

RESOLUTION

CASE NO. SUP-19-0017. HILL PLEASANT FARM SOLAR FARM

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Hill Pleasant Farm, Inc. (the "Owner") owns property located at 7150 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2410100005, (the "Property"). The Property is zoned A-1, General Agricultural; and

WHEREAS, Mr. Ben Vollmer of Strata Solar on behalf of the Owner, has applied for an SUP to allow for the construction of a solar electrical generation facility on the Property as shown on a plan titled "Rochambeau Solar Electric Power Plant" dated July 12, 2019; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0017; and

WHEREAS, the Planning Commission, following its public hearing on October 2, 2019, recommended approval of this application by a vote of 5-1. At the same meeting, the Planning Commission approved a resolution, finding the proposal consistent with the Comprehensive Plan by a vote of 5-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-19-0017, as described herein with the following conditions:

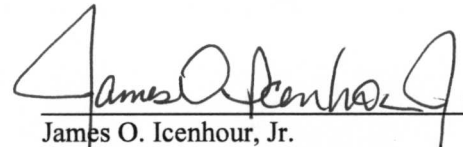
1. Master Plan: This SUP shall be valid for the construction of a photovoltaic solar electrical generation facility (the "Facility") on property located at 7150 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 2410100005 (the "Property"). The Facility shall be developed and constructed substantially in accordance with the Master Plan titled "Rochambeau Solar Electric Power Plant" prepared by Strata Solar, and dated July 12, 2019, (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Nutrient Management Plan: The Facility operator shall provide a Nutrient Management Plan (NMP) prepared by a certified nutrient management planner for all of the area within the defined limits of work (disturbance) for the Property. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland, or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall have a component which specifically identifies, maintains, and protects designated Prime Farmland soil mapping units consistent with the *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia (April 1985)* and the County's Comprehensive Plan. The NMP shall be submitted for review and approval by the County's Director of Stormwater and Resource Protection prior to approval of any final site plan for the Facility. Upon approval of the NMP, the Facility operator shall be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.

3. *Vehicular Access*: Vehicular access to and from the Facility and the Property, which includes, traffic associated with the construction, operation, maintenance, and decommissioning, shall only be from Rochambeau Drive.
4. *Vegetated Buffer*: Prior to final approval of any site plan, the Planning Director or designee shall review and approve a landscape plan for the Facility. The landscape plan shall provide a 50-foot vegetated buffer along the perimeter of the Property. Additional 75-foot vegetated buffers shall be provided in the following locations on the Property: i) along the approximate 1,123-foot eastern perimeter that faces Richmond Road; ii) along approximately 614 feet of the southern perimeter; and iii) along approximately 673 feet of the northern perimeter to screen the Facility from Richmond Road. All buffers shall be shown on the site plan. The perimeter buffers shall be provided by one of the three treatment options listed below:
 - In areas of the perimeter buffer that are currently comprised of mature forest, as determined by the Planning Director or designee, the buffer shall be left undisturbed in its natural state.
 - In areas of the perimeter buffer that are not completely comprised of mature forest, as determined by the Planning Director or designee, supplement the perimeter buffer with evergreen shrubs and trees shall be required.
 - In areas of the perimeter buffer where little or no vegetation exists, as determined by the Planning Director or designee, the buffer shall be landscaped to the provisions of section 24-96 of the Zoning Ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 50%.
5. *Planting Requirements*: Prior to final site plan approval, a landscape plan for the Facility shall be submitted for review and approval by the Planning Director to show a minimum 4.5 acres of pollinator planting area, as shown on the Master Plan, planted with southeastern native meadow seed mixture that provides a habit for pollinator insects. Additionally, a low growing clover/turf seed mixture shall be planted throughout the Facility's entire solar array area within the fence. Both pollinator planting areas shall be planted prior to release of siltation surety for initial construction of the Facility. Such plantings shall be maintained and re-established as necessary for the duration of Facility's operation.
6. *Lighting*: Prior to final approval of any site plan, if any lighting of the Facility is proposed, the Planning Director or designee shall review and approve a lighting plan. Any exterior site or building lighting shall be shielded and directed downward. No glare, defined as 0.1-foot candle or higher, shall extend outside the boundaries of the Property. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of 16 feet above finished grade unless otherwise approved by the Planning Director prior to final site plan approval.
7. *Signage*: Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage related to the Facility shall be permitted on the Property.
8. *Fencing*: Any fence on the Property shall be black or other neutral color and shall not exceed a height of 8 feet above finished grade. Prior to final approval of any site plan, the Planning Director or designee shall review and approve a detail of any proposed fencing for the Facility for consistency with this condition.


9. Emergency Management Plan: The Facility operator shall prepare and maintain an Emergency Management Plan (EMP) to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety, and emergency response personnel. The EMP shall:
 - Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan.
 - Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility.
 - Provide pertinent contact numbers for the Facility operator emergency personnel.
 - Provide that all emergency contact information will be posted on access gates.
10. Construction Management and Mitigation Plan: Prior to final approval of any site plan, the Facility operator shall provide a Construction Management and Mitigation Plan (CMMP) for review and approval of the Planning Director or designee. The CMMP shall include those items listed below:
 - a. Construction Management:
 - Designated parking areas.
 - All piling driving activity on the Property be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday.
 - Other construction activities, including clearing and grading of the Property shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.
 - Construction delivery traffic to the Property shall not be allowed during pick-up/drop-off times for surrounding schools.
 - Storage, transportation, and disposal of any waste and/or hazardous materials.
 - b. Construction Mitigation:
 - Dust mitigation, such as water trucks, mulch, or similar methods.
 - Smoke and burn mitigation, such as containments or similar methods.
11. Spill Prevention Control and Countermeasure Plan: Prior to approval of any site plan, the Facility operator shall submit a Spill Prevention Control and Countermeasure (SPCC) Plan for the Facility to the County Director of Stormwater and Resource Protection or designee for review and approval. The SPCCP shall outline measures and procedures necessary for the operation of the Facility until decommission.
12. Decommissioning and Restoration Plan: Prior to final approval of any site plan, an agreement in the form of a Decommissioning and Restoration Plan (DRP) shall be submitted to the Planning Director or designee for review and approval. The DRP shall outline the required steps for removal of above and below-ground Facility components, disposal and/or recycling of wastes and materials, and the restoration of native habitat of the Property. The DRP shall address abandonment of operations and the possible failure of the Facility operator to comply with the decommissioning process and provide an estimate cost associated with the decommissioning and restoration activities. The DRP shall include the following terms and conditions: i) if the party that enters into such written agreement with James City County defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, James City County has the right to enter the Property without further consent of such owner and to engage in decommissioning;

and ii) such owner, lessee, or developer provides financial assurance of such performance to James City County in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the Director of Planning; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor. At the time of decommission of the Facility, the site stormwater facilities must be evaluated for continued need. The final decommission plan for the Property must include the close out or remediation of stormwater facilities.

13. Commencement: The Facility shall be operational within 48 months from the issuance of this SUP, or this SUP shall automatically be void. The Facility operator shall submit a signed letter to the Planning Director prior to 48 months from the issuance of this SUP to confirm the operational status of the Facility.
14. Height Limitation: The maximum height of all structures in the Facility, including the photovoltaic solar panel mounts, shall not exceed 16 feet above finished grade.
15. Glare: All photovoltaic solar panels shall be of made of or be coated with anti-reflective materials to prevent glare.
16. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.


James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

SUP19-17HPFrmSolar-res