as determined by the Planning Manager, the Applicant agrees to install green or black screening slats in the perimeter fence in this area to provide additional screening of the solar facility.

Taken together, and with special emphasis given to particularly sensitive viewsheds, the applicant is providing a combination of setbacks and screening that, from a viewshed management outcomes perspective, well exceeds the minimums and objectives sought to be advanced by the Solar Siting Policy.

### 5. Security Fencing

The applicant addresses perimeter fencing by proposing to use a 6-foot tall security fence with three (3) vehicular entry gates.

### 6. Wildlife Corridors

The applicant has not specifically addressed wildlife corridors, but a condition of approval for the Special Exception for the Solar Energy Facility addresses the Wildlife Corridors at the time site plan approval.

### 7. Permit by Rule – DEQ verification

The applicant stated they met with Beth Major, staff contact for DEQ's Renewable Energy in the summer of 2019 to review and discuss the procedures for filing and working with DEQ in the PBR program. Ms. Major acknowledged that it was completely appropriate to delay the filing of the required PBR Notice of Intent, pursuant to 9VAC15-60, until such time as local government approval for the solar energy use was secured.

### 8. Community Meeting

The applicants held a community meeting at Sycamore United Methodist Church on December 3, 2019. All adjoining property owners, all property owners along both sides



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of Sebera Road from Old Stage Road to Prince George Drive, and all property owners along both sides of Lawyers Road from Old Stage Road to and include Mt. Hope Baptist Church were invited to attend. Approximately 20-25 citizens, two (2) Planning Commissioners and staff attended the. Many citizens participated by asking questions, expressing concerns and also expressing support for the project.

The concerns of the community primarily included: (a) the visibility of the solar panels from adjoining properties, (b) the possibility of declining property values, (c) noise made by the inverters, (d) environmental contamination (and radiation) as a result of the solar energy facility, and (e) who is responsible for maintaining buffers and screening for the life of the project.

The applicant addressed each concern generally as follows:

- a. Visibility: It was stated that the intent is to make the solar facility practically invisible from adjoining properties and rights-of-way. Consideration will be given to the widening buffers, expanding the extent and height of landscaped berms and adding the planting of understory evergreen species to fill in gaps between the stems of existing trees to be preserved. As reflected in the Special Exception Plan dated September 1, 2020, buffers were expanded, the landscaped berm was increased to a minimum of 4.5 feet in height and a commitment to planting evergreen understory plant materials, as requested by citizens at the meeting, was memorialized in the proposed Conditions.
- b. Impact to Property Values: It was stated that there is no reliable evidence to suggest that property values are negatively affected by the operation of a solar farm. Further investigation after the community meeting finds no peer-reviewed, published studies indicating negative property value impacts from utility scale solar generation facilities.
- c. Inverter Noise: It was stated that there is no noise generated by the solar panels themselves as they are fixed (i.e., stationary) panels, but that the AC-DC inverters do generate a modest hum only audible in close proximity to the inverter and only during daylight hours (i.e., the inverters only operating during daylight hours). At 100-150 feet distance from the inverters, the sound emanating from them is inaudible as it is less than the ambient sound levels in the area (e.g., wildlife, wind, passing vehicular traffic and other environmental sounds). All inverters will be located more than 200 feet from the property line and there is no noise emanating from the inverters whatsoever after daylight hours.
- d. Buffer Maintenance Responsibility: It was stated that the Owner of the solar facility (i.e. the operator) will be responsible for maintaining the effectiveness of the buffers to provide screening of the facility. The landowner anticipates leasing the property to the entity that will build the facility, own the equipment comprising the facility and operating and maintaining the facility. The owner is secondarily responsible for the maintenance of the landscaping and buffer requirements if the operator fails to comply with its obligations.
- e. Environmental Contamination/EMF Radiation: It was stated that the types of solar panels to be used at this site are silicon based and are essentially inert. With respect to EMF radiation (the electromagnetic fields generated by the panels and inverters),

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it was stated that the panels themselves do not generate measurable “radiation”; the inverters do generate electromagnetic fields that are at such a level that one would have to stand immediately beside or sit on top of an inverter for unrealistically long time frames (weeks, months) to suffer any negative health effects. EMF radiation experienced by most people in our existing modern environment is far greater than anything associated with the project. For example the EMF radiation associated with transformers located on power poles along the electrical distribution system is far greater and significantly closer to homes than any inverter proposed with this project. Inverters at a distance of 100-150 feet produce no measurable EMF radiation; all inverters will be located more than 200 feet from property boundaries.

9. Written position on the capacity of distribution lines or other electrical infrastructure:  
 The Applicant filed an interconnect request with Dominion in Spring 2019 and was assigned Dominion Queue #VA19023. The Sebera Solar Farm is tagged to the Hopewell substation, meaning power generated by this facility will primarily flow to that substation for subsequent distribution to the grid. In June 2019, the applicant held a substantive teleconference with Dominion’s Lewis Gulay who indicated that the project was in full study by planning and system protection divisions and he confirmed that this project was number one in the queue for that substation. Dominion identified that limited upgrades inside the Hopewell substation will be required. No additional pole lines or other infrastructure are expected to be required. It is possible that hanging upgraded, higher capacity copper wiring along existing pole line routes to replace the older, lower capacity wiring may be necessary in places.

10. Fiscal impact assessment of proposed energy facility against existing use and Comprehensive Plan Future Land Use ( Information provided by applicant)  
 The subject property is currently vacant with no habitable homes and its use is agricultural and forestal. The market value taxable basis in 2019 was \$601,700. The property qualifies for Land Use assessment, resulting in a 2019 total taxable value of \$192,800. As such, the Land Use assessment represents an approximately 68% reduction in taxable value. The first year of Land Use assessment for the property was 2016. With no homes on the land, the property poses no burden on the locality for the provision of public services but generates taxes on the order of \$1,660 annually.

At such time as the property is placed into use as a solar generating facility, the roll back taxes will become due and the assessed value of the property will increase by virtue of the commercial use. While the precise amount of roll back taxes can only be determined by the Assessor and Commissioner of Revenue, the approximate roll back taxes that will accrue upon establishment of the solar production use are estimated as follows:

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Total Market Value	\$606,100	\$599,800	\$599,800	\$601,700
Total Taxable Value (Land Use)	\$186,400	\$177,000	\$181,100	\$192,800
Difference	\$419,700	\$422,800	\$418,700	\$408,900
Tax “Deferred” (@ \$0.86/\$100 Value)	\$3,609	\$3,636	\$3,600	\$3,515
Total Approx. Rollback Amount	\$14,360			

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In addition to payment of the rollback taxes, the property will become subject to a new assessment once the solar facility becomes operational based on the conversion of the net operating income (NOI) to be derived from a land lease into an imputed land value through application of a capitalization (cap) rate. The land lease amount is proprietary, but documentary data from the region suggests that solar leases commonly run in the range of \$600 - \$1000 per acre of solar farm area. Assessors in the region commonly use capitalization rates of between 8 and 10%. Using a 9% cap rate, such rents would equate to approximately \$6,700 per acre to \$11,100 per acre. For the subject property, it is anticipated that approximately 150 acres of the property will be used for solar energy production. Assuming the average of the foregoing capitalized land lease values per acre (\$8,900), the property could increase in assessed value to approximately \$1,335,000 (or just more than double the market value as currently assessed without land use). Non-power generating and power distribution facilities on the site (e.g. storage and equipment sheds) will also be taxable as real property and add to the taxable value of the site. As a solar energy facility, the property will continue to pose effectively no burden on the locality for the provision of public services but will generate taxes on year one of operation on the order of \$11,480, roughly ten times the current amount of the property tax.

The current Comprehensive Plan designates the subject property for Residential Land Use on the Future Land Use Map. This designation calls for small lot residential development where public water and/or wastewater facilities are available; it is noteworthy that utilities are not currently available at the site. Depending on the zoning classification used to implement this land use vision, and assuming public water and sanitary sewer service are someday available to serve the property in the future, minimum lot sizes could range from between 20,000 square feet to five (5) acres or larger. Given known environmental constraints and minimum required bulk area requirements, one could fairly estimate between thirty (30) and three hundred (300) residential homes could be possible on the property under the current Comprehensive Plan future land use designation for the property.

For any residential development, the single largest expense to the County arises from the need to educate the school age population residing in the homes. Different types of dwellings generate more or fewer school age children. Many jurisdictions have determined home value levels at which a breakpoint is reached, meaning above a certain home value the homes generate more tax revenue than they consume in all local government services, including schools. The applicant states that they are not aware of any such analysis having previously been prepared for Prince George County. The applicant states that it would be purely speculative to project the nature, number and value of any possible future homes to be developed on the subject property. The homes could be starter homes, workforce or affordable housing units, move-up homes in the mid-price range or higher end homes – the housing and real estate market at the time of subdivision development will dictate the product type and quantity that would be most marketable. Given that there is currently no proposal for housing at this time, and that the public utilities needed to support housing beyond large estate lots at this location do not now exist, it is not possible to fairly project the fiscal impact, positive or negative, that could result when or if the property develops residentially 40 or more years from now.

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### 11. Planning Recommendations

Based on discussions with other County departments, Planning & Zoning staff recommends that conditions for the Special Exception should consider the surrounding parcels and should address: rollback taxes, site plan requirements, buffering, screening structure height, and decommissioning in the proposed conditions.

Contact: Horace Wade III, Planner

### **Real Estate Assessor:**

1. All Rollback taxes should be paid for all of the parcels as a condition of approval.
2. The Legal acreage is listed as 182.61; GIS acreage is listed as 213.4233. Legal acreage may change upon an actual survey of the property.

Contact: Rod Compton, Director

### **Utilities:**

This site is located within the County's Planning Area designated to be served by public water and sewer. This development does not propose any water or sewer improvements. Should the development require water and/or sewer services, it will be required to install public facilities in accordance with the current Water & Wastewater Master Plan.

Contact: Frank Haltom, Director of Engineering and Utilities

### **Building Inspections Division:**

This request has been evaluated under the provisions of the 2015 Virginia USBC and the 2015 Virginia SFPC. All structures that may be built on property that exceeds 150 square feet will need to be permitted and meet all requirements of the 2015 Virginia USBC and the 2015 Virginia SFPC.

Contact: Dean Simmons, Building Official and Fire Official

### **Transportation (VDOT):**

1. The submitted application did not include any information as to the number of permanent employees that would be accessing the facility after construction is complete. VDOT's experience with similar type facilities is that any proposed entrances would be classified as low volume commercial entrances. Low volume commercial entrances must demonstrate that stopping sight distance is available at the proposed entrance locations. Determination of the final entrance types will be made during the site plan review process when additional information is available. All entrances will be required to meet VDOT standards.
2. The proposed project will potential impact several secondary VDOT maintained roadways during construction; SR 636 Lawyers Road, SR 609 Old Stage Road, and SR 710 Sebera Road. It is recommended that the County consider requiring the development of a Construction Traffic Management Plan and mitigation measures similar to what has been required by the County for other Special Exception permits granted for other solar energy development projects.

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3. It is anticipated that the applicant will want to cross VDOT maintained roadways to provide utility interconnections between the proposed pods of solar panels. VDOT has specific regulations concerning the crossing of VDOT roadways with utilities. It is likely that the applicant will have to be registered with the SCC as a utility company and enroll in the "Miss Utility" program as well in order to cross VDOT roadways.

Contact: Paul Hinson, Southern Region Land Use Engineer, VDOT

### **Fire Department:**

1. During the construction phase of the operation, please adhere to the Fire Department Access chapter in the Statewide Fire Prevention Code.
2. During and once complete, training and education should be conducted on a variety of days for fire responders.

Contact: Shawn Jones, Firefighter/Medic

### **Police Department**

If the construction entrance is on Sebera Road ensure that the road remains clean as required by VDOT. There have been several incidents of vehicles running off the road in that curve. Don't need mud on the road to make it any worse.

Contact: Chris Douglas, Police

**Environmental Division; Economic Development; Health Department:** No comments.

### **Public Notice:**

Twenty-three (23) adjacent property owners were notified by mailing on 1/13/2020. A legal ad was run for the request on 1/8/2020 and 1/15/2020.

Twenty-three (23) adjacent property owners were notified by mailing on 9/11/2020. A legal ad was run for the request on 9/11/2020 and 9/18/2020.

### **Planning Commission:**

On February 27, 2020 the Planning Commission recommended approval to the Board of Supervisors 7-0. The public hearing was held on January 23, 2020 and there were three (3) property owners that provided input in the public hearing. The Planning Commission postponed the case until February 27, 2020 to provide the Commission time to review the case against the proposed solar energy facility policy. On February 27, 2020 the Planning Commission received revisions from the applicant and also recommended approval of the solar energy facility policy

### **Public Comments ( 1/23/2020 & 2/27/2020)**

- Concern for wildlife
- Concern for visibility of solar panels
- Did not want solar panels in the neighborhood
- Would rather see a solar farm over residential development. Infrastructure, utilities, and additional needs for schools, police, and fire for residential development.

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### **Applicant Update (9/2/2020):**

1. Applicant provided updated Special Exception Plan 09-01-2020 and agreed to additional conditions as required by the adopted Solar Energy Facility Siting Policy.

### **Special Exception Recommendation:**

Planning Commission and Staff recommend approval of the proposed large-scale solar energy facility. Planning Commission and Staff have proposed recommended conditions to ensure this use minimizes the impact on surrounding property owners and ensures the use complies with all applicable local, state and federal requirements:

1. This Special Exception is granted for a large-scale solar energy facility use to Sebera-Winstead, LLC and is located on Tax Map 250(0A)00-054-0. This Special Exception may be transferred provided that Condition 10(b) is met relative to the proper surety.
2. Payment of all rollback taxes for the parcel subject to this Special Exception and enrolled in the Land Use program shall be a pre-condition of the County's issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility.
3. 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 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, and any necessary repairs to the public roads that are required as a result of any damage from the solar energy facility construction and/or expansion. All VDOT permits must be received and be approved by VDOT prior to site construction occurring on the premises.
    - ii. Site access planning, directing employee and delivery traffic to minimize conflicts with local traffic.
    - iii. A site parking and staging plan shall be submitted as a part of the Site Plan approval and be submitted for various stages of the site construction process. All subsequent construction processes shall also adhere to submitting a parking and staging plan prior to the commencement for expansion or decommissioning.
    - iv. Fencing. The applicant shall install temporary security fencing prior to the commencement of construction activities occurring on the solar energy facility (excluding clearing and grading) and may be phased.

## **SPECIAL EXCEPTION SE-19-12 STAFF REPORT**

- v. Lighting. During construction of the solar energy facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties.
  
- b. Construction Mitigation Plan. The applicant shall prepare a Construction Mitigation Plan for each applicable site plan for the solar energy facility to the satisfaction of the Planning Division. Each plan shall address, at a minimum:
  - i. The effective mitigation of dust. All construction roads and construction areas shall remain dust-free by the use of a water truck or other approved method to keep sediment on the premises and not be of a general nuisance to the adjoining property owners during site construction and/or site expansion for a solar energy facility.
  - ii. Burning operations.
  - iii. Hours of construction. All pile driving shall be limited to eight (8) hours daily during the hours from sunrise to sunset Monday through Saturday. No Sunday pile driving shall occur during site construction, expansion, or operation of the facility. All other normal on-site construction activity is permitted Monday through Sunday in accordance with the provisions of the County Noise Ordinance, as amended from time to time, and as enforced by the Prince George County Police Department.
  - iv. Access and road improvements.
  - v. General construction complaints.
  
- c. Grading Plan. The solar energy facility shall be constructed in compliance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities in coordination with the Erosion and Sediment Control Plan. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. An E&S bond 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 slopes greater than fifteen (15) percent except where required for access roads and enhancement of natural topographic features for stormwater management;
  - 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;
  - 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 stockpiled on-site to be later used 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 Commercial Operation date, as defined in Section 14 below.

## SPECIAL EXCEPTION SE-19-12 STAFF REPORT

- 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. Use of synthetic herbicides to control and maintain groundcover post-construction shall not be permitted.
- e. The design, installation, maintenance, and repair of the solar energy facility shall be in accordance with the most current National Electrical Code (NFPA 70).

### 4. Operations.

- a. **Permanent Security Fence.** The applicant shall install a permanent security fence, consisting of chain link 2-inch square mesh, (or comparable fencing) a minimum of 6 feet in height, around the Solar Facility prior to the commencement of operations of the Solar Energy Facility. Failure to maintain the fence in a good and functional condition after the expiration of the below described cure period will result in revocation of the special exception.
- b. **Lighting.** Any on-site lighting shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
- c. **Noise.** Daytime noise generated by the facility post-construction will be under an average of 67 dBA per day, measured at the property line, throughout the day with no noise emissions at night. However, the operator may seek temporary waivers from the Planning Division for specific repair or maintenance needs which waivers may be granted by the Planning Division at discretion.
- d. **Ingress/Egress.** Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.
- e. All newly installed utilities including, but not limited to, electric, fiber, cable, and telephone lines serving the site which are visible from the ground-level view of adjacent properties zoned residential or agricultural, and public rights-of-ways, shall be screened from view or shall be placed underground, unless (i) such utilities are placed on existing above-ground utility infrastructure, (ii) above-ground installation is required by the utility company, or (iii) prohibited by the state or federal agency regulating them.
- f. All solar energy facility structures, racks, and associated facilities shall have a non-reflective finish or appearance. Silicon-based, or similar panels shall be used; cadmium-based panels are prohibited. The solar collectors shall be designed to maximize absorption and minimize glare outward towards adjoining properties and upward towards military and general aviation aircraft or other similar aircraft. Vehicles traveling on adjoining state-maintained roads shall also be protected from potential glare, including elevated tractor trailer cabs.

### 5. Buffers.

- a. **Setbacks.**
  - i. **Eastern Boundary Setback.** A minimum 150-foot setback along the eastern boundary of the property shall be maintained from a principal Solar Energy Facility structure to the edge of the public right-of-way.



## **SPECIAL EXCEPTION SE-19-12 STAFF REPORT**

- ii. Northern Boundary Setback. A minimum 100-foot setback along the northern boundary of the property shall be maintained from the principal Solar Energy Facility to the edge of the public right-of-way or adjacent property lines, as applicable.
- iii. Southern Boundary Setback. A minimum 100-foot setback along the southern boundary of the property shall be maintained from the principal solar energy facility to adjacent property lines.
- iv. Western Boundary Setback. A minimum 500-foot setback area along the western boundary of the property adjacent to Tax Map 240(0A)00-106-A shall be maintained from the principal solar energy facility to adjacent property lines.
- v. A minimum 200-foot setback from all exterior property lines shall be required for placement of all inverters associated with the solar energy facility.

The foregoing described setbacks are more particularly shown and depicted on the Special Exception Plan dated September 1, 2020, on file in the Community Development and Code Compliance Department. Erosion and sediment control features and stormwater management facilities are permitted within the described setback areas.

### **b. Screening.**

- i. Eastern Boundary: A minimum 150-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if panel areas F, G and H depicted hereon are developed for solar arrays and if determined by the Planning Manager to be necessary to screen views of the solar panels from Lawyers Road. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.
- ii. Northern Boundary (from Lawyers Road to western boundary line of Tax Map 250(0A)00-053-A): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Division to be necessary to screen views of the solar panels from adjacent residential properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- iii. Northern Boundary (from western boundary line of Tax Map 250(0A)00-053-A to intersection of western boundary line of Tax Map 250(0A)00-054-B and Sebera Road): A landscaped berm approximately 4.5-foot tall planted with evergreen trees/shrubs (min. 2' at planting) as depicted on the screening and buffering detail on the "Special Exception Plan" dated September 1, 2020, on file in the Community Development and Code

## **SPECIAL EXCEPTION SE-19-12 STAFF REPORT**

Compliance Department. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.

- iv. Northern Boundary (from intersection of western boundary line of Tax Map 250(0A)00-054-B and Sebera Road to western boundary line of property): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from Sebera Road. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.
- v. Southern Boundary (from Lawyers Road to western boundary line of Tax Map 250(12)00-005-0): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from adjacent residential properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- vi. Southern Boundary (from western boundary line of Tax Map 250(12)00-005-0 to southern boundary line of Tax Map 240(0A)00-106-A): A minimum 75-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from adjacent properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- vii. Southern Boundary: In addition to the screening described in vi. Above, green or black screening slats will be added to the solar facility perimeter fence for panel area H as determined by the Planning Manager if needed to further screen views of the solar panels from the residential structure located on Tax Map 250(12)00-005-0.
- viii. Western Boundary (adjacent to Tax Map 240(0A)00-106-A): A minimum 500-foot existing vegetative buffer. The foregoing screening requirement shall not include utility crossings which are permitted.
- ix. The species of any proposed supplemental evergreen understory plantings, such as wax myrtle, ligustrum, cherry laurel, and Russian olive (or plantings with similar screening and hardiness characteristics if availability or seasonal limitations require), shall be approved by the Planning Manager at the time of site plan approval.

The foregoing described screening is more particularly shown and depicted on the "Special Exception Plan" dated September 1, 2020, on file in the Community Development and Code Compliance Department.

## **SPECIAL EXCEPTION SE-19-12 STAFF REPORT**

- c. **Wildlife Corridors.** The applicant shall identify an access corridor for wildlife to navigate through and/or around the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing, if any, shall be kept open to allow for the movement of migratory animals and other wildlife.
  - d. **Wetlands.** The applicant shall provide a 50-foot minimum setback from all wetlands that are not located in the Chesapeake Bay Preservation Areas. Minor encroachments, for access roads, stormwater management facilities and utility lines only, excluding specifically solar panels and inverters, may be permitted within the buffer at the discretion of the Planning Manager. In instances where the buffer encroachments are proposed, equal or greater wetland buffer area(s) shall be provided elsewhere on the site as a condition of approval.
- 6. **Height of Structures.** Solar Energy Facility structures shall not exceed 10 feet; however, towers constructed for electrical lines may exceed the maximum permitted height as provided in the zoning district regulations, provided that no structure shall exceed the height of 25 feet above ground level, unless required by applicable code to interconnect into existing electric infrastructure or necessitated by applicable code to cross certain structures.
- 7. **Inspections.** The applicant will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The applicant will maintain current contact information on file with the Planning Division.
- 8. The applicant, owner or operator shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.
- 9. **Compliance.** The Solar Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.
- 10. **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 usage consistent with the Comprehensive Plan or future zoning. If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to Prince George County in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by Prince George County. This shall be known as the "Decommissioning Plan" under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following:
    - i. Anticipated life of the solar energy facility project;

## **SPECIAL EXCEPTION SE-19-12 STAFF REPORT**

- ii. The estimated cost of the decommissioning in the future as expressed in current dollars by a State licensed professional engineer;
  - iii. Method estimate was determined;
  - iv. The manner in which the project will be decommissioned; and
  - v. The name and physical address of the person or entity responsible for the decommissioning plan and a performance bond for the life of the use.
  
- b. **Surety.** Unless the solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within thirty (30) days of the project receiving its occupancy permit or equivalent from Prince George County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator, and provided to the County. If the solar energy facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate replacement surety is provided for the solar energy facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use as approved by the County Attorney.
  
- c. **Applicant/Property Owner Obligation.** Within six (6) months after the cessation of use of the solar energy facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the solar energy facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to decommission the solar energy facility within six (6) months, the property owner shall commence decommissioning activities in accordance with the decommissioning plan. Following the completion of decommissioning of the entire solar energy facility arising out of a default by the applicant or its successor, any remaining surety funds held by the County shall be distributed to the property owner.
  
- 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

## SPECIAL EXCEPTION SE-19-12 STAFF REPORT

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 Division, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, 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 Manager, 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.
11. **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 its legal counsel with a redacted version of the executed power purchase agreement or sale agreement.
12. This Special Exception shall become null and void if the use of a large-scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
13. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to cure, within 30 days after receipt of notice from the County, any non-compliance with any of the listed conditions or any provision of federal, state or local regulations.
14. The Commercial Operation Date for this solar energy facility shall be deemed the date that the solar power facilities subject to this Special Exception first supply power to the electrical grid. This Special Exception shall become null and void on the date which is forty (40) years following the Commercial Operation Date, subject to the following limitations:

## **SPECIAL EXCEPTION SE-19-12 STAFF REPORT**

- a. Should the applicant intend to continue the Special Exception, the owner/operator shall provide written notice to the Board of Supervisors to amend, renew or re-issue a new Special Exception or other permit as may then be required.



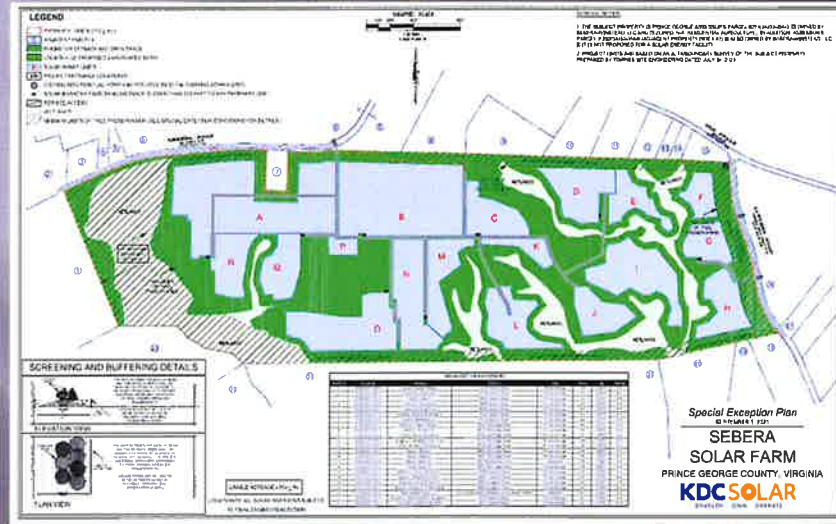
# PRINCE GEORGE COUNTY, VIRGINIA

SEPTEMBER 22, 2020

## **SE-19-12 Sebera-Winstead, LLC**

**SPECIAL EXCEPTION SE-19-12** Request of Sebera-Winstead, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District for the use of a 20 MW solar energy facility. The subject property is located along Sebera Road and Lawyers Road in the Blackwater Magisterial District on 182+/- acres and known as Tax Map 250(0A)00-054-0. The Comprehensive Plan indicates the property is suitable for residential uses.

# SE-19-12 | Sebera-Winstead, LLC

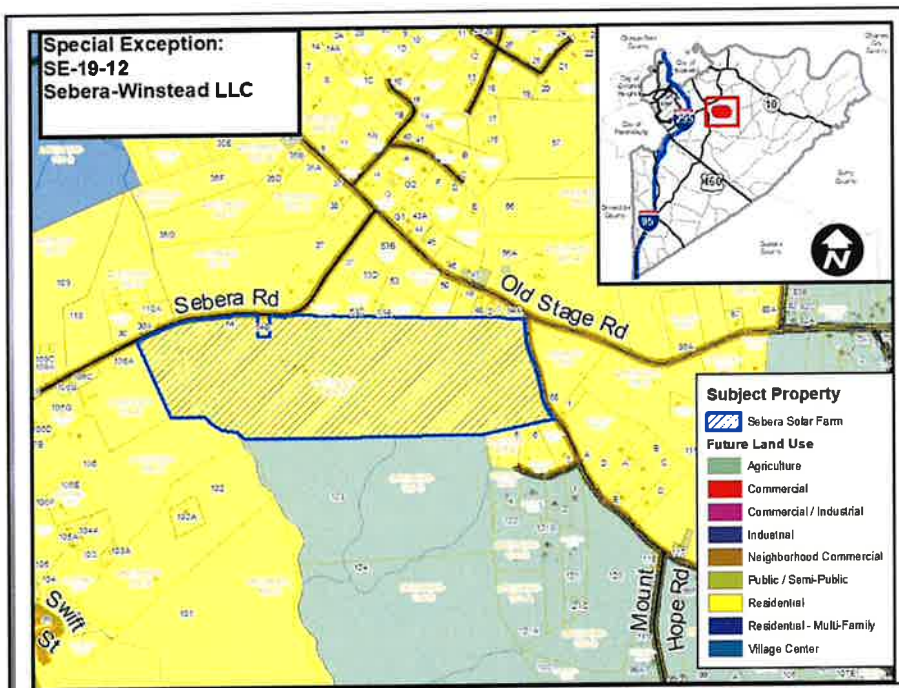
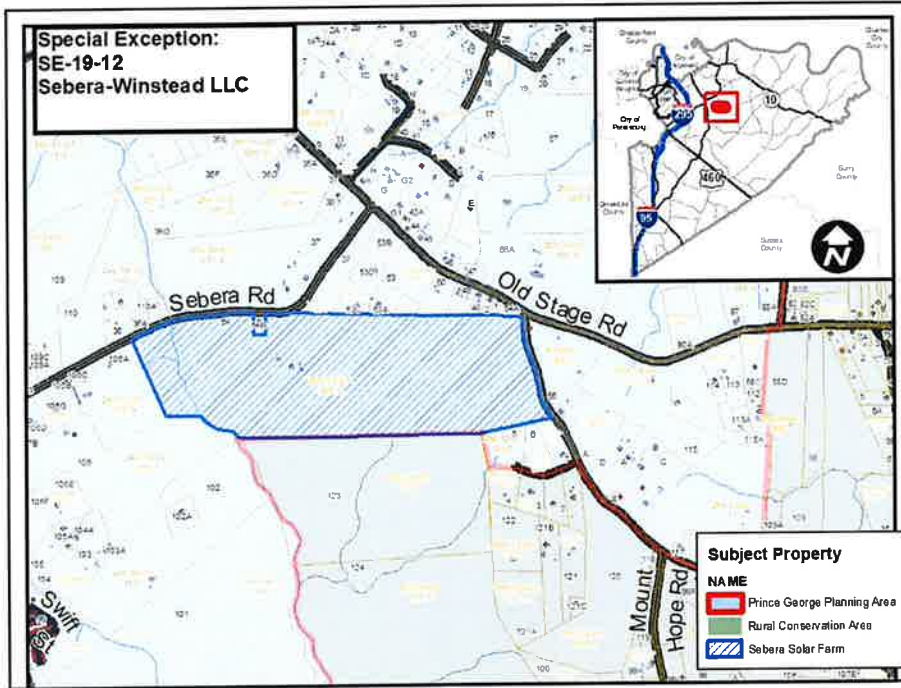


# SE-19-12 | Sebera-Winstead, LLC

## PROJECT MEETS SITING POLICY WITH THE FOLLOWING EXCEPTIONS

Solar Facility Siting Policy	County Comments
Avoid Prince George Planning Area	Project is located on the edge of the PGPA adjacent to the Rural Conservation Area
Discourage location in areas planned to serviced by public water or waste water	The development does not propose any water or sewer services
Photographic simulations illustrating facility use in relationship with surrounding properties	Applicant must provide at time of site plan
Two (2) Community Meetings	Applicant held a Community meeting in December 2019
Setbacks for solar energy facilities: 200 feet from R-A	Applicant proposes additional landscaping by supplementing existing vegetation and screening
Decommissioning Surety - Gross Costs	Applicant proposes surety for net costs. Project is 200 acres and project life is limited to 40 years.





**SE-19-12 | Sebera-Winstead, LLC**

**COMPREHENSIVE PLAN**

The Future Land Use Map indicates that request properties and surrounding properties are appropriate for Residential or Agricultural uses.

**Intent of the Future Land Use Designations:**

*Agricultural* - Includes land areas in the rural portions of the County where agricultural and forestall land uses are, and should be, the dominant land use. Large lot single family development may exist within some of these areas. Future residential development of these properties is not encouraged.

*Residential* - includes areas within the Prince George Planning Area where small lot residential development is encouraged. Public water and/or wastewater facilities are available and required for such development.

**SE-19-12 | Sebera-Winstead, LLC**

**COMPREHENSIVE PLAN**

**Relevant Comprehensive Plan Recommendations:**

1. *The Planning Commission and Board of Supervisors use the future land use map contained within the Comprehensive Plan as a general guide for determining the desired location of development.*
2. *Commercial and/or industrial developments that are approved in rural portions of the County should be small in scale and of a design character that is consistent with a rural environment.*

## SE-19-12 | Sebera-Winstead, LLC

### COMMUNITY MEETING

Community Meeting held December 3, 2019.

Primary Concerns:

- A. **Visibility of solar panels from adjoining properties**  
(Applicant response: Intent is for practical invisibility from adjoining properties and roads using existing or new visual buffers)
- B. **Possibility of declining property values as a result of the facility** (Applicant response: No reliable evidence of this)
- C. **Noise made by inverters** (Applicant response: Noise from inverters only during the day and inaudible from 100-150 feet distance)
- D. **Environmental contamination and radiation from the facility** (Applicant supplied a response)
- E. **Who is responsible for maintaining buffers and screening for the life of the project?** (Applicant response: Operator of facility)

## SE-19-12 | Sebera-Winstead, LLC

### COMMUNITY INPUT

Community Meeting:

The applicant held an informational meeting December 3, 2019.

Public Notice:

Twenty-three (23) adjacent property owners were notified by mailing on 1/13/20.

A legal ad was run for the request on 1/8/20 and 1/15/20.

Public Comments:

Concern for wildlife and visibility of solar panels

No solar panels in neighborhood

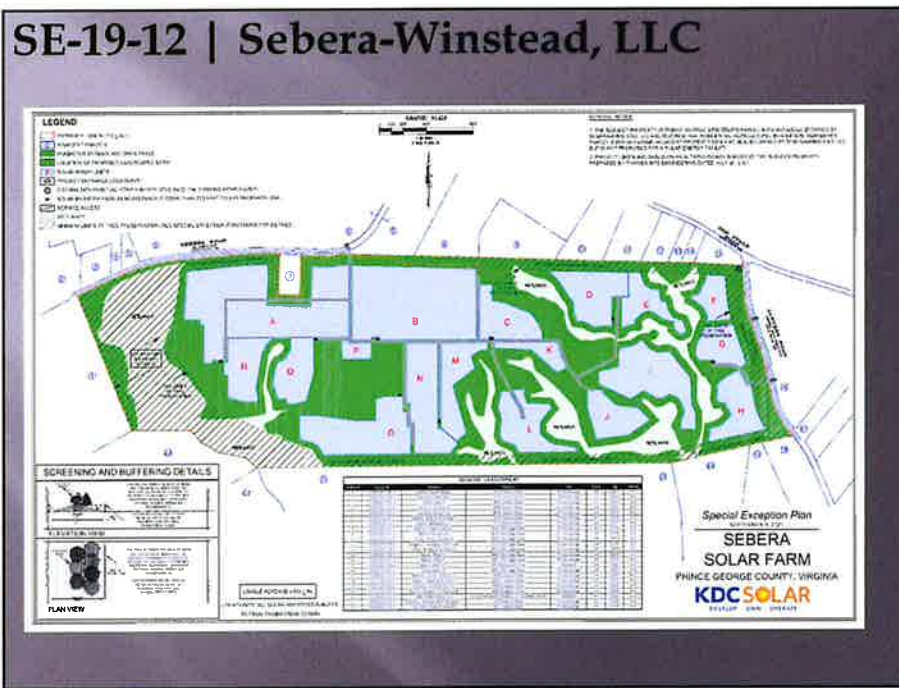
Would rather see solar farm over residential development

Public Hearing:

Planning Commission Public Hearing held on January 23, 2020



## SE-19-12 | Sebera-Winstead, LLC



## SE-19-12 | Sebera-Winstead, LLC

### SETBACKS & SCREENING

- Some setbacks are less than 200 ft but not less than 100 feet (increase in setback would render project not feasible)
- Applicant offers a substantial increase in requirement for buffers (100 ft - 500 ft in buffers) according to schematic plan.

**SE-19-12 | Sebera-Winstead, LLC**

**RECOMMENDATION**

Planning Commission recommended Approval 7-0 at their February 27, 2020 meeting based on the recommended solar facility siting policy

**Staff Recommends approval subject to the revised conditions**

Staff has proposed recommended conditions to ensure this use complies with the Solar Facility Policy, minimizes the impact on surrounding property owners, and ensures the use complies with all applicable local, state and federal requirements.

Board of Supervisors  
County of Prince George, Virginia

Ordinance

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 22<sup>th</sup> day of September, 2020:

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Present:

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

Vote:

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SPECIAL EXCEPTION SE-19-12: Request of Sebera-Winstead, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District for the use of a 20 MW solar energy facility. The subject property is located along Sebera Road and Lawyers Road in the Blackwater Magisterial District on 182+/- acres and known as Tax Map 250(OA)00-054-0.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-19-12 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for a large-scale solar energy facility use to Sebera-Winstead, LLC and is located on Tax Map 250(OA)00-054-0. This Special Exception may be transferred provided that Condition 10(b) is met relative to the proper surety.
2. Payment of all rollback taxes for the parcel subject to this Special Exception and enrolled in the Land Use program shall be a pre-condition of the County's issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility.
3. 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 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, and any necessary repairs to the public roads that are required as a result of any damage from the solar energy facility construction and/or expansion. All VDOT permits must be received and be approved by VDOT prior to site construction occurring on the premises.
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  - iv. Fencing. The applicant shall install temporary security fencing prior to the commencement of construction activities occurring on the solar energy facility (excluding clearing and grading) and may be phased.
  - v. Lighting. During construction of the solar energy facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties.
- b. Construction Mitigation Plan. The applicant shall prepare a Construction Mitigation Plan for each applicable site plan for the solar energy facility to the satisfaction of the Planning Division. Each plan shall address, at a minimum:
  - i. The effective mitigation of dust. All construction roads and construction areas shall remain dust-free by the use of a water truck or other approved method to keep sediment on the premises and not be of a general nuisance to the adjoining property owners during site construction and/or site expansion for a solar energy facility.

- ii. Burning operations.
  - iii. Hours of construction. All pile driving shall be limited to eight (8) daily during the hours from sunrise to sunset Monday through Saturday. No Sunday pile driving shall occur during site construction, expansion, or operation of the facility. All other normal on-site construction activity is permitted Monday through Sunday in accordance with the provisions of the County Noise Ordinance, as amended from time to time, and as enforced by the Prince George County Police Department.
  - iv. Access and road improvements.
  - v. General construction complaints.
- c. Grading Plan. The solar energy facility shall be constructed in compliance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities in coordination with the Erosion and Sediment Control Plan. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. An E&S bond 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 slopes greater than fifteen (15) percent except where required for access roads and enhancement of natural topographic features for stormwater management;
  - 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;
  - 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 stockpiled on-site to be later used 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 Commercial Operation date, as defined in Section 14 below.
  - 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. Use of synthetic herbicides to control and maintain groundcover post-construction shall not be permitted.
- e. The design, installation, maintenance, and repair of the solar energy facility shall be in accordance with the most current National Electrical Code (NFPA 70).

#### 4. Operations.

- a. Permanent Security Fence. The applicant shall install a permanent security fence, consisting of chain link 2-inch square mesh, (or comparable fencing) a minimum of 6 feet in height, around the Solar Facility prior to the commencement of operations of the Solar Energy Facility. Failure to maintain the fence in a good and functional condition after the expiration of the below described cure period will result in revocation of the special exception.
- b. Lighting. Any on-site lighting shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
- c. Noise. Daytime noise generated by the facility post-construction will be under an average of 67 dBA per day, measured at the property line, throughout the day with no noise emissions at night. However, the operator may seek temporary waivers from the Planning Division for specific repair or maintenance needs which waivers may be granted by the Planning Division at discretion.
- d. Ingress/Egress. Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.

- e. All newly installed utilities including, but not limited to, electric, fiber, cable, and telephone lines serving the site which are visible from the ground-level view of adjacent properties zoned residential or agricultural, and public rights-of-ways, shall be screened from view or shall be placed underground, unless (i) such utilities are placed on existing above-ground utility infrastructure, (ii) above-ground installation is required by the utility company, or (iii) prohibited by the state or federal agency regulating them.
- f. All solar energy facility structures, racks, and associated facilities shall have a non-reflective finish or appearance. Silicon-based, or similar panels shall be used; cadmium-based panels are prohibited. The solar collectors shall be designed to maximize absorption and minimize glare outward towards adjoining properties and upward towards military and general aviation aircraft or other similar aircraft. Vehicles traveling on adjoining state-maintained roads shall also be protected from potential glare, including elevated tractor trailer cabs.

5. Buffers.

a. Setbacks.

- i. Eastern Boundary Setback. A minimum 150-foot setback along the eastern boundary of the property shall be maintained from a principal Solar Energy Facility structure to the edge of the public right-of-way.
- ii. Northern Boundary Setback. A minimum 100-foot setback along the northern boundary of the property shall be maintained from the principal Solar Energy Facility to the edge of the public right-of-way or adjacent property lines, as applicable.
- iii. Southern Boundary Setback. A minimum 100-foot setback along the southern boundary of the property shall be maintained from the principal solar energy facility to adjacent property lines.
- iv. Western Boundary Setback. A minimum 500-foot setback area along the western boundary of the property adjacent to Tax Map 240(0A)00-106-A shall be maintained from the principal solar energy facility to adjacent property lines.

- v. A minimum 200-foot setback from all exterior property lines shall be required for placement of all inverters associated with the solar energy facility.

The foregoing described setbacks are more particularly shown and depicted on the Special Exception Plan dated September 1, 2020, on file in the Community Development and Code Compliance Department. Erosion and sediment control features and stormwater management features are permitted within the described setback areas.

b. Screening.

- i. Eastern Boundary: A minimum 150-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if panel areas F, G and H depicted hereon are developed for solar arrays and if determined by the Planning Division to be necessary to screen views of the solar panels from Lawyers Road. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.
- ii. Northern Boundary (from Lawyers Road to western boundary line of Tax Map 250(0A)00-053-A): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Division to be necessary to screen views of the solar panels from adjacent residential properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- iii. Northern Boundary (from western boundary line of Tax Map 250(0A)00-053-A to intersection of western boundary line of Tax Map 250(0A)00-054-B and Sebera Road): A landscaped berm approximately 4.5-foot tall planted with evergreen trees/shrubs (min. 2' at planting) as depicted on the screening and buffering detail on the "Special Exception Plan" dated September 1, 2020, on file in the Community Development and Code Compliance Department. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.

- iv. Northern Boundary (from intersection of western boundary line of Tax Map 250(0A)00-054-B and Sebera Road to western boundary line of property): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Division to be necessary to screen views of the solar panels from Sebera Road. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.
- v. Southern Boundary (from Lawyers Road to western boundary line of Tax Map 250(12)00-005-0): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Division to be necessary to screen views of the solar panels from adjacent residential properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- vi. Southern Boundary (from western boundary line of Tax Map 250(12)00-005-0 to southern boundary line of Tax Map 240(0A)00-106-A): A minimum 75-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Division to be necessary to screen views of the solar panels from adjacent properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- vii. Southern Boundary: In addition to the screening described in vi. Above, green or black screening slats will be added to the solar facility perimeter fence for panel area H as determined by the Planning Manager if needed to further screen views of the solar panels from the residential structure located on Tax Map 250(12)00-005-0.
- viii. Western Boundary (adjacent to Tax Map 240(0A)00-106-A): A minimum 500-foot existing vegetative buffer. The foregoing screening requirement shall not include utility crossings which are permitted.

- ix. The species of any proposed supplemental evergreen understory plantings, such as wax myrtle, ligustrum, cherry laurel, and Russian olive (or plantings with similar screening and hardiness characteristics if availability or seasonal limitations require), shall be determined by the Planning Division at the time of site plan approval.

The foregoing described screening is more particularly shown and depicted on the "Special Exception Plan" dated September 1, 2020, on file in the Community Development and Code Compliance Department.

- c. **Wildlife Corridors.** The applicant shall identify an access corridor for wildlife to navigate through and/or around the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing, if any, shall be kept open to allow for the movement of migratory animals and other wildlife.
  - d. **Wetlands.** The applicant shall provide a 50-foot minimum setback from all wetlands that are not located in the Chesapeake Bay Preservation Areas. Minor encroachments, for access roads, stormwater management facilities and utility lines only, excluding specifically solar panels and inverters, may be permitted within the buffer at the discretion of the Planning Manager. In instances where the buffer encroachments are proposed, equal or greater wetland buffer area(s) shall be provided elsewhere on the site as a condition of approval.
6. **Height of Structures.** Solar Energy Facility structures shall not exceed 10 feet; however, towers constructed for electrical lines may exceed the maximum permitted height as provided in the zoning district regulations, provided that no structure shall exceed the height of 25 feet above ground level, unless required by applicable code to interconnect into existing electric infrastructure or necessitated by applicable code to cross certain structures.
  7. **Inspections.** The applicant will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The applicant will maintain current contact information on file with the Planning Division.
  8. The applicant, owner or operator shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel

responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.

9. Compliance. The Solar Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.

10. 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 usage consistent with the Comprehensive Plan or future zoning. If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to Prince George County in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by Prince George County. This shall be known as the "Decommissioning Plan" under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following:

i. Anticipated life of the solar energy facility project;

ii. The estimated cost of the decommissioning in the future as expressed in current dollars by a State licensed professional engineer;

iii. Method estimate was determined;

iv. The manner in which the project will be decommissioned;  
and

v. The name and physical address of the person or entity responsible for the decommissioning plan and a performance bond for the life of the use.

b. Surety. Unless the solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within thirty (30) days of the project receiving its occupancy permit or equivalent from Prince George County to

operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator, and provided to the County. If the solar energy facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate replacement surety is provided for the solar energy facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use as approved by the County Attorney.

- c. Applicant/Property Owner Obligation. Within six (6) months after the cessation of use of the solar energy facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the solar energy facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to decommission the solar energy facility within six (6) months, the property owner shall commence decommissioning activities in accordance with the decommissioning plan. Following the completion of decommissioning of the entire solar energy facility arising out of a default by the applicant or its successor, any remaining surety funds held by the County shall be distributed to the property owner.
- 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 Division, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, 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.
11. **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 its legal counsel with a redacted version of the executed power purchase agreement or sale agreement.



12. This Special Exception shall become null and void if the use of a large-scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
13. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to cure, within 30 days after receipt of notice from the County, any non-compliance with any of the listed conditions or any provision of federal, state or local regulations.
14. The Commercial Operation Date for this solar energy facility shall be deemed the date that the solar power facilities subject to this Special Exception first supply power to the electrical grid. This Special Exception shall become null and void on the date which is forty (40) years following the Commercial Operation Date, subject to the following limitations:
  - a. Should the applicant intend to continue the Special Exception, the owner/operator shall provide written notice to the Board of Supervisors to amend, renew or re-issue a new Special Exception or other permit as may then be required.

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Adopted on September 22, 2020 and becoming effective immediately

SE-19-12 Sebera Solar Farm Compliance with Solar Facility Siting Policy

Solar Facility Siting Policy	Applicant Addresses	County Comments
Discussed standards with County Planning Division prior to application	✓	
Avoid Prince George Planning Area	X	Project is located on the edge of the PGPA adjacent to the Rural Conservation Area
Discourage location in areas planned to be serviced by public water or waste water	X	The development does not propose any water or sewer services. Should the development require water and/or sewer services, it will be required to install public facilities in accordance with the current Water & Wastewater Master Plan.
Mass grading of sites limited to the greatest extent possible	✓	Condition #3c
Avoid recreational, cultural, and historic resources	✓	
Site groundcover to consist of native ground cover; Turf grass not allowed	✓	Condition #3d(ii)
Use of synthetic herbicides shall not be permitted	✓	Condition #3d(iii)
Wildlife corridors considered in layout	✓	Condition #5c
Development on wetlands or other valuable habitats avoided or minimized the greatest extent possible	✓	Condition #5d
Schematic layout of proposed site with location of panels and buffers	✓	
Buffering, screening, fencing and landscaping schematics with sufficient details	✓	
Photographic simulations illustrating facility use in relationship with surrounding properties	X	Applicant must provide at time of site plan
Written verification that all required submittals to the State Corporation Commission have been submitted for solar energy facility use	✓	
Written verification that the applicant is working with DEQ toward obtaining Solar Permit by Rule approval	✓	
Documentation justifying need for on-site substation	X	No substation proposed

SE-19-12 Sebera Solar Farm Compliance with Solar Facility Siting Policy

Solar Facility Siting Policy	Applicant Addresses	County Comments
Written comments from the relevant electric company regarding capacity of the transmission lines	✓	
Redacted offtake agreement, power purchase agreement of other documentation that identifies a clear path to an off taker of the electricity generated from the project	✓	Required at building permit. Addressed in Condition #11
Evaluation of fiscal impacts to the County for the proposed land use in comparison with the current land use and comprehensive plan future land use	✓	
Dismantle and removal of facility within six (6) months	✓	
All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance. Silicon based, or similar panels shall be used; cadmium-based panels are prohibited. Solar collectors shall be designed to maximize absorption and minimize glare outward toward adjoining properties and upward toward military and general aviation aircraft or other similar aircraft. Vehicles travelling on adjoining interstate and state-maintained roads shall also be protected from potential glare, including elevated tractor trailer cabs	✓	Condition #4f
Two (2) Community Meetings for property owners within one-mile radius of the project; Advertised in newspaper; Applicant to provide summary of input received within two (2) weeks after the second community meeting	X	Applicant held a Community meeting on December 2019 and met Department policy at the time of the Community meeting
Minimum aggregate parcel size is seventy (70) acres	✓	Parcel is 182+ acres
Height of structures shall generally be fifteen (15) feet	✓	Structures are limited to 10 feet, but towers for electrical lines are limited to 25 feet
All newly installed utilities (including but not limited to: electric, fiber, cable and telephone lines serving the site) which are visible from the ground-level view of adjacent properties zoned residential, agricultural and/or PUD, dwellings not owned by the owner of the subject property, and public rights-of-ways, shall be screened from view or shall be placed underground, unless prohibited by the state/federal agency regulating them	✓	Condition #4e

SE-19-12 Sebera Solar Farm Compliance with Solar Facility Siting Policy

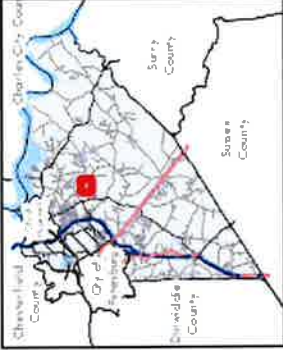
Solar Facility Siting Policy	Applicant Addresses	County Comments
<p>The facilities, including fencing shall be significantly screened from the ground-level view of adjacent properties and rights-of-way. A vegetated buffer zone within the setback area of at least fifty (50) feet in width shall be maintained, with plant materials unless existing vegetation or natural land forms on the site provide such screening materials or effect</p>	<p>✓</p>	<p>Condition #5b</p>
<p>Lighting shall be the minimum necessary for safety and/or security purposes and shall use shielded fixtures to minimize off-site glare toward public rights of way</p>	<p>✓</p>	<p>Condition #4b</p>
<p>Setbacks for solar energy facilities should comply with the following minimum setbacks: i) 300 feet from residentially-zoned property, 200 feet from R-A, ii) 100 feet from all other exterior property lines, iii) Inverters located 200 feet from exterior property lines, iv) Substations located 500 feet from exterior property lines</p>	<p>X</p>	<p>Applicant proposes additional landscaping and screening as application of policy setback requirements would render the project no longer feasible.</p>
<p>Landscape 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, 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</p>	<p>✓</p>	
<p>Site Plan Requirements: a) Construction Management Plan, b) Construction Mitigation Plan, c) Grading Plan, d) Solar Facility Screening and Vegetation Plan, e) design, installation, maintenance and repair of the solar energy facility shall be in accordance with the most current National Electrical Code (NFPA 70)</p>	<p>✓</p>	<p>Condition #3</p>
<p>Operations: a) Permanent Security Fence, b) Lighting, c) Noise, d) Ingress/Egress, e) Utilities, f) Energy facility structures</p>	<p>✓</p>	<p>Condition #4</p>

SE-19-12 Sebera Solar Farm Compliance with Solar Facility Siting Policy

Solar Facility Siting Policy	Applicant Addresses	County Comments
Decommissioning: a) Decommissioning Plan, b) Surety (gross costs), c) Applicant/Owner Obligation, d) Applicant/Owner Default, e) Equipment/Building Removal, f) Infrastructure Removal, g) Partial Decommissioning	X	Condition #10: Surety (net costs) proposed as the project is approximately 200 acres and the project life is limited to 40 years (Condition 14)
Roll Back Taxes	✓	Condition #2
Coordination of local emergency services	✓	Condition #8



# County of Prince George



- Legend**
- Schools
  - Firestations
  - Political Boundaries
  - Taxparcels
  - Access Easements
  - Swamps

Notes



The information contained in this data should not be used as a "legal description". Map information is believed to be accurate, but accuracy is not guaranteed.  
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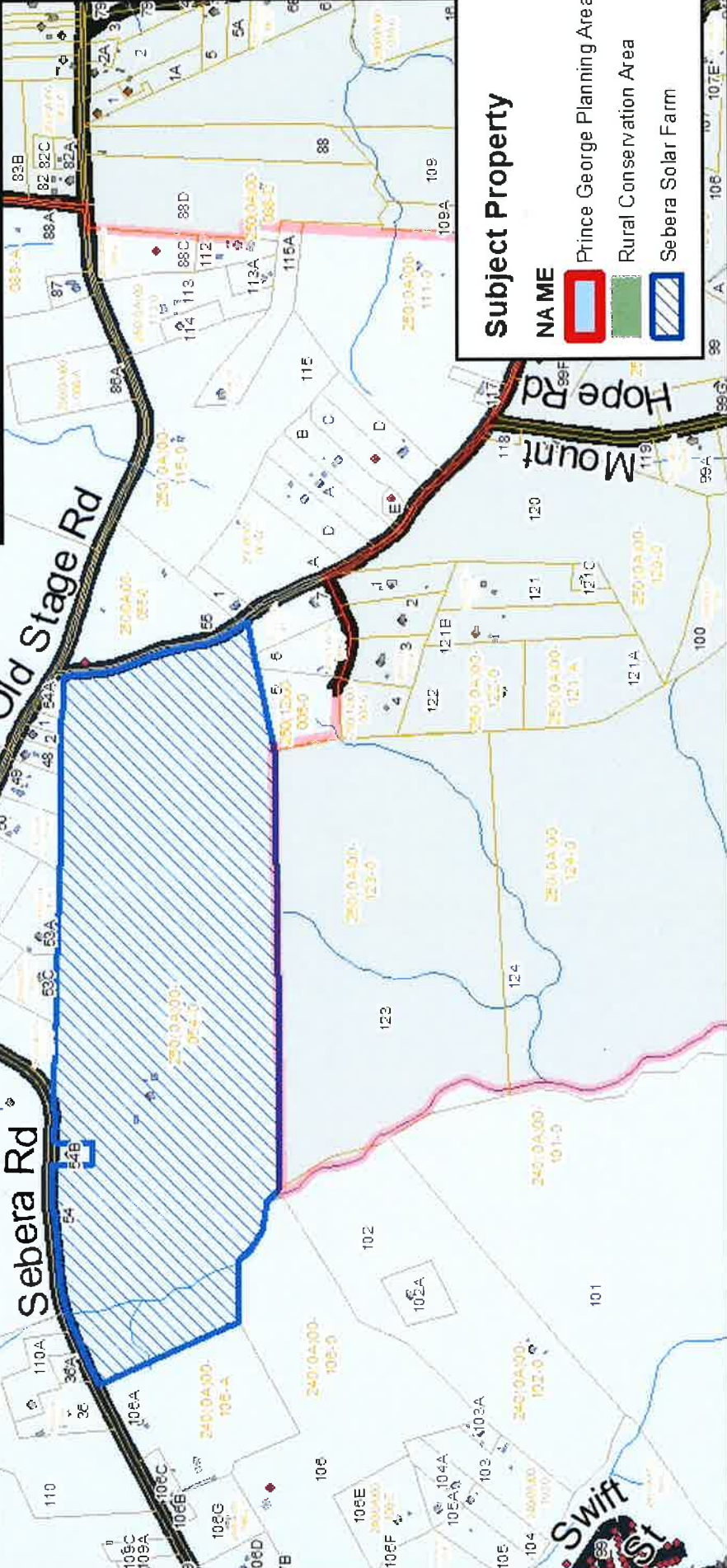
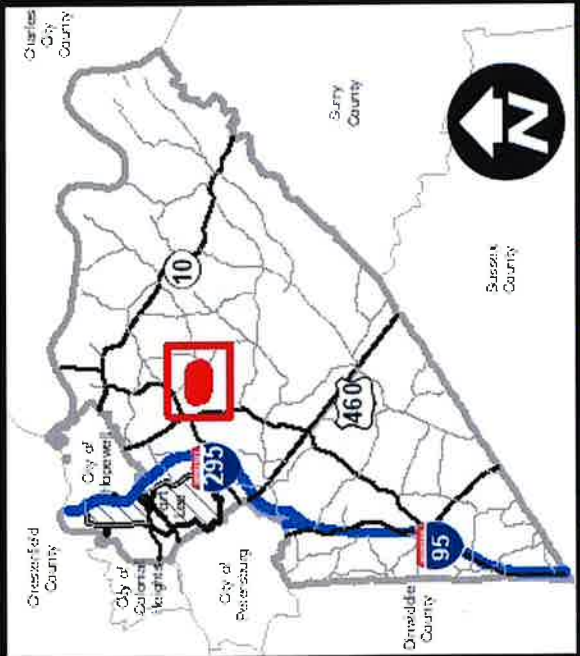


Map Scale 1: 9,379  
 1/23/2020





**Special Exception:  
SE-19-12  
Sebera-Winstead LLC**

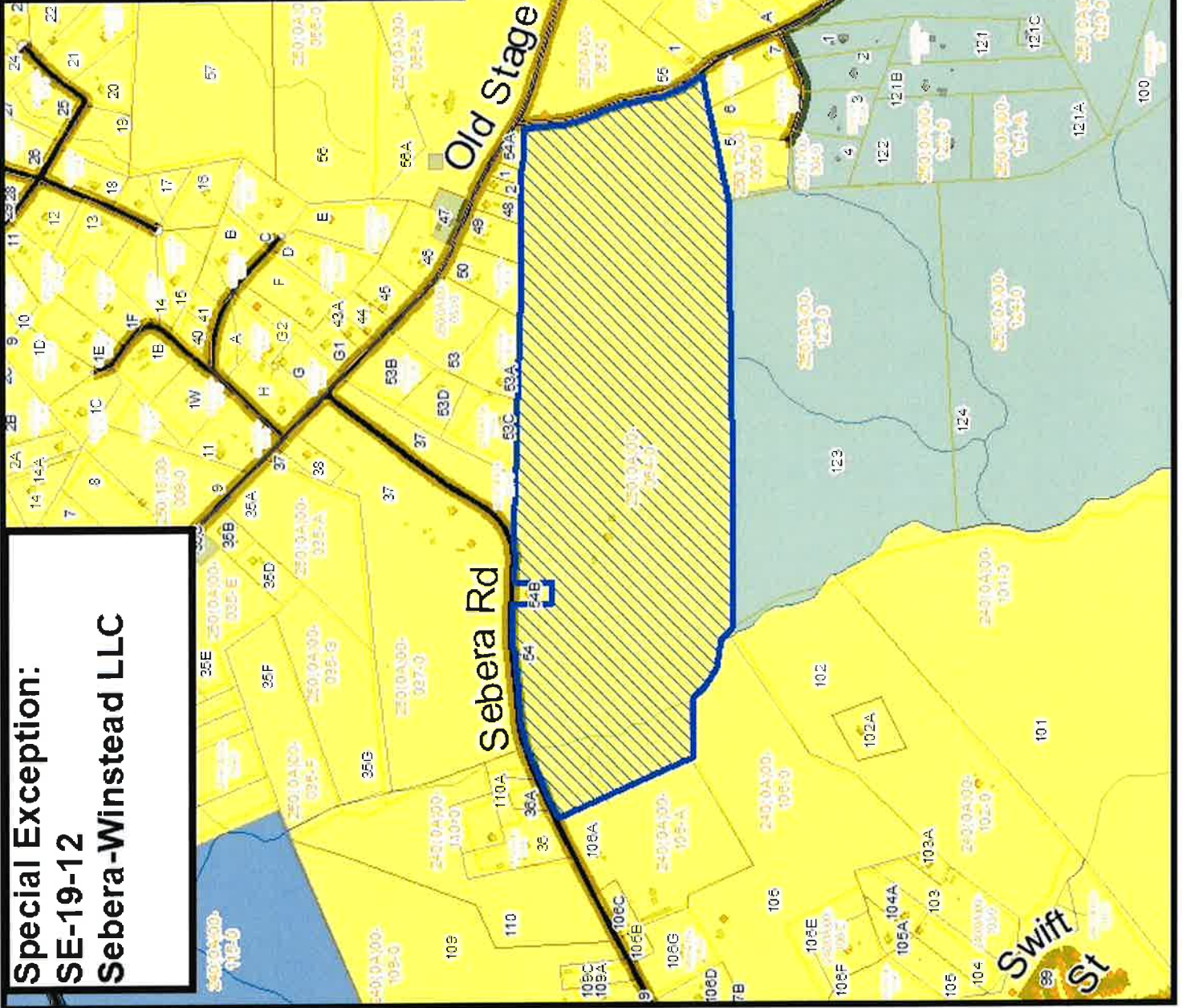
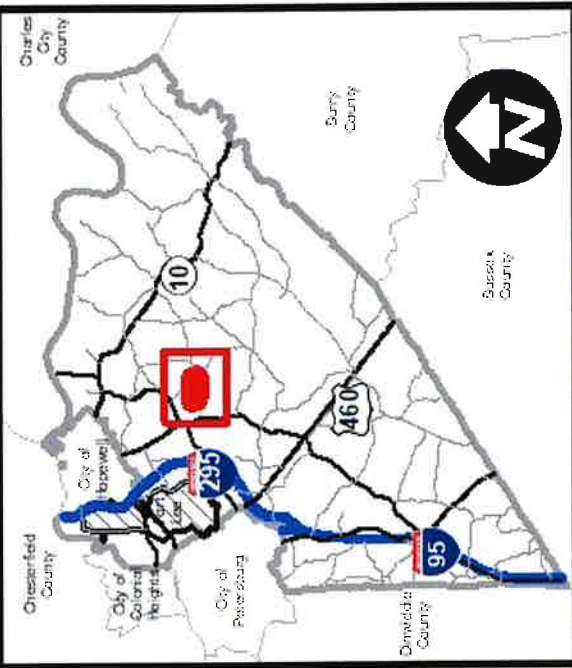


**Subject Property**

NAME	Symbol
Prince George Planning Area	[Red outline]
Rural Conservation Area	[Green fill]
Sebera Solar Farm	[Blue outline]



**Special Exception:  
SE-19-12  
Sebera-Winstead LLC**



**Subject Property**

Sebera Solar Farm

**Future Land Use**

- Agriculture
- Commercial
- Commercial / Industrial
- Industrial
- Neighborhood Commercial
- Public / Semi-Public
- Residential
- Residential - Multi-Family
- Village Center



# APPLICATION FOR SPECIAL EXCEPTION - CONDITIONAL USE PERMIT

Department of Community Development and Code Compliance  
6602 Courts Drive  
Prince George, VA 23875  
Planning Division (804) 722-8678  
[www.princegeorgecountyva.gov](http://www.princegeorgecountyva.gov)

OFFICE USE ONLY

APPLICATION #:

SE-19-12

DATE SUBMITTED:

DEC 12 2019

ZONING ORDINANCE

SECTION:

(PLEASE FILL-IN ALL BLANKS)

GENERAL PROPERTY INFORMATION

LEGAL OWNER(S) OF PROPERTY REQUESTED FOR PERMIT:

Sebera-Winstead, LLC

ADDRESS:

4029 Ironbound Road, Suite 100

CITY: Williamsburg

STATE: VA

ZIP CODE: 23199

PHONE NUMBER: (757) 220-2874

E-MAIL ADDRESS: mrinaldi@bushcos.com

TAX MAP OF SUBJECT PARCEL: 250(OA)00-054-0

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

DEED BOOK 08 PAGE 129 Date 1/9/08 DEED RESTRICTIONS: None

ACREAGE: 212 +/-

PARTIAL PARCEL:  
 YES  NO

SUBDIVISION: N/A

PRESENT USE: Farm and Forest

ZONING CLASSIFICATION

LAND USE CLASSIFICATION: Residential

PRESENT ZONING: R-A, Residential Agriculture

OWNER AGENT/REP

AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST):

NAME: Timothy O. Trant, Kaufman and Canoles, PC

ADDRESS: 4801 Courthouse Street, Suite 300

CITY: Williamsburg

STATE: VA

ZIP CODE: 23188

PHONE NUMBER: (757) 259-3823

E-MAIL: totrant@kaufcan.com

PROJECT DESCRIPTION

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (ATTACH A SEPARATE LETTER IF NECESSARY)

See Attached Narrative

AFFIDAVIT

A. The undersigned (1) Property Owner or (7) duly authorized agent or representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

SIGNED: [Signature] DATE: 12/10/2019  
MAILING ADDRESS: 4029 Ironbound Road, Suite 100  
CITY/STATE/ZIP: Williamsburg, Virginia 23188  
PHONE NUMBER: (757) 220-2874  
E-MAIL ADDRESS: mrinaldi@bushcos.com



STATE BELOW THE NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) TO BE CONTACTED REGARDING THIS APPLICATION IF OTHER THAN ABOVE PERSON(S):

NAME: None  
MAILING ADDRESS: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
E-MAIL ADDRESS: \_\_\_\_\_

STATE OF VIRGINIA

COUNTY OF: JAMES CITY

Subscribed and sworn before me this 10<sup>TH</sup> day of DECEMBER, 2019.

[Signature: Marianne G. Yoder]  
Notary Public

My Commission expires: 31 Jan, 2020

AFFIDAVIT



Applicant  
Submission  
Sebera-Winstead, LLC



## Proposed Sebera Solar Project Narrative

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### Project Overview

Sebera-Winstead, LLC, (Applicant) as owner of tax assessor's parcel 250(0A)000-054-0, is applying for a Special Exception for a proposed solar energy facility at 9209 Sebera Road. KDC Solar Sebera, LLC has entered into an Option Agreement with the Applicant for the future development and construction of the solar energy facility on the subject property.

The 20MW (AC) renewable energy facility will be constructed on portions of an approximately 212 ± acre parcel of land currently zoned R-A, Residential Agriculture. The currently vacant property is comprised of approximately 20 acres of farmland and the balance of the property is in forestry use.

### Planning Context

The subject property is located immediately inside the boundaries of the current Prince George Planning Area and directly abuts the Rural Conservation Area. The Planning Area is the County's designated long-term growth area; the Rural Conservation Area is intended for conservation and preservation objectives.

The Prince George Planning Area was reduced in size from an earlier comprehensive plan because the Crater PDC determined that the reduced area could support over 70 years of anticipated residential growth in the County under current zoning. A proposed solar energy facility at this location would have a projected life of 35-40 years, or roughly half the timeframe over which currently zoned parcels can support the growth projected for Prince George during that time.

Within the Prince George Planning Area, over 2,300 acres of R-1 zoned land existed as of the last Comprehensive Plan adoption. Should the County deem it appropriate to selectively rezone some portion of the existing R-1 parcels to greater density with R-2 or R-3 zoning, in response to landowner requests or as part of a strategic planned growth management initiative, substantially more than 70 years of anticipated growth can be accommodated in the Planning Area.

As such, there remains a substantial reserve of lands in locations more suitable for near-term residential development because of utility infrastructure availability, roadway capacity and proximity to essential public and private services and amenities that are preferred areas for near-future rezoning to more intensive, compact development. The Applicant believes the subject property, while located just inside the Prince George Planning Area and someday suitable for residential development, is not ripe for residential development at this time. The interim use of the property for a solar generation facility will preserve the property for future residential

development at some future date without unduly limiting practical options for more near-term residential development elsewhere within the Prince George Planning Area.

### **Site Context**

The subject property is generally rectangular in shape, ranging in elevation from 108 feet above MSL to 150 feet MSL over several hundreds of feet, and can be characterized as predominantly moderately sloping land with a series of broad ridges and intervening broad ravines. In many cases, the lowest elevations of these ravines contain jurisdictional wetlands. Avoidance and minimization of impacts to these wetland areas is the central organizing principal for how the solar panel arrays are distributed across the site.

The largest single natural feature of the site is the North Fork of the Blackwater Swamp, a matrix of wetlands, small ponds and upland areas comprising the western portion of the property. There will be no disturbance to this natural area whatsoever.

The Virginia Department of Forestry prepared a Forest Stewardship Plan for the subject property. This plan identifies the predominant forest stand “tract”, over 130 acres, as natural pine-hardwood, most recently clear cut in 2007. Tree quality across most of the property is characterized as poor to moderate with moderate wildlife habitat characterization. This area is deemed overstocked, meaning there are significantly more trees per acre (+ 600 trees) than recommended. The advantage is that the existing vegetation retained along perimeter buffers is more dense and provides a better screen than would ordinarily be the case for existing stands of pine in this area.

The remainder of forested areas outside of the Blackwater Swamp are identified as pine plantation and natural pine stands of moderate quality and moderate wildlife habitat and are recommended for clear cut. Removal of trees for this project across the site will be the minimum necessary to allow for construction staging, accessways, stormwater management, solar panel arrays, inverters and panel shading mitigation.

### **Project Description**

The proposed 20MW solar generation facility will involve the placement of approximately 86,000 photovoltaic panels across approximately 150 acres of the site, leaving roughly 60 acres of buffer area. Total construction time is projected at 8 to 10 months, depending on seasonal impacts of weather and daylight hours. Capital expenditures for the construction of this project are estimated at \$35-40 million.

The panel arrays will be mounted on fixed-tilt structures made of galvanized steel. As fixed-tilt panel arrays, there will be no moving parts and no noise involved in the deployment of photovoltaic panels on the land. The panel arrays will not exceed 0 feet in height. Associated electrical equipment, including DC to AC electric inverters and miscellaneous control and instrument panels will be located in the interior portions of the site. Inverters will in no instance be located closer than 150 feet from any perimeter property line.

It is contemplated that up to three small pre-fabricated sheds (approximately 10 feet maximum height) will be located on the property to store various maintenance equipment, replacement parts and supplies. Total impervious ground surface is projected to be on the order of 5% of the total panel array area. Stormwater management for quantity control will comply with applicable State and County requirements. Water quality controls, as or if required, are expected to be met fully by on-site open space offsets. Final engineering will conform to all applicable building, electrical, fire-protection and safety codes.

The area encompassing the solar facility will be ringed with a minimum 6-foot high security fence, with as many as three (3) vehicular entry gates as depicted on the Special Exception Plan. The primary vehicular access point will be on Sebera Road; up to two additional vehicular access points may also be located on Lawyers Road. Personnel gates at multiple locations throughout the facility may be considered for operational safety and maintenance convenience. Personnel can be expected to be on-site one to three times per month, performing routine inspections, maintenance and repairs as needed.

Ordinance required setbacks are a minimum of 50-feet. A 50-foot setback is provided around the perimeter of parcel 250-(0A)00-054-B (9115 Sebera Road), which property is owned by the Applicant. For all other areas of the site, no structures will be located closer than 75 feet from adjacent properties and public rights-of-way. In many areas of the site, setbacks will exceed 100, 150 and 500 feet from the property line, as shown on the Special Exception Plan.

Screening of the solar panel arrays and inverters from adjacent properties and public rights-of-way will be accomplished by any one or a combination of methods that achieves a substantially mitigated viewshed from adjacent rights-of-way and residential dwellings. Substantially mitigated shall not be interpreted to mean that screening will create a completely impenetrable visual barrier at planting or over time. Screening will be provided either by the existing vegetation to be preserved and maintained within perimeter buffers with such supplemental understory planting as needed, by the planting of evergreen shrubs and/or trees, by the installation of an earthen berm of sufficient height to block views or by any combination of these methods. Installation and maintenance of screening meeting these standards shall be the responsibility of the licensed facility operator and shall be maintained for the duration of the solar energy facility's operation and decommissioning.

The photovoltaic panel arrays will generate electricity during daylight hours only. Because solar panels are designed to absorb sunlight, glare is not an issue in their deployment. The facility will operate year-round, distributing its electricity as AC current to the Dominion Energy overhead distribution powerlines serving the site and surrounding properties generally in the location shown on the Special Exception Plan, or at such other location as Dominion Energy may require. No outdoor lighting is proposed; should emergency repairs or unscheduled maintenance require night-time operations, temporary lighting will be deployed to the site and removed immediately upon completion of the work.

The operation of a solar generating facility is a passive use of the property. It is clean, quiet, generates extremely low traffic once operational and adds no new students to the County's school system. No water is consumed in the ongoing operation of the facility and no air emissions are created. There is no impact to the County's essential infrastructure such as sewer, water, roadways, fire, rescue and police services. Property taxes will increase over the life of the project; roll back taxes owed and payable from the conversion of the current land use valuation to a solar energy generation facility will be paid prior to the County's issuance of a land disturbance permit.

As an interim use for this property, the underlying land will be protected and preserved for possible future development consistent with the County's Comprehensive Plan and other growth management strategies, policies and guidance. The facility owner/operator will post a surety for the removal of the facility panels, inverters and underground and overhead wiring on the site. This decommissioning will occur when the facility's useful life has ended, at which time the property can be considered for other uses, including farming, forestry, residential development or other uses deemed appropriate by the County at that time.



**LEGEND**

- PROPERTY LIMITS (212 ± Ac.)
- ADJACENT PARCELS
- PERIMETER SETBACK AND OPEN SPACE
- LOCATION OF PROPOSED LANDSCAPED BERM
- SOLAR ARRAY LIMITS
- PROJECT ENTRANCE LOCATION(S)
- DISTRIBUTION POINT (AC POWER INTRODUCED INTO THE EXISTING POWER GRID)
- SOLAR INVERTER PADS (IN NO INSTANCE CLOSER THAN 200 FEET TO ANY PROPERTY LINE)
- SERVICE ACCESS
- WETLANDS
- MINIMUM LIMITS OF TREE PRESERVATION (SEE SPECIAL EXCEPTION CONDITIONS FOR DETAILS)

**GENERAL NOTES:**

1. THE SUBJECT PROPERTY IS PRINCE GEORGE ASSASSOR'S PARCEL #2600A0000564, IS OWNED BY SEBERA WINSTEAD, LLC AND IS ZONED R-4 RESIDENTIAL AGRICULTURE. IN ADDITION, ASSASSOR'S PARCEL # 2500A000054-B (ADJACENT PROPERTY INDEX #71) IS ALSO OWNED BY SEBERA-WINSTEAD, LLC BUT IS NOT PROPOSED FOR A SOLAR ENERGY FACILITY.
2. PROJECT LIMITS ARE BASED ON AN ALTA BOUNDARY SURVEY OF THE SUBJECT PROPERTY PREPARED BY TOWNES SITE ENGINEERING DATED JULY 28, 2020.

**GRAPHIC SCALE**



**SCREENING AND BUFFERING DETAILS**

**ELEVATION VIEW**

**PLAN VIEW**

THE AREA BETWEEN THE BACK OF BERM AND THE PROPERTY LINE SHALL BE MAINTAINED AS OPEN SPACE TO PROVIDE VISUAL SCREENING AND BUFFERING FROM ADJACENT PROPERTIES. ACCESS TO ADJACENT PROPERTIES SHALL BE MAINTAINED AS SHOWN ON THE SURVEY AND AS REQUIRED BY THE LOCAL ZONING ORDINANCE.

THE AREA BETWEEN THE BACK OF BERM AND THE PROPERTY LINE SHALL BE MAINTAINED AS OPEN SPACE TO PROVIDE VISUAL SCREENING AND BUFFERING FROM ADJACENT PROPERTIES. ACCESS TO ADJACENT PROPERTIES SHALL BE MAINTAINED AS SHOWN ON THE SURVEY AND AS REQUIRED BY THE LOCAL ZONING ORDINANCE.

**ADJACENT LANDOWNERS**

Parcel ID	Owners	Address	City	State	Zip	Zoning
2500A000054-B	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-A	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-C	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-D	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-E	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-F	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-G	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-H	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-I	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-J	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-K	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-L	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-M	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-N	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-O	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-P	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-Q	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4
2500A000054-R	Sebera Winstead, LLC	8115 Sebera Road	Prince George	VA	22857	R-4

USABLE ACREAGE - 148 ± Ac.

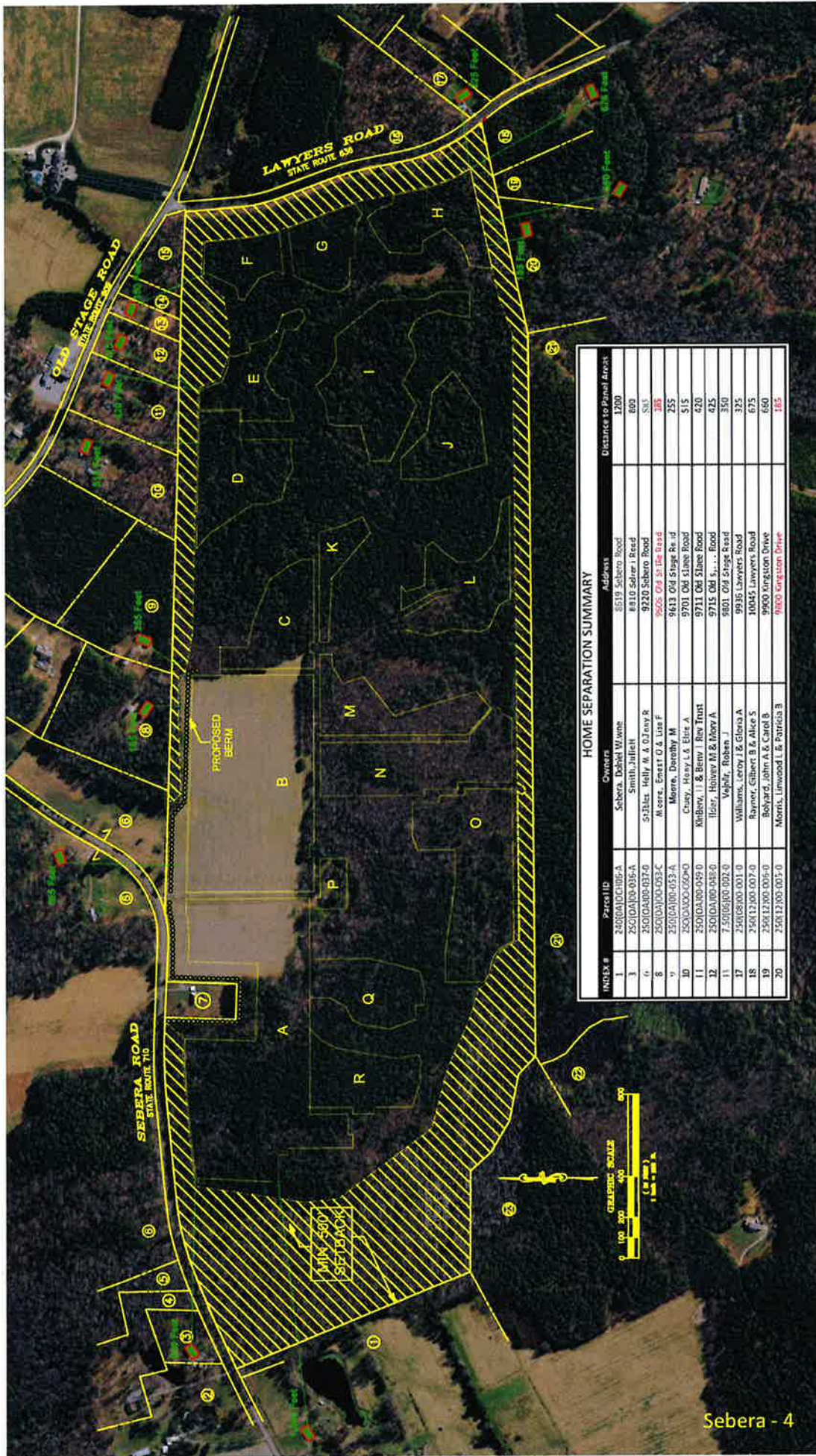
LOCATION OF ALL SOLAR INVERTERS SUBJECT TO FINAL ENGINEERING DESIGN

**Special Exception Plan**  
SEPTEMBER 1, 2020

**SEBERA**  
**SOLAR FARM**  
PRINCE GEORGE COUNTY, VIRGINIA

**KDC SOLAR**  
DEVELOP • OWN • OPERATE





### HOME SEPARATION SUMMARY

INDEX #	Parcel ID	Owners	Address	Distance to Panel Break
1	24000A000106-A	Sebera, David Wayne	8519 Sebera Road	1200
3	2500A0000036-A	Smith, Jaffett	8810 Sebera I Road	800
4	2500A0000037-0	Stables, Holly M. & O.Jmy R	9220 Sebera Road	585
5	2500A0000038-0	Moore, Ernest O. & Lisa F	9605 Old Stage Road	185
6	2500A0000039-0	Moore, Dorothy M	9613 Old Stage Rd. #1	255
10	2500A0000040-0	Cherry, Hedy L. & Elie A	9701 Old Stage Road	515
11	2500A0000041-0	Kimberly, I. & Benny T New Trust	9711 Old Stage Road	420
12	2500A0000042-0	Hoer, Harvey M. & Mary A	9715 Old Stage Road	425
13	7-5000000002-0	Vesilic, Roben J	9801 Old Stage Road	350
14	2500A0000043-0	Williams, Leroy J. & Gloria A	9936 Lawyers Road	325
17	2500A0000044-0	Rayner, Gilbert B. & Alice S	10045 Lawyers Road	675
18	2500A0000045-0	Boyard, John A. & Carol B	9900 Kingston Drive	660
19	2500A0000046-0	Moore, Linwood L. & Patricia B	9900 Kingston Drive	165
20	2500A0000047-0			





VIEW SOUTHEAST FROM SEBERA ROAD - EXISTING



VIEW SOUTHEAST FROM SEBERA ROAD - PROPOSED SOLAR ARRAY WITH BERM



VIEW SOUTHEAST FROM SEBERA ROAD - PROPOSED SOLAR ARRAY WITH BERM AND SCREENING

# SEBERA SOLAR FARM

PRINCE GEORGE COUNTY, VIRGINIA





VIEW NORTH FROM LAWYERS ROAD - EXISTING CONDITIONS



VIEW SOUTH FROM LAWYERS ROAD - EXISTING CONDITIONS

**SEBERA SOLAR FARM**  
PRINCE GEORGE COUNTY, VIRGINIA

**KDC SOLAR**  
DEVELOP · OWN · OPERATE

Adjacent Property Owners to Sebera Solar Energy Facility

TAX MAP	LOCAL ADDRESS	LocCity	LocState	LocZip	Owner1	Owner2	MALLING ADDRESS	MailCity	MailState	Mail_Zip
24010A 00-102-0	8719 SEBERA ROAD	PRINCE GEORGE	VA	23875	TUGGLE JIMMY E		10590 CEDAR RIDGE LN	PRINCE GEORGE	VA	23875
24010A 00-106-0	8421 SEBERA RD	PRINCE GEORGE	VA	23875	CRUZ-OLMO RODOLFO & IVETTE		8435 SEBERA RD	PRINCE GEORGE	VA	23875
24010A 00-106-A	8619 SEBERA ROAD	PRINCE GEORGE	VA	23875	SEBERA DANIEL WAYNE		8619 SEBERA RD	PRINCE GEORGE	VA	23875
24010A 00-110-0	8608 SEBERA ROAD	PRINCE GEORGE	VA	23875	FRANCHOK LIVING TRUST		8500 SEBERA RD	PRINCE GEORGE	VA	23875
25010B 00-001-0	9801 OLD STAGE ROAD	PRINCE GEORGE	VA	23875	FRANCHOK THOMAS W		9801 OLD STAGE RD	PRINCE GEORGE	VA	23875
25010B 00-002-0	9801 OLD STAGE ROAD	PRINCE GEORGE	VA	23875	VEINAR ROBERT J		9801 OLD STAGE RD	PRINCE GEORGE	VA	23875
25010B 00-001-0	9936 LAWYERS ROAD	PRINCE GEORGE	VA	23875	WILLIAMS LEROY J & GLORIA A		9936 LAWYERS RD	PRINCE GEORGE	VA	23875
25010A 00-036-0	8700 SEBERA ROAD	PRINCE GEORGE	VA	23875	FRANCHOK MARY JANE		8700 SEBERA RD	PRINCE GEORGE	VA	23875
25010A 00-036-A	8810 SEBERA ROAD	PRINCE GEORGE	VA	23875	SMITH JULIE H		8810 SEBERA RD	PRINCE GEORGE	VA	23875
25010A 00-037-0	9220 SEBERA RD	PRINCE GEORGE	VA	23875	STABLES HOLLY M S & DANNY R		308 COTTONWOOD LN	PRINCE GEORGE	VA	23875
25010A 00-048-0	9715 OLD STAGE ROAD	PRINCE GEORGE	VA	23875	ELDER HARVEY M & MARY A		9715 OLD STAGE RD	PRINCE GEORGE	VA	23875
25010A 00-049-0	9711 OLD STAGE ROAD	PRINCE GEORGE	VA	23875	KINGERY J & BETTY L REV TRUST		9711 OLD STAGE RD	PRINCE GEORGE	VA	23875
25010A 00-050-0	9701 OLD STAGE ROAD	PRINCE GEORGE	VA	23875	CRUBY HARRY L & ELSIE A		4800 FOX CHAPEL RD	FAIRFAX	VA	22030-4509
25010A 00-053-A	9613 OLD STAGE ROAD	PRINCE GEORGE	VA	23875	MOORE DOROTHY M		9613 OLD STAGE RD	PRINCE GEORGE	VA	23875
25010A 00-053-C	9505 OLD STAGE ROAD	PRINCE GEORGE	VA	23875	MOORE ERNEST G & LISA F		9505 OLD STAGE RD	PRINCE GEORGE	VA	23875
25010A 00-053-D	9487 OLD STAGE ROAD	PRINCE GEORGE	VA	23875	JONES DOUGLAS W JR		9487 OLD STAGE RD	PRINCE GEORGE	VA	23875
25010A 00-054-A	9115 SEBERA ROAD	PRINCE GEORGE	VA	23875	WILSON MARION E		1600 POCAHONTAS LN	HOPWELL	VA	23860
25010A 00-054-B	9901 OLD STAGE ROAD	PRINCE GEORGE	VA	23875	SEBERA-WINSTEAD LLC		4029 IRONBOUND RD STE 300	WILLIAMSBURG	VA	23188
25010A 00-055-0		PRINCE GEORGE	VA	23875	PERRY KAREN W		6480 HERITAGE RD	PRINCE GEORGE	VA	23875
25010A 00-123-0					BEAR ISLAND FOREST LLC	C/O CONSERVATION FORESTRY LLC	8 CENTER ST	EXETER	NH	03823-0570
250121 00-005-0	9800 KINGSTON DRIVE	PRINCE GEORGE	VA	23875	MORRIS LINWOOD L & PATRICIA B	LIVING TRUSTS	9800 KINGSTON DR	PRINCE GEORGE	VA	23875
250121 00-006-0	9900 KINGSTON DRIVE	PRINCE GEORGE	VA	23875	BOLYARD JOHN A & CAROL B		9900 KINGSTON DR	PRINCE GEORGE	VA	23875
250121 00-007-0	10045 LAWYERS ROAD	PRINCE GEORGE	VA	23875	RAYNER GILBERT B & ALICE S		10045 LAWYERS RD	PRINCE GEORGE	VA	23875

Board of Supervisors  
County of Prince George, Virginia

Ordinance

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 22<sup>th</sup> day of September, 2020:

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Present:

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

Vote:

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P-2

SPECIAL EXCEPTION SE-19-12: Request of Sebera-Winstead, LLC, pursuant to § 90-103 (57), to permit a large-scale solar energy facility in a R-A, Residential-Agricultural, Zoning District for the use of a 20 MW solar energy facility. The subject property is located along Sebera Road and Lawyers Road in the Blackwater Magisterial District on 182+/- acres and known as Tax Map 250(0A)00-054-0.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-19-12 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for a large-scale solar energy facility use to Sebera-Winstead, LLC and is located on Tax Map 250(0A)00-054-0. This Special Exception may be transferred provided that Condition 10(b) is met relative to the proper surety.
2. Payment of all rollback taxes for the parcel subject to this Special Exception and enrolled in the Land Use program shall be a pre-condition of the County's issuance of a land disturbance permit pursuant to a site plan prepared for the solar energy facility.
3. 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 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, and any necessary repairs to the public roads that are required as a result of any damage from the solar energy facility construction and/or expansion. All VDOT permits must be received and be approved by VDOT prior to site construction occurring on the premises.
  - ii. Site access planning, directing employee and delivery traffic to minimize conflicts with local traffic.
  - iii. A site parking and staging plan shall be submitted as a part of the Site Plan approval and be submitted for various stages of the site construction process. All subsequent construction processes shall also adhere to submitting a parking and staging plan prior to the commencement for expansion or decommissioning.
  - iv. Fencing. The applicant shall install temporary security fencing prior to the commencement of construction activities occurring on the solar energy facility (excluding clearing and grading) and may be phased.
  - v. Lighting. During construction of the solar energy facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties.
- b. Construction Mitigation Plan. The applicant shall prepare a Construction Mitigation Plan for each applicable site plan for the solar energy facility to the satisfaction of the Planning Division. Each plan shall address, at a minimum:
  - i. The effective mitigation of dust. All construction roads and construction areas shall remain dust-free by the use of a water truck or other approved method to keep sediment on the premises and not be of a general nuisance to the adjoining property owners during site construction and/or site expansion for a solar energy facility.



- ii. Burning operations.
  - iii. Hours of construction. All pile driving shall be limited to eight (8) daily during the hours from sunrise to sunset Monday through Saturday. No Sunday pile driving shall occur during site construction, expansion, or operation of the facility. All other normal on-site construction activity is permitted Monday through Sunday in accordance with the provisions of the County Noise Ordinance, as amended from time to time, and as enforced by the Prince George County Police Department.
  - iv. Access and road improvements.
  - v. General construction complaints.
- c. Grading Plan. The solar energy facility shall be constructed in compliance with the County-approved grading plan as approved by County staff prior to the commencement of any construction activities in coordination with the Erosion and Sediment Control Plan. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. An E&S bond 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 slopes greater than fifteen (15) percent except where required for access roads and enhancement of natural topographic features for stormwater management;
  - 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 Manager that doing so would create more clearing and grading than by allowing the import or export of soil;
  - 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 stockpiled on-site to be later used 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 Commercial Operation date, as defined in Section 14 below.
  - 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. Use of synthetic herbicides to control and maintain groundcover post-construction shall not be permitted.
- e. The design, installation, maintenance, and repair of the solar energy facility shall be in accordance with the most current National Electrical Code (NFPA 70).

#### 4. Operations.

- a. Permanent Security Fence. The applicant shall install a permanent security fence, consisting of chain link 2-inch square mesh, (or comparable fencing) a minimum of 6 feet in height, around the Solar Facility prior to the commencement of operations of the Solar Energy Facility. Failure to maintain the fence in a good and functional condition after the expiration of the below described cure period will result in revocation of the special exception.
- b. Lighting. Any on-site lighting shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
- c. Noise. Daytime noise generated by the facility post-construction will be under an average of 67 dBA per day, measured at the property line, throughout the day with no noise emissions at night. However, the operator may seek temporary waivers from the Planning Division for specific repair or maintenance needs which waivers may be granted by the Planning Division at discretion.
- d. Ingress/Egress. Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.

- e. All newly installed utilities including, but not limited to, electric, fiber, cable, and telephone lines serving the site which are visible from the ground-level view of adjacent properties zoned residential or agricultural, and public rights-of-ways, shall be screened from view or shall be placed underground, unless (i) such utilities are placed on existing above-ground utility infrastructure, (ii) above-ground installation is required by the utility company, or (iii) prohibited by the state or federal agency regulating them.
- f. All solar energy facility structures, racks, and associated facilities shall have a non-reflective finish or appearance. Silicon-based, or similar panels shall be used; cadmium-based panels are prohibited. The solar collectors shall be designed to maximize absorption and minimize glare outward towards adjoining properties and upward towards military and general aviation aircraft or other similar aircraft. Vehicles traveling on adjoining state-maintained roads shall also be protected from potential glare, including elevated tractor trailer cabs.

5. Buffers.

a. Setbacks.

- i. Eastern Boundary Setback. A minimum 150-foot setback along the eastern boundary of the property shall be maintained from a principal Solar Energy Facility structure to the edge of the public right-of-way.
- ii. Northern Boundary Setback. A minimum 100-foot setback along the northern boundary of the property shall be maintained from the principal Solar Energy Facility to the edge of the public right-of-way or adjacent property lines, as applicable.
- iii. Southern Boundary Setback. A minimum 100-foot setback along the southern boundary of the property shall be maintained from the principal solar energy facility to adjacent property lines.
- iv. Western Boundary Setback. A minimum 500-foot setback area along the western boundary of the property adjacent to Tax Map 240(OA)00-106-A shall be maintained from the principal solar energy facility to adjacent property lines.

- v. A minimum 200-foot setback from all exterior property lines shall be required for placement of all inverters associated with the solar energy facility.

The foregoing described setbacks are more particularly shown and depicted on the Special Exception Plan dated September 1, 2020, on file in the Community Development and Code Compliance Department. Erosion and sediment control features and stormwater management features are permitted within the described setback areas.

b. Screening.

- i. Eastern Boundary: A minimum 150-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if panel areas F, G and H depicted hereon are developed for solar arrays and if determined by the Planning Manager to be necessary to screen views of the solar panels from Lawyers Road. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.
- ii. Northern Boundary (from Lawyers Road to western boundary line of Tax Map 250(0A)00-053-A): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from adjacent residential properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- iii. Northern Boundary (from western boundary line of Tax Map 250(0A)00-053-A to intersection of western boundary line of Tax Map 250(0A)00-054-B and Sebera Road): A landscaped berm approximately 4.5-foot tall planted with evergreen trees/shrubs (min. 2' at planting) as depicted on the screening and buffering detail on the "Special Exception Plan" dated September 1, 2020, on file in the Community Development and Code Compliance Department. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.

- iv. Northern Boundary (from intersection of western boundary line of Tax Map 250(0A)00-054-B and Sebera Road to western boundary line of property): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from Sebera Road. The foregoing screening requirement shall not include access roads and utility crossings which are permitted.
- v. Southern Boundary (from Lawyers Road to western boundary line of Tax Map 250(12)00-005-0): A minimum 100-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from adjacent residential properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- vi. Southern Boundary (from western boundary line of Tax Map 250(12)00-005-0 to southern boundary line of Tax Map 240(0A)00-106-A): A minimum 75-foot existing vegetative buffer with supplemental evergreen understory shrubs (min. 2' at planting) not more than 10 feet on center within first 50-feet of buffer (measured from the property line) if determined by the Planning Manager to be necessary to screen views of the solar panels from adjacent properties. The foregoing screening requirement shall not include utility crossings which are permitted.
- vii. Southern Boundary: In addition to the screening described in vi. Above, green or black screening slats will be added to the solar facility perimeter fence for panel area H as determined by the Planning Manager if needed to further screen views of the solar panels from the residential structure located on Tax Map 250(12)00-005-0.
- viii. Western Boundary (adjacent to Tax Map 240(0A)00-106-A): A minimum 500-foot existing vegetative buffer. The foregoing screening requirement shall not include utility crossings which are permitted.

- ix. The species of any proposed supplemental evergreen understory plantings, such as wax myrtle, ligustrum, cherry laurel, and Russian olive (or plantings with similar screening and hardiness characteristics if availability or seasonal limitations require), shall be approved by the Planning Manager at the time of site plan approval.

The foregoing described screening is more particularly shown and depicted on the "Special Exception Plan" dated September 1, 2020, on file in the Community Development and Code Compliance Department.

- c. Wildlife Corridors. The applicant shall identify an access corridor for wildlife to navigate through and/or around the Solar Energy Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing, if any, shall be kept open to allow for the movement of migratory animals and other wildlife.
  - d. Wetlands. The applicant shall provide a 50-foot minimum setback from all wetlands that are not located in the Chesapeake Bay Preservation Areas. Minor encroachments, for access roads, stormwater management facilities and utility lines only, excluding specifically solar panels and inverters, may be permitted within the buffer at the discretion of the Planning Manager. In instances where the buffer encroachments are proposed, equal or greater wetland buffer area(s) shall be provided elsewhere on the site as a condition of approval.
6. Height of Structures. Solar Energy Facility structures shall not exceed 10 feet; however, towers constructed for electrical lines may exceed the maximum permitted height as provided in the zoning district regulations, provided that no structure shall exceed the height of 25 feet above ground level, unless required by applicable code to interconnect into existing electric infrastructure or necessitated by applicable code to cross certain structures.
  7. Inspections. The applicant will allow designated County representatives or employees access to the facility for inspection purposes at any time during the construction process and thereafter upon 24 hours advance notice. The applicant will maintain current contact information on file with the Planning Division.
  8. The applicant, owner or operator shall coordinate directly with Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel

responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.

9. Compliance. The Solar Facility shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.

10. 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 usage consistent with the Comprehensive Plan or future zoning. If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to Prince George County in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by Prince George County. This shall be known as the "Decommissioning Plan" under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following:

- i. Anticipated life of the solar energy facility project;
- ii. The estimated cost of the decommissioning in the future as expressed in current dollars by a State licensed professional engineer;
- iii. Method estimate was determined;
- iv. The manner in which the project will be decommissioned; and
- v. The name and physical address of the person or entity responsible for the decommissioning plan and a performance bond for the life of the use.

b. Surety. Unless the solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within thirty (30) days of the project receiving its occupancy permit or equivalent from Prince George County to

operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator, and provided to the County. If the solar energy facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate replacement surety is provided for the solar energy facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use as approved by the County Attorney.

- c. Applicant/Property Owner Obligation. Within six (6) months after the cessation of use of the solar energy facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the solar energy facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to decommission the solar energy facility within six (6) months, the property owner shall commence decommissioning activities in accordance with the decommissioning plan. Following the completion of decommissioning of the entire solar energy facility arising out of a default by the applicant or its successor, any remaining surety funds held by the County shall be distributed to the property owner.
- 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 Division, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, 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.
11. 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 its legal counsel with a redacted version of the executed power purchase agreement or sale agreement.



12. This Special Exception shall become null and void if the use of a large-scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
13. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to cure, within 30 days after receipt of notice from the County, any non-compliance with any of the listed conditions or any provision of federal, state or local regulations.
14. The Commercial Operation Date for this solar energy facility shall be deemed the date that the solar power facilities subject to this Special Exception first supply power to the electrical grid. This Special Exception shall become null and void on the date which is forty (40) years following the Commercial Operation Date, subject to the following limitations:
  - a. Should the applicant intend to continue the Special Exception, the owner/operator shall provide written notice to the Board of Supervisors to amend, renew or re-issue a new Special Exception or other permit as may then be required.

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Adopted on September 22, 2020 and becoming effective immediately