

# Caroline County Board of Supervisors Agenda Executive Summary

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**Meeting Date:** September 10, 2019

**Title:** Unfinished Business - Consideration of Zoning Text Amendment to allow Utility Scale Solar Projects

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*(Check Mark)*

Consent

Action

No Action (Information Only)

Resolution

Closed Meeting

Public Hearing

Ordinance

PowerPoint Presentation

**Summary:** As the Board may recall, SolUnesco approached the County in 2017 regarding consideration of zoning ordinance text amendments to allow Utility Scale Solar projects in the RP zoning district. At that time, the Board forwarded the request to the Planning Commission for preparation & public hearing of the proposed amendments.

The Planning Commission & Planning staff crafted zoning text amendments to establish the use, and any recommended development standards. The Commission held a public hearing in January 2018 and forwarded the amendments to the Board with a recommendation of approval. The process stalled when SolUnesco advised their project had been put on hold.

Planning staff received the attached request from SolUnesco to re-start the process for consideration of zoning text amendments to allow private Utility Scale Solar Facilities in the Rural Preservation zoning district by special exception. SolUnesco states they have two potential projects in the County.

Due to the length of time that has passed since the Planning Commission referral, staff recommends that the proposed amendments be referred back to the Planning Commission for public hearing & recommendation to the Board, if the Board desires to reopen consideration of the amendments.

**Budget Impact:** None

**Action(s) requested of the Board of Supervisors:** Discussion & if appropriate refer this request to the Planning Commission for consideration and recommendations to the Board.



8/1/2019

Mr. Mike Finchum  
Director of Planning and Community Development  
Planning Department  
Caroline County  
Submitted via email to: mfinchum@co.caroline.va.us

Dear Mr. Finchum,

I am writing, on behalf of SolUnesco, to formally request that Caroline County reengage in the process of adopting a Zoning Text Amendment to allow Utility Scale Solar Energy Projects to apply for Special Exception Permits on land zoned Rural Preservation (the "Solar ZTA"). Based on discussions with Mr. Pennington, we understand that it is possible for the Board of Supervisors to vote for the County to reengage on the Solar ZTA at their August 13 meeting. We respectfully ask that they do so.

This Solar ZTA process was originally started in response to a request from SolUnesco, on March 14, 2017 (provided with this correspondence, for easy reference). As you will recall, the process was paused when we informed the county that the project that we were developing (Racehorse Solar) had been put on hold, pending a development obstacle. We have now cleared that obstacle and are proceeding with Racehorse, along with a second, smaller project (Whalebone Solar). We hope to begin working with the county on Special Exception Permits for these projects as soon as the process will allow.

The latest version of the Solar ZTA language that we received is labeled "12-21-17 PC Version" (provided with this correspondence, for easy reference). If this is not the most recent draft, we request an updated version. We understand that the County Administration will want to review and possibly update this draft before sending it to the Planning Commission for a vote. We agree with this strategy and hope to provide our own feedback to ensure there are no unintended consequences to the viability of solar development in Caroline County.

Thanks so much for your attention on this matter. We look forward to working with Caroline County, again, as the process moves forward. Please reach out if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Seth P. Maughan".

Seth Maughan  
Director of Project Development  
(703) 672-5637

**2018 VERSION OF SOLAR TEXT AMENDMENTS AS FORWARDED TO THE BOARD BY THE PLANNING COMMISSION**

**TXT-14-2017**: THAT ARTICLE II DEFINITIONS OF THE ZONING ORDINANCE OF CAROLINE COUNTY SHALL BE AMENDED TO ADD THE FOLLOWING:

**DISTURBANCE ZONE:** THE AREA WITHIN THE SITE DIRECTLY IMPACTED BY CONSTRUCTION AND OPERATION OF THE SOLAR ENERGY PROJECT.

**PHOTOVOLTAIC (OR PV):** MATERIALS AND DEVICES THAT ABSORB SUNLIGHT AND CONVERT IT DIRECTLY INTO ELECTRICITY.

**UTILITY SCALE SOLAR ENERGY PROJECT:** A RENEWABLE ENERGY PROJECT THAT EITHER

(A) GENERATES ELECTRICITY FROM SUNLIGHT, CONSISTING OF ONE OR MORE PV SYSTEMS AND OTHER APPURTENANT STRUCTURES AND FACILITIES WITHIN THE BOUNDARIES OF THE SITE,

OR

(B) UTILIZES SUNLIGHT AS AN ENERGY SOURCE TO HEAT OR COOL BUILDINGS, HEAT OR COOL WATER, OR PRODUCE MECHANICAL POWER BY MEANS OF ANY COMBINATION OF COLLECTING, TRANSFERRING, OR CONVERTING SOLAR-GENERATED ENERGY,

**TXT-15-2017**: THAT ARTICLE IV (RURAL PRESERVATION), SECTION 5, SPECIAL EXCEPTION USES, OF THE ZONING ORDINANCE OF CAROLINE COUNTY SHALL BE AMENDED TO ADD THE FOLLOWING:

40. UTILITY SCALE SOLAR ENERGY PROJECT

**TXT-16-2017**: THAT ARTICLE XV (SUPPLEMENTAL REGULATIONS), SECTION 8, DEVELOPMENT STANDARDS, OF THE ZONING ORDINANCE OF CAROLINE COUNTY SHALL BE AMENDED TO ADD THE FOLLOWING:

**V. STANDARDS FOR UTILITY SCALE SOLAR ENERGY FACILITIES**

1. THE APPLICANT SHALL INCLUDE WITH THE SPECIAL EXCEPTION SUBMITTAL, DOCUMENTATION EVIDENCING CONTROL OVER THE LAND OR POSSESSION OF THE RIGHT TO USE THE PROPERTY FOR THE PROPOSED USE, INCLUDING DECOMMISSIONING AND RESTORATION. SENSITIVE FINANCIAL OR CONFIDENTIAL INFORMATION MAY BE REDACTED.
2. A GLINT AND GLARE STUDY FROM THE NEAREST RESIDENTIAL PROPERTY AND WHICH ADDRESSES STANDARD 5 SHALL BE INCLUDED WITH THE SPECIAL EXCEPTION SUBMITTAL.
3. THE APPLICANT SHALL SUBMIT WITH THE SPECIAL EXCEPTION SUBMITTAL, A DECOMMISSIONING PLAN, WHICH SHALL INCLUDE: (1) THE ANTICIPATED LIFE OF THE PROJECT; (2) THE ESTIMATED DECOMMISSIONING COST IN CURRENT DOLLARS; (3) THE METHODOLOGY USED TO DETERMINE THE ESTIMATE; AND (4) THE MANNER IN WHICH THE PROJECT WILL BE DECOMMISSIONED.

4. THE APPLICANT SHALL PROVIDE PROOF OF ADEQUATE LIABILITY INSURANCE PRIOR TO SITE PLAN APPROVAL.
5. THE APPLICANT SHALL DEMONSTRATE THROUGH PROJECT SITING AND PROPOSED MITIGATION, IF NECESSARY, THAT THE PROJECT MINIMIZES VISUAL IMPACTS TO ADJACENT PROPERTIES, DESIGNATED SCENIC ROADS/BYWAYS OR DESIGNATED HISTORIC PROPERTIES.
6. A DECOMMISSIONING BOND IN AN AMOUNT TO BE DETERMINED BY A REGISTERED DESIGN PROFESSIONAL AND APPROVED BY STAFF SHALL BE REQUIRED PRIOR TO FINAL SITE PLAN APPROVAL.
7. THE DECOMMISSIONING BOND SHALL BE RE-EVALUATED EVERY 5 YEARS FROM START OF OPERATIONS AND UPDATED ACCORDINGLY TO REFLECT INFLATION.
8. A LANDSCAPE AND BUFFERING PLAN SHALL BE PROVIDED AS PART OF THE SITE PLAN.
9. THE FACILITY SHALL GENERATE A MAXIMUM OF 20 MW A/C POWER.
10. THE FACILITY SHALL INTERCONNECT TO THE UTILITY GRID ON SITE OR ON A PROPERTY DIRECTLY ABUTTING THE SITE.
11. LAWN MAINTENANCE MUST BE PERFORMED AT LEAST ONCE EVERY 30 DAYS OR AS NECESSARY DURING THE GROWING SEASON SO AS NOT TO EXCEED A HEIGHT OF 15".
12. OPERATIONS SHALL COMMENCE WITHIN TWO YEARS OF SITE PLAN APPROVAL.
13. THE PERMIT SHALL BE VALID FOR A PERIOD OF THIRTY (30) YEARS FROM THE START OF OPERATIONS. THE APPLICANT MAY REQUEST NOT MORE THAN TWO (2) EXTENSIONS OF FIVE (5) YEARS EACH, SUBJECT TO THE GRANTING OF A PERMIT RENEWAL BY THE BOARD OF SUPERVISORS FOR EACH RENEWAL PERIOD.
14. ALL RECLAMATION/DECOMMISSIONING EFFORTS SHALL BE COMPLETED, NO LATER THAN TWO (2) YEARS FROM THE DATE THE FACILITY CEASES TO GENERATE ELECTRICITY, IN ACCORDANCE WITH THE APPLICANT'S RECLAMATION PLAN AND BE RETURNED TO A PRE-DEVELOPMENT STATE.
15. SIGNS ARE PROHIBITED ON SOLAR EQUIPMENT EXCEPT AS FOLLOWS: (A) MANUFACTURER'S OR INSTALLER'S IDENTIFICATION; (B) APPROPRIATE WARNING SIGNS AND PLACARDS; (C) SIGNS THAT MAY BE REQUIRED BY A STATE OR A FEDERAL AGENCY; AND (D) SIGNS THAT PROVIDE A 24-HOUR EMERGENCY CONTACT PHONE NUMBER AND WARN OF ANY DANGER, (E) REASONABLE IDENTIFICATION OF THE OWNER/OPERATOR OF THE SOLAR ENERGY PROJECT.
16. THE PROJECT SHALL NOT EXCEED THE NOISE REQUIREMENTS FOR AGRICULTURAL (RURAL) DISTRICTS SET FORTH IN CHAPTER 68 OF THE CODE OF CAROLINE COUNTY.
17. SOLAR EQUIPMENT SHALL MEET THE SETBACK REQUIREMENTS FOR THE RURAL PRESERVATION ZONING DISTRICT.
18. A CHAIN LINK OR OTHER SIMILAR SEE-THROUGH FENCING, NOT TO EXCEED SEVEN (7) FEET IN HEIGHT, SHALL BE PERMITTED ALONG THE PERIMETER OF THE SITE.

19. SITE LIGHTING SHALL BE THE MINIMUM NECESSARY FOR SECURITY OF THE SITE. ALL LIGHTING SHALL BE SOURCE SHIELDED AND DIRECTED DOWNWARD TO MINIMIZE GLARE ONTO ABUTTING PROPERTIES.