



302 N. Main Street
Culpeper, Virginia 22701

UTILITY SCALE SOLAR FACILITY DEVELOPMENT POLICY

WHEREAS, the Code of Virginia (1950), as amended, at Title 67, Section 67-103. Role of Local Governments in Achieving Objectives of the Commonwealth Energy Policy, addresses the regulatory arrangement in the Commonwealth of Virginia as to renewable energy; and

WHEREAS, the General Assembly of the Commonwealth of Virginia has enacted statutes that limit a locality's ability to establish ordinances regarding renewable energy facilities by requiring such ordinances to:

1. Be consistent with the provisions of the Commonwealth Energy Policy pursuant to subsection C of §67-102;
2. Provide reasonable criteria to be addressed in the siting of any renewable energy facility that generates electricity from wind and solar resources. The criteria shall provide for the protection of the locality in a manner consistent with the goals of the commonwealth to promote the generation of energy from wind and solar resources; and
3. Include provisions establishing reasonable requirements upon the siting of any renewable energy facility, including provisions limiting noise, requiring buffer areas and setbacks, insuring limits on mass grading and addressing generation facility decommissioning; and

WHEREAS, Culpeper County will require those requesting to establish utility scale solar energy generation facilities in the A-1 (Agricultural) and RA (Rural Area) Zoning Districts to obtain a conditional use permit, pursuant to Article 17 of the Culpeper County Zoning Ordinance; and

WHEREAS, in accordance with Article 17 of Appendix A of the Culpeper County Code, any solar energy generation facilities found to: 1) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use; 2) Be detrimental to the public welfare or injurious to the property or improvements in the neighborhood; or 3) Be in conflict with the purposes of the Comprehensive Plan of the County of Culpeper, will be not be approved under any circumstance; and

WHEREAS, Culpeper County expressly intends to limit "utility scale solar sprawl" in order to preserve farmland, protect historic resources and insure development is compatible with neighboring properties by limiting both the overall number of acres dedicated to this land use in the County and by limiting the size of individual projects;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors will review renewable energy facility use permit applications on a case-by-case, individual basis in consideration of the factors and criteria set forth in the application submittal. The County reserves the right to collect reasonable building permit fees, plan review fees and other associated fees as needed to properly administer the goals established in this policy; and

BE IT FURTHER RESOLVED that the attached Draft Example Conditions for Renewable Energy Facility Use Permits and the stipulations outlined below shall be used as a guideline in the consideration of all applications for such facilities.

UTILITY SCALE SOLAR FACILITIES – GENERAL GUIDELINES

1. Culpeper County seeks to establish “draft” or “example” conditions for renewable energy facility use permits as an addendum (SEE EXHIBIT A) to this policy to help guide the County’s review of and the applicant’s submission of any future applications for renewable energy generation facilities. The County shall consider the economic impact of any conditions considered, attendant to the conditional use permit, to be imposed upon the Solar Energy Generation Facility.
2. Studies* reflect that the operation of Solar generation facilities, post-construction, do not pose any identified noise, toxicity, or EMF/Radiation concerns. Thus, each of these factors would unlikely be considered as the sole reason for denial of a conditional use permit.
3. Culpeper County seeks to ensure that any utility scale renewable energy generation facility is consistent with and furthers the goals as found in the most current Comprehensive Plan. Furthermore, Culpeper desires to balance this land use with the various and valuable existing and planned land uses and resources throughout the County and to that end, the following elements, at a minimum, should be considered, studied, researched, and vetted with each and every application for a renewable energy facility:
 - A. Culpeper County desires to protect the County’s historic properties and resources as identified by balancing those interests with the interests of the solar generation facilities.
 - i. Setbacks and buffering should be considered when an application is adjacent to such resource.
 - ii. Certain property, because of its historic value, should be discouraged from this land use entirely.
 - B. Culpeper County desires to protect and enhance its agricultural and rural heritage and resources.
 - i. Among other things size and scale of a renewable energy generation facility should strongly be considered in order to maintain the County’s rural viewshed and character.
 - ii. Siting of a facility on prime agricultural soils is discouraged. Non-agricultural producing lands or land which is of lower agricultural value should be explored first, e.g. State Land Evaluation and Advisory Council

¹ *For example, based upon “Health and Safety Impacts of Solar Photovoltaics” produced by the NCClean Energy Center, NC State University, which also cites numerous additional studies and sources

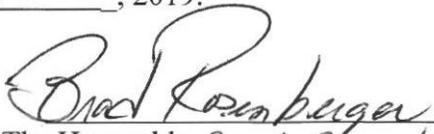
(SLEAC) and soils classification may be considered in determining agricultural value.

- iii. In order to protect the integrity of agricultural soils, mass grading of sites shall be limited to fifty (50) acres at a time.
 - iv. Facilities on or adjacent to agricultural and forestal district properties shall take into account the impact upon such districts, if any.
 - v. A plan should be developed with any proposal to minimize any negative visual impact to the greatest extent possible.
- C. Culpeper County desires to protect and enhance its economic and employment producers.
- D. Culpeper County desires to protect its interests at the Culpeper Regional Airport. Any application for a utility scale solar facility shall include the data necessary to perform an analysis using the Solar Glare Hazardous Analysis Tool (SGHAT) available from the Federal Aviation Administration.
- E. All solar panels will be designed to minimize the reflection of light.
4. The applicant shall provide information demonstrating the local economic benefits of the project or a cost/benefit analysis. Prior to the issuance of a land disturbance permit, the Applicant may also enter into a written agreement with the County providing for payments to the County in addition to real estate taxes.
 5. The applicant must provide written comments from the relevant electric company regarding the capacity of the transmission lines as part of any use permit application. An applicant can satisfy this requirement by submitting proof of application for interconnection to the electricity system.
 6. Adequate bonding shall be required for all phases of all projects, including but not limited to: an Erosion and Sediment Control Bond, Stormwater Management Bond, Construction and Performance Bond, Landscaping Bond, Decommissioning Bond, and Liability Insurance.
 7. The applicant shall provide a decommissioning plan, which will be required to be updated every three (3) years to insure (i) that the real property will be returned to its original condition upon closure of any facility, or at the end of its useful life, and (ii) that decommissioned equipment and panels are disposed of appropriately and in an environmentally sound manner. Favor will be given to decommissioning plans that provide for recycling of equipment and panels. In any event, decommissioning shall be guaranteed by cash, commercial surety, letter of credit, performance bond, etc. subject to the approval of the County Attorney and in accordance with any adopted County policy. Favor shall be afforded to surety in the form of cash and letter of credit. Moreover, final reporting at the conclusion of decommissioning will be required before any guarantee is released. Decommissioning surety shall be in place and adequate for the complete decommissioning of the project from its onset until it is decommissioned.

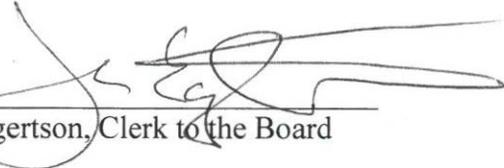
8. Noise, traffic, parking and other impacts are identified with regard to the construction and decommissioning attendant to these projects. Applications for utility scale solar facilities shall address mitigation of impacts not only upon completion of the facility, but also these and other identified impacts occurring during construction and at the time of decommissioning. A traffic and parking plan must be provided with any conditional use permit application. Stormwater management must be specifically addressed as part of any application, at all stages of construction, operation, and decommissioning. During construction, mass grading of an approved site shall be limited to fifty (50) acres disturbed at any given time.
9. Site Plan, Building Permit, Plan Review, and other associated fees will be collected based upon the County fee schedule. Reductions of such fees will not be negotiated.
10. No facility shall be located on a property designated by the Virginia Department of Historic Resources (DHR) as included within a historic battlefield boundary, pursuant to the federal Civil War Sites Advisory Commission *Report on the Nation's Civil War Battlefields* as updated by the National Park Service (SEE EXHIBIT B). Any facility adjacent to designated battlefield lands which were placed in an historic conservation easement prior to application being filed for such facility will be discouraged. Any facility adjacent to a significant historic resource shall have a vegetative buffer pursuant to Article 33-9(c)(4) of the Culpeper County Zoning Ordinance. Screening of historically significant properties and the viewshed for those properties is desired. The County may require screening of any use, or portion thereof, upon determination that the use would otherwise have a direct negative visual impact. Visual impact on property designated as historic by its inclusion in the Comprehensive Plan or as defined by 9VAC15-60-10 (Definitions) of the Code of Virginia as a "Historic Resource" shall be minimized to the greatest extent possible.
11. The cumulative impact of previously approved or permitted sites shall be considered. Specifically, it is intended that approximately 2,400 total acres or 240 megawatts of production serve as an upper target for utility scale solar development, which is representative of the County's footprint on the electrical grid.
 - A. The Culpeper County Comprehensive Plan emphasizes the County's commitment to the preservation of agriculture as its primary industry. The limitation of utility scale solar development furthers this goal. A limit of 2,400 acres equates to one percent (1%) of the total land mass of Culpeper County.
 - B. Based upon the population projections of the 2015 Culpeper County Comprehensive Plan, the residential consumption of power by 2040 would be approximately 162 MW. It is recognized that solar power produced in Culpeper County will not necessarily be consumed in Culpeper County, nevertheless, the County's own energy needs are a reasonable basis for the limitation of 240 MW of utility scale solar development.

12. The scope or scale of utility scale solar projects will have a direct correlation to numerous factors of concern. These include potential land disturbance, the ability to effectively screen and landscape a project, the traffic and other impacts during the construction process, the ease of decommissioning and other factors. In light of this, any single utility scale solar application should be limited to no more than 300 acres of actual panel installation.
13. Applicants for utility scale solar developments should provide preliminary information as to the phasing of the project, identifying watersheds and specifying the phasing of land disturbance activity in order to comply with the fifty (50) acre limitation in numbers 3 and 7, above. This information should also include proposed Virginia native species of grasses and other plantings which are non-invasive. Invasive non-native species will not be permitted.
14. Use permit conditions for any utility scale solar development shall include provisions to insure that adequate erosion control, stormwater management and building code inspections are insured, potentially through third parties, the cost of which shall be fully covered by the developer of the project. The cost of plan review by third parties shall also be addressed.
15. Applications that include evidence of project viability will be viewed more favorably than those absent such evidence. The following are helpful in determining a project's viability and are encouraged to be included in the applicant's submittal to the County.
 - A. Written comments from the relevant electric company regarding the capacity of the transmission lines or other electrical infrastructure as part of any use permit application, e.g., submitting proof of application for interconnection to the electrical system;
 - B. Offtake agreement, power purchase agreement, or other communication or document that identifies a clear path to an off taker or purchaser of the electricity generated from the project; and,
 - C. Further, preference will be given to projects and agreements that provide for the local use of the electricity being generated.

This Policy is adopted effective October 1, 2019.

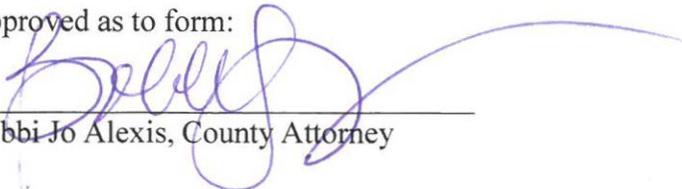

The Honorable Brad Rosenberger
Chairman, Culpeper County Board of Supervisors

ATTEST:



John C. Egertson, Clerk to the Board

Approved as to form:



Bobbi Jo Alexis, County Attorney

EXHIBIT A

Draft Example Conditions for Renewable Energy Facility Use Permits

The following stipulations are suggested as a condition of approval for any utility scale solar facility. These conditions are not all inclusive, as additional conditions may be deemed necessary in order to mitigate impacts based upon specific site conditions. Likewise, the conditions below may need to be modified, or even deleted based upon specific site conditions. Final conditions set for any use permit will be at the sole discretion of the Culpeper County Board of Supervisors.

1. **Use Permit is nontransferable.** This permit shall be granted solely for the subject property for operation of a utility scale solar facility. This conditional use permit shall be binding on any successors, assignees, current or future lessee, sub-lessee, or owner of the renewable energy facility. The permit shall not be assignable to a third party absent the written consent of the Board of Supervisors of Culpeper County. It is important that successors-in-interest be on written notice of the Permit and its terms and conditions.
2. **Access.** Access for inspections shall be accommodated for staff and/or other appropriate County officials with a 24-hour notice to the applicant.
3. **Maintenance of site features.** All site features, including landscaping, fencing, etc. shall be properly maintained throughout the life of the permit. Maintenance of such features may be guaranteed by a surety agreement and a surety acceptable to the Culpeper Attorney as required by the Board of Supervisors. If any structures at the facility site have been determined to be unsafe under the Uniform Statewide Building Code (USBC) by the County's Building Official, said structure shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owners or operator. The owners or operator must complete the repair, or removal of the structure, as may be lawfully authorized under the USBC.
4. **Submission of site plan.** A site plan in accordance with Article 20 of Appendix A of the Culpeper County Code shall be submitted prior to issuance of any building permits. The County may choose to contract with a third-party plan reviewer to help with this site plan review process. All fees associated with any third-party plan review shall be paid by the applicant or its successors-in-interest.
5. **Decommissioning of facility.** Either at the end of its lifespan or in the event of inactivity for more than two consecutive years, this facility must be decommissioned. All solar panels and pilings shall not be anchored with concrete footings for ease of removal after the useful life of the facility. The decommissioning plan shall include the removal of all surface and subsurface features. The plan shall be updated every three (3) years as necessary.
 - a. **Notice of inactivity-** The applicant or owner shall be responsible for notifying the Zoning Administrator within 30 days of the facility becoming inactive or after it no longer produces electric power for transmission by a public utility. Notification shall be provided in writing.

- b. Except for an event of force majeure, if the Facility remains inactive for more than twelve (12) consecutive months, the Permit may be subject to revocation; provided, however, that, if after such 12-month period, Applicant or its financing provider is diligently working to restore the Facility to operation, then, so long as the restoration process remains active, the Permit shall not be revoked in the instance of a force majeure.
 - c. Decommissioning process- Upon completion of the facility's lifespan or following revocation of the special use permit, the facility shall be decommissioned and the site shall be returned to the condition which existed prior to construction of the facility, including removal of all equipment and debris.
 - d. Trenches or other borings or excavations made in association with the facility shall be filled and compacted.
 - e. All wetland protections, natural vegetation, erosion control, and stormwater features shall remain in place.
 - f. The Applicant or owner shall provide a decommissioning plan to staff and obtain all required permits prior to conducting decommissioning activities.
 - g. All decommissioning activities shall be completed within nine (9) months of providing notice of inactivity.
 - h. If the facility is not removed within the specified time herein, the County may cause the removal of the facility, with costs being borne by the project owner, the property owner, or both.
 - i. Components of the Facility removed from the site as a part of decommissioning shall be handled and disposed of in compliance with all applicable legal requirements (local, state, and federal law and regulations). Applicant shall emphasize the feasible and cost-effective re-use or recycling of components, including any "extended producer responsibility" programs offered by vendors of the particular component, over landfill disposal.
 - j. In no event, shall any hardware, parts, structures, or any portions of the project that are damaged, replaced, and/or decommissioned be brought to or disposed of in a landfill or solid waste transfer station in Culpeper County.
 - k. A surety agreement for decommissioning and surety in a form acceptable to the County Attorney shall be submitted prior to the issuance of a construction permit. The surety amount shall be reviewed every 3 years and adjusted according to inflation. The surety agreement and guarantee may also specify that the land owner is responsible for decommissioning in the event that the applicant/project owner fails to perform.
6. **Surety for Decommissioning.** Prior to the issuance of any building permit for the Property, the Applicant shall enter into a surety agreement for decommissioning and post surety in a form acceptable to the County Administrator and the County Attorney in an amount determined appropriate by the Board of Supervisors based on the size and scope of the permitted project.
- a. The surety amount shall be reviewed and adjusted by an independent professional engineer. The independent professional engineer shall be selected and compensated by the Applicant, but selection of the independent professional engineer is conditioned upon and subject to approval by the County Administrator and/or his designee.
 - b. The amount of the requisite surety, thereafter, shall be set in an amount equal to a reasonable estimate of the projected gross cost of decommissioning the Facility.

- c. Every three (3) years, an independent professional engineer shall review the surety amount and shall determine whether it should be revised, according to inflation and other relevant cost variables to ensure that the posted surety will cover the projected gross cost. Again, the independent professional engineer shall be selected and compensated by the Applicant, but selection of the independent professional engineer is conditioned upon and subject to approval by the County Administrator and/or his designee.
 - d. The surety document and/or funds shall be released, but only after the decommissioning is complete and the Applicant has submitted a report to the County Administrator and/or his designee demonstrating compliance with all decommissioning requirements to the satisfaction of the County Administrator and/or his designee.
7. **Fire & EMS coordination and training.** The applicant will work proactively with the Director of Emergency Services to develop an Emergency Response Plan which will include an agreed-upon set of procedures and protocols for managing risk of fire and for responding in the event of an emergency at the facility (i) at the time of and during construction, (ii) post-construction and during the course of regular operations, and, (iii) at decommissioning.

The applicant at a minimum will provide:

- a. Emergency communications direction as well as emergency phone numbers and key points of contact.
 - b. Special training for fire and emergency services personnel and a tour of the site to ensure upfront awareness of the site and equipment as well as points of ingress/egress.
 - c. Designated shut off procedure and location for equipment shut off.
 - d. Maps outlining the location of key equipment such as the location of lockboxes, inverters, transformers, system/electrical cut-off switches and points of ingress/egress at the facility.
 - e. The Emergency Response Plan shall be submitted and reviewed in conjunction with the Permit application material and adopted as part of the Permit approval documentation.
8. **Noise.** All construction activities shall be limited to the hours of 8:00 a.m. to 6:00 p.m., Monday-Saturday and will be prohibited on Sundays. This condition shall apply to noise generated during the construction of the facility and to its ongoing operation and maintenance and any replacement of equipment or decommissioning of the facility.
9. **Entrance requirements.** The following conditions shall apply to the property entrances:
- a. The applicant shall obtain all required permits from VDOT and complete all required improvements to the property entrances prior to issuance of a building permit.
 - b. In the event that there is damage to the adjoining properties as a result of ingress/egress of construction vehicles, the applicant shall remedy all damage in full prior to issuance of a certificate of occupancy.
 - c. Access roads are to be marked with identifying signage.
10. **Landscaping Plan.** The intent of any landscaping plan is to provide buffering, screening of adjacent uses such as residential dwellings, public facilities and or resources, historic properties and resources, and public transportation corridors, etc. The following conditions shall govern the installation of landscaping in accordance with the approved plan:

- a. A Preliminary Landscaping Plan shall be submitted, reviewed and approved in conjunction with the Permit review and approval.
 - b. All landscaping shown on the approved landscaping plan shall be installed and shall be in good condition prior to issuance of a Certificate of Occupancy and prior to beginning production of electric power.
 - c. In the event that the applicant requires a minor deviation from the approved landscaping plan or site plan, such deviation shall be provided on a revised plan sheet for review and approval by the County Administrator and/or his designee.
 - d. In areas where there is not at least 50' of a native timber buffer remaining on the project parcel, a minimum of a double row of evergreens will be planted within any required setback and/or buffer area. All native timber buffers are subject to review and approval by the County. The use of native timber and natural screening is preferable. Such evergreens shall be planted, at a minimum, on fifteen (15) foot centers, with rows offset. The evergreens installed shall have an anticipated mature height of thirty (30) to forty (40) feet. The composition of this landscape buffer may be a mixture of evergreens and/or deciduous trees as deemed appropriate by the Board of Supervisors. These evergreens shall be planted during the appropriate time of year, subsequent to the completion of construction. (This requirement may be reduced or waived if agreed to, in writing, by the owner of the adjacent residence, including residences across a public right of way.) The composition and layout above is suggested as a typical planting arrangement, however the County reserves the right to modify this depending on the circumstances.
 - e. Evergreen plantings shall have a minimum beginning planting height of 6 feet. Any deciduous tree shall have a minimum caliper of two to two and one-half inches measured six inches above final grade at the time of planting.
 - f. All landscaping will be reviewed by the County following installation, at one-year completion, and as necessary after this to ensure the landscaping is being maintained.
 - g. A surety agreement for landscape maintenance in a form acceptable to the County Attorney shall be submitted and approved prior to the issuance of any building permits. The amount of the surety shall be determined by an independent landscape architect selected and compensated by the Applicant but approved by the County Administrator and/or his designee. The amount of the surety shall be equal to a reasonable estimate of the amount needed to establish, and following establishment, to maintain the landscaping required by the approved landscaping plan for two (2) years after initial installation. Once the landscaping has been successfully established, the surety amount will be reduced to that needed for two (2) years of maintenance thereafter. The surety will be released only after decommissioning is complete.
 - h. The County reserves the right to impose conditions on the site plan approval which specify species of landscaping, for example pollinator species.
 - i. The use of herbicides and pesticides shall be limited or prohibited.
11. **Signage.** No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law. During construction only, limited signage may be permitted to identify the companies performing the construction and to provide notice to the general public.

12. **Security/Fencing.** The facility should be enclosed by security fencing not less than six (6) feet in height. Type of fencing shall be in keeping with the area character as much as possible. For example, board fencing may be a more suitable security fencing which more closely matches area character and/or improves aesthetics. However, any fencing desired shall be required to meet the standards of the National Electric Code and other applicable safety regulations. To the extent possible, all required fencing shall be placed behind planned perimeter landscaping.
13. **Lighting.** Lighting shall be the minimum necessary for safety and/or security purposes and shall use shielded fixtures to minimize off-site glare. Any desired lighting shall comply with Article 32 of the Zoning Ordinance. The full site plan shall include a photometric plan that depicts the location, type, power and predicted lighting levels of each permanent fixture.
14. **Structures.** Any proposed structures shall be of a neutral color so as to reduce visual obtrusiveness. Any supporting electrical and mechanical equipment such as racking for the panels, inverters, etc. must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make related equipment more visually unobtrusive.
 - a. The storage of power generated by the facility is prohibited. No batteries shall be used in conjunction with the facility to store power for electrical transmission.
15. **Acquiring Permits.** Zoning and Building permits must be obtained within 24 months of obtaining this conditional use permit, otherwise the conditional use permit shall be null and void.
16. **Setbacks/Buffers.** A minimum setback of one hundred and fifty (150) feet shall be maintained from any above ground equipment to the nearest property line. This requirement may be reduced or waived if agreed to in writing by the owner of the adjoining property. This area may include the requirement to maintain any existing vegetation and/or fencing that is in place and may require supplementary landscaping. These setback requirements shall not apply to any interior property lines that may exist.
17. **Annual Notice of Activity.** The County will require as practical for the owner of an approved facility to provide an annual statement of activity to the County Administrator and/or his designee. This will help ensure that the facility is still actively producing electricity for the power grid.
18. **Violation of Conditions.** A Notice of Violation shall be sent to the owner of the facility and the landowner if there is evidence that suggests the use is not in conformance with any of the adopted conditions of approval. If violations remain after notice of violation is received, any continued violation of any of the conditions of approval shall be grounds for revocation of the conditional use permit.
19. **Construction Traffic Management Plan.** The Applicant shall submit a proposed construction traffic management plan to the County Administrator and/or his designee for review and approval as part of the full site plan. The construction traffic management plan shall:

- a. Provide vehicle and trip estimates, propose steps to manage traffic safely and minimize inconvenience to the travelling public.
- b. Provide procedures for communication with area residents about construction and anticipated traffic conditions.
- c. Prohibit any personnel associated with the Facility, while working on the construction of the Facility, from parking their vehicles at locations other than the Facility. Provide onsite parking for all associated construction related activities. Offsite parking and use of shuttles from offsite parking areas may be utilized if approved in advance by the County Administrator and/or his designee.
- d. Provide for truck deliveries to be avoided during the periods that school buses are scheduled to use the roads in the vicinity of the Facility.

20. Maximum Height of Facility. Except for the collection yard and substation, the solar panels (when at their highest point during operations) and other structures comprising the Facility shall not exceed a height of 12 feet from the ground surface at the location of the particular structure. The County Administrator and/or his designee may approve minor deviations from this limitation as part of the review of the full site plan to account for low-lying areas in which structures higher than twelve (12) feet merely provide a uniform height across an adjacent group of structures and does not materially affect the apparent height of the Facility from off-site locations.

21. Erosion and Sediment Control Plan. The Applicant shall submit prior to the issuance of any land disturbance permits a proposed erosion and sediment control plan in accordance with Chapter 8 of the Culpeper County Code. The erosion and sediment control plan shall:

- a. Adhere to the Virginia Erosion and Sedimentation Control Regulations and the Virginia Erosion and Sedimentation Control Handbook (a/k/a the "Green Book").
- b. Provide that no topsoil will be removed from the Facility but instead will be used on site to establish ground cover.
- c. Incorporate riparian buffers of at least 50 feet from the top-of-bank of all stream segments.
- d. Incorporate a protocol developed in coordination with the County Administrator and/or his designee, the Culpeper County Soil and Water Conservation District, and the Virginia Department of Environmental Quality ("DEQ") that specifies the phased construction of designated units of land so that the total area of disturbed land at any one time is appropriately limited given the nature of the construction activities, the size of the Project, the topography and water resources of and in the Project Area, and the erosion and sediment controls to be employed. The protocol will be designed to ensure that ground cover is expeditiously established, and appropriate site stabilization achieved throughout construction.
- e. Include sufficient surety to guarantee that funding is available to implement and maintain all required erosion and sediment control measures.
- f. Provide for Applicant funding, for the period of construction, and as needed a third-party erosion and sediment control inspector, to be selected and directed by the County Administrator and/or his designee.
- g. Final phasing plan shall be fully determined with the submission of the full site plan. No land disturbing activity associated with any phase of the project shall disturb more than 50 acres at a time. Each phase shall be fully stabilized prior to a permit will be issued for the next land disturbance phase.

22. Stormwater Management Program Permit. Prior to the start of construction of the Facility, Applicant shall apply for and obtain from the DEQ a Virginia Stormwater Management Program Permit ("VSMP Permit"), including a proposed Stormwater Pollution Prevention Plan ("SWPPP"), for the construction of the Facility.

23. Vegetation Management Plan. The Applicant shall submit a proposed vegetation management plan for ground cover within the fence lines of the Facility to the County Administrator and/or his designee for review and approval as part of the full site plan, which shall:

Describe in detail the design of the ground cover, which will consist primarily of native grasses and associated low-growing species.

- a. Include a general plan and schedule for managing the growth of the vegetation over the operational life of the Facility so as to maintain a neat and clean appearance.
- b. Include measures to prevent and control noxious weeds and invasive species.
- c. Emphasize mowing and other mechanical means as the primary method of managing vegetation growth.
- d. Identify any class of herbicide to be used and provide that use of any such herbicide will be in accordance with its approved label.
- e. Demonstrate that the quantity of herbicides expected to be used annually for the Facility will be less than the amounts that generally were used on the agricultural fields hosting the Facility during the 12 months prior to the start of construction.
- f. Provide that only biodegradable soap and water, and no other chemicals, may be used to clean the surface of solar panels.
- g. Provide for the review by the County Administrator and/or his designee of any proposed significant changes to the vegetation management plan during the operational life of the Facility.

24. Protection of Soils. In addition to using only biodegradable soap and water to clean solar panels and the above limitations on herbicides, Applicant shall take the following steps to ensure the protection of soils from the operation of the Facility:

- a. Promptly make an oral report to the County Administrator and/or his designee of (1) any breakage or loss of integrity of any component that has the potential to result in hazardous materials reaching the ground surface; and (2) any spillage of fluid other than water to the ground surface, such as the leakage from an inverter or transformer cooling oil. Within 7 days following the incident, Applicant shall provide a written, follow-up report to the County Administrator and/or his designee that describes in detail the incident, the area affected, and the measures taken by Applicant to respond to and/or remediate the situation.
- b. Take representative soil samples from the Project Area prior to land disturbance activities for the project, then once during the first year of operation to establish a baseline of constituents important for agricultural productivity and compare the results to paired samples of those constituents from the same locations taken at the start of decommissioning. Any significant difference that may adversely affect agricultural productivity and that is reasonably attributable to the operation of the Facility shall be addressed as part of Applicant's obligation to return the area to substantially the condition that existed prior to construction.
- c. A sealed dry-waste container shall be maintained at the Facility for the disposal of any damaged solar panels.

25. Local Contractor and Job Fairs. No later than ninety (90) days prior to the start of construction of the Facility, the Applicant shall hold at least two (2) contractor and job fairs, one on a weekday evening and one on a Saturday, in Culpeper County. The purpose of the contractor and job fairs shall be to attract qualified construction sub-contractors with operations in Culpeper County and individual job applicants who reside in Culpeper County for the construction or operation of the Facility. The contractor and job fairs shall be advertised in the local newspaper at least two (2) weeks in advance.

26. Emphasis on Local Employment. The Applicant shall, in any request for proposals for the employment of non-specialized services such as but not limited to, landscaping and grounds maintenance, road construction, and similar non-technical services, ensure that its contractors include a requirement to use best commercial efforts to attract and retain companies based in Culpeper County or the Town of Culpeper, or persons residing in either jurisdiction.

27. Road Repair. The Applicant shall repair expeditiously any damage to public roads or related infrastructure caused by the construction traffic for the Facility as required or determined by the County or VDOT, which shall be contemplated and covered by the surety/bonding and the liability insurance policy.

28. Permit Duration. This Permit shall be valid for a specified length of time from the start of commercial operations of the Facility, which shall be the date on which the Facility first delivers non-test energy to the high-voltage transmission system, -- or until hereunder this Permit lawfully terminated or terminated as a matter of ordinance or other law prior to the natural expiration date, whichever is sooner. At the end of the specified amount of time – unless hereunder this Permit decommissioning is lawfully permitted to be required sooner, the Facility shall be deemed to have reached the end of its lifespan and decommissioning shall begin.

29. Reconstruction.

- a. This Permit authorizes only the initial construction, operation and decommissioning of the Facility and does not authorize the reconstruction or substantial change in location of the major land-disturbing components of the Facility, such as the collection yard, pilings, racking, roads, buried collection lines, and fencing. Any such reconstruction may be authorized only pursuant to the County's requirements at the time applicable to new projects.
- b. This condition does not apply to routine maintenance, repair and replacement of components and does not preclude the wholesale replacement of operating components of the Project not involving significant land disturbance, such as the replacement of operating components of the collection yard, solar panels, inverters, and pyranometers. Any equipment replacement program that will result in significant truck traffic potentially disruptive to neighbors shall be undertaken only after approval by the County Administrator and/or his designee of a traffic management plan and shall be limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday.

30. Panel Specifications and Composition. At the time of construction, the Applicant shall provide to the County Administrator, with a copy to the County Attorney, a written panel specification disclosure document that includes the composition, toxicological information, and the physical and chemical properties of all of the solar panels being utilized for the Project.

31. Corporate Structure, Associations, and Information.

- a. The Applicant upon issuance of the Permit, shall provide written contact information/relational charts to the County Administrator, with a copy to the County Attorney, regarding its business structure and its affiliations, including but not limited to its affiliations, members, parent company, and subsidiaries.
- b. Applicant and all successors-in-interest, including current and future owners, lessees, sub-lessees, and permitted assignees shall provide the County Administrator, with a copy to the County Attorney, written notice of changes of ownership within thirty (30) days thereof.

32. Substantial upgrades and/or changes in design and/or operation. Any substantial upgrades or changes made to the design or operation of the solar facility and/or the Project that are planned shall be disclosed to the County Administrator and/or his designee at least (ninety) 90 days before the intended implementation of the upgrades or changes – except as provided herein. Any substantial upgrades and/or changes resulting solely from a bona fide emergency and force majeure shall be disclosed no later than (sixty) 60 days thereafter.

33. Additional Measures to Mitigate Construction Impact. The Applicant shall implement the following additional measures during construction:

- a. Maintain all construction-related vehicles in good working order.
- b. Provide notice to owners or tenants of homes located on properties adjacent to areas where construction activity will take place when such activity will occur.
- c. Designate a specific individual and provide that individual's name and contact information to the County Administrator and/or his designee, to which questions, complaints, or concerns during construction may be directed.
- d. Prior to the initiation of construction, mail a notice of construction activity to all property owners whose properties are adjacent to areas on which the Facility will be constructed or who reside along all roads from the nearest primary road to those points that have been identified to the County Administrator and/or his designee as points at which workers, materials, and supplies will be delivered. The notice shall summarize upcoming construction activities, describe the areas in which construction will occur, including the main routes of delivery, and provide the name and contact information of the Facility representative to whom any complaints, concerns, or comments may be addressed.
- e. Provide adequate portable sanitation facilities that are located in a manner that facilitates ease of disposal but that are not within one hundred and fifty (150) feet of any property boundary of a parcel on which a home is located and whose owner is not participating in the Facility.
- f. Prohibit any personnel associated with the construction of the Facility from overnight lodging at the Facility.

34. Operator's Commercial General Liability Coverage. The Applicant shall secure and maintain at all times public liability insurance for personal injuries, death, and property damage, including damage to public roads, and umbrella insurance coverage for the duration of the Permit in a minimum amount as established by the Board of Supervisors.

- a. The Operator shall provide the County Administrator and/or his designee Certificates of Insurance annually, and the amounts of required insurance shall be reviewed every two years for adequacy.

Exhibit B

CIVIL WAR BATTLEFIELD BOUNDARY AREAS CULPEPER COUNTY, VA



RAPPAHANNOCK
COUNTY

FAUQUIER
COUNTY

Legend

-  Town of Culpeper
-  Battlefield Boundary Area

MADISON
COUNTY

STAFFORD
COUNTY

ORANGE
COUNTY

SPOTSYLVANIA
COUNTY

PREPARED BY
CULPEPER COUNTY PLANNING DEPARTMENT

DATE: 10-1-2019

