

RESOLUTION

CASE NO. SUP-21-0022. 360 RACEFIELD DRIVE 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, Mr. Brendan Grajewski of Hexagon Energy, LLC, on behalf of Katherine Hockaday, Justin Martin, and Ann Martin, the owners of property located at 360 Racefield Drive and further identified as James City County Tax Map Parcel No. 0310100003 (the "Property"), 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 "Racefield Solar, LLC" dated November 12, 2021, and revised January 24, 2022; and

WHEREAS, the Planning Commission, following its public hearing on February 2, 2022, recommended approval of Case No. SUP-21-0022 by a vote of 4-1; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-21-0022; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

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-21-0022 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"), electrical substations serving the Facility with a capacity of 5,000-kilovolt amperes or more, and electrical transmission lines serving the Facility capable of transmitting 69 kilovolts or more (all together, the "Project") on property located at 360 Racefield Drive and further identified as James City County Real Estate Tax Map Parcel No. 0310100003 (the "Property"). The Property shall be developed and the Project constructed substantially in accordance with the master plan titled "Racefield Solar, LLC" prepared by Hexagon Energy, LLC, and dated November 12, 2021 and revised January 24, 2022, (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 and maintain and protects designated Prime Farmland soil mapping units consistent with the Soil Survey of James City County 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. Vegetated Buffer. Prior to final approval of any site plan, the Planning Director or designee shall review and approve a landscape plan for the Project. The landscape plan shall provide a 50-foot landscaped buffer (the "Perimeter Buffer") along the perimeter of the Project site. The Perimeter Buffer shall be increased to 75 feet in the following locations: (i) along the boundary of the Property that fronts on Racefield Drive, (ii) along approximately 200 feet of the eastern perimeter of the Project as shown on the Master Plan, and (iii) along approximately 200 feet of the western perimeter to screen the Project as shown on the Master Plan. The Perimeter Buffer shall be shown on the site plan. The Perimeter Buffer shall be provided by one of the three treatment options listed below:
 - a. 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.
 - b. In areas of the Perimeter Buffer that are not completely comprised of mature forest, as determined by the Planning Director or designee, supplementation with evergreen shrubs and trees shall be required in accordance with Condition No. 3c.
 - c. 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 45%.
4. Lighting. If any lighting of the Project is proposed, the Planning Director or designee shall review and approve a lighting plan prior to final site plan approval. Any exterior site or building lighting on the Property 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 in writing by the Planning Director prior to final site plan approval.
5. Signage. Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage related to the Project shall be permitted on the Property.
6. 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 and not consist of barbed wire. Prior to final approval of any site plan, the Planning Director or designee shall review and approve a detail of any proposed fencing on the Property for consistency with this condition.

7. 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.

8. 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 shall 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.
 - Appropriate methods for the 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.

9. Construction Traffic Mitigation Plan. A Construction Traffic Mitigation Plan (CTMP) shall be submitted to the Virginia Department of Transportation (VDOT) and the Planning Director, or designee, for review and approval prior to the issuance of a land disturbing permit for the Facility. The CTMP shall identify all existing conditions along Racefield Drive, provide a plan to address all necessary repairs required as a result of damage from construction traffic, and provide a timeline for completion of repairs, and provide a surety in a form acceptable to the County Attorney guaranteeing such repairs. All road repairs as identified by the approved CTMP shall be completed within six months of the Facility becoming operational.

10. Off-Site Parking. Prior to issuance of a land disturbing permit, an Off-Site Parking Plan (OPP) shall be submitted to the Planning Director, or designee, for review and approval. The off-site parking area shall be used by construction workers who shall be transported to the Property via a shuttle van and/or bus. The OPP shall conform to all Zoning Ordinance requirements and shall identify elements such as, but not limited to, the number of off-site parking spaces provided and the location of the off-site parking area. In order to reduce the amount of construction-related traffic along Racefield Drive and to ensure that construction workers are parking their vehicles at the off-site parking area, no more than 20 vehicles may be parked on the Property for the Project at any time except for trucks, as defined by the Zoning Ordinance, and delivery vehicles. No on-street parking for the Project shall be allowed. The OPP shall identify the need for additional Erosion and Sediment Control measures and Stormwater measures generated by the off-site parking area and those needs be approved through an erosion and sediment control plan prior to issuance of land disturbance permit for the Facility.
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 Plan (SPCCP) for the Project to the County Director of Stormwater and Resource Protection or designee for review and approval. The SPCCP shall outline spill prevention and pollutant containment measures and procedures necessary for the operation of the Facility until decommissioning.
12. Decommissioning and Restoration Plan and Agreement. Prior to final approval of any site plan, 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, soil stabilization, and the revegetation and restoration of native habitat of the Property. At the time of decommission of the Facility, the stormwater facilities on the Property must be evaluated for continued need and the final DRP must include the close-out or remediation of stormwater facilities. The DRP shall be enforceable by a written Decommissioning Agreement in accordance with and subject to the terms of Virginia Code § 15.2-2241.2(B). To ensure sufficient funds are available to the County to conduct the DRP, a surety in an amount sufficient for decommissioning the Facility and remediating the Property shall be posted with James City County in a form acceptable to the County Attorney. The Decommissioning Agreement shall be executed prior to approval of a site plan for the Facility.
13. 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.
14. Glare. All photovoltaic solar panels on the Property shall be of made of or be coated with anti-reflective materials to prevent glare.
15. Virginia Runoff Reduction Method. The Forested Open Space land use category may be used to account for a maximum of 50% of the required water quality associated with the Project. The purchase of offsite nutrient credits toward needed water quality associated with the Project will not be allowed.
16. Special Stormwater Criteria. Special stormwater criteria measures as defined in the Special Stormwater Criteria Task Group shall be required for the Project.


17. Channel Protection. The stormwater management design shall provide channel protection for the 1-year, 24-hour storm event per energy balance, as defined in 9 VAC 25-870-66(B)(3)(a), for all outfall and discharge locations for the Project.
18. Flood Protection. The stormwater management design shall provide flood protection through attenuation of the 10-year, 24-hour storm event, per 9 VAC 25-870-66(C)(2)(b).
19. Stream Channel Restoration. The development plan for the Project must include a restoration plan for approximately 200 linear feet of the upper reaches of the perennial stream channel on the Property that is experiencing severe degradation. The restoration plan must be shown as part of the overall plan of development for the Project and be approved by the Director of Stormwater and Resource Protection prior to site plan approval. Restoration of the stream channel must be guaranteed in a manner acceptable to the County Attorney prior to site plan approval and completed prior to the Facility being operational.
20. Erosion and Sediment Control Inspection.
 - a. The person responsible for carrying out the erosion and sediment control plan on the Property shall be responsible for monitoring and inspecting the land disturbing activity in accordance with Section 8-6(a) of the County Code. All inspection documentation shall be submitted to the Stormwater and Resource Protection Division for review and approval in accordance with Chapter 8 of the County Code. Prior to the issuance of land disturbance permit, the Facility operator and any third-party inspector shall conduct a pre-construction meeting with the Stormwater and Resource Protection Division to discuss schedule, submittal requirements, and other necessary items to complete the monitoring and inspections.
 - b. At the County's sole discretion, the County may engage the services of County-contracted inspectors for inspections required by County Code Section 8-6(b), or as deemed appropriate by the County to ensure compliance with applicable codes and Ordinances. The Facility operator shall be financially responsible for the costs of any inspections contracted for by the County for the Facility or the Property.
21. Public Improvements. Pursuant to Code of Virginia § 15.2-2288.8(B), after commercial operation of the Facility, a payment of \$1,400 per megawatt of alternating current (AC) generation capacity shall be made to the County on July 1 of each year to support construction of public improvements (including but not limited to transportation infrastructure, facilities for provision of public safety, etc.), the need for which is not generated solely by the Facility, but are reasonably related to it.
22. Solar Panel Details. As part of the Site Plan review, the Applicant shall provide documentation that the selected panels are non-regulated waste under Resource Conservation Recovery Act (RCRA) classification. Furthermore, the applicant shall provide documentation that the selected panels are "Tier 1" modules as established by the most recent "PV Module Tier 1 List" issued by BloombergNEF or a similar third-party analysis widely accepted in the solar industry.

- 23. Commencement. The Facility shall be operational within 48 months from the date of adoption of this resolution authorizing the 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.
- 24. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that SUP-21-0022 authorized herein shall not be effective and no site plan may be approved until the area shown on the Master Plan for the Project is withdrawn from the Barnes Swamp Agricultural and Forestal District enacted by Ordinance No. 167A-14 adopted on September 11, 2018.


 John J. McGlennon
 Chairman, Board of Supervisors

ATTEST:


 Teresa J. Saad
 Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2022.

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