

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 16th day of May, 2023:

<u>MEMBERS:</u>	<u>VOTE:</u>
Dr. R. Pamela Yeung, Chairman	No
Thomas C. Coen, Vice Chairman	Yes
Tinesha O. Allen	Absent
Meg Bohmke	Yes
Darrell E. English	Yes
Monica L. Gary	Yes
Crystal L. Vanuch	Yes

On motion of Ms. Bohmke, seconded by Ms. Gary, which carried by a vote of 5 to 1, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-25 “DEFINITIONS OF SPECIFIC TERMS;” SEC. 28-35, “TABLE OF USES AND STANDARDS;” AND SEC. 28-39 “SPECIAL REGULATIONS” TO AMEND THE DEFINITION FOR PUBLIC UTILITIES AND ESTABLISH STANDARDS FOR SOLAR FACILITIES AND ENERGY STORAGE FACILITIES

WHEREAS, Stafford County Code does not define solar facilities or energy storage facilities (Solar Facilities) nor does it provide for development standards or regulations for such uses; and

WHEREAS, the Board desires to establish zoning and development standards for Solar Facilities; and

WHEREAS, upon the Board’s request, the Planning Commission and staff developed proposed definitions and regulations for Solar Facilities in Stafford County; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require the adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that Stafford County Code Sec. 28-25, “Definitions of specific terms;” Sec. 28-35, “Table of uses and standards;” and Sec. 28-39 “Special regulations,” be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

Sec. 28-25. - Definitions of specific terms.

When used in this chapter, the following terms shall have the meanings herein ascribed to them:

Decommission. The removal and proper disposal of solar energy equipment, facilities, or devices on real property subject to Code of Virginia § 15.2-2232, as amended, which includes the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including soil stabilization and revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

Decommissioning agreement. A written agreement between the county and an owner, lessee, or developer regarding removal and proper disposal of solar energy equipment, facilities, or devices on real property.

Energy storage facility. Energy storage equipment and technology capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

Solar facility. A commercial facility primarily consisting of activities, applications or devices designed to convert sunlight to electricity for storage and/or distribution from one property to other properties through a utility grid. Solar facility excludes residential or non-residential properties containing solar technology used to generate electricity for use on-site only.

Solar panel. A panel designed to absorb the sun’s rays as a source of energy for generating electricity or heat.

Solar project site. The parcel(s) on which an energy storage facility or solar facility is located.

Sec. 28-35. - Table of uses and standards.

Table 3.1. District Uses and Standards

A-1 Agricultural.

(b) *Conditional use permit:*

Energy storage facility.

Solar facility.

M-1 Industrial Light.

(b) *Conditional use permit:*

Energy storage facility.

Solar facility.

M-2 Industrial, Heavy.

(b) *Conditional use permit:*

Energy storage facility.

Solar facility.

Sec. 28-39. - Special regulations.

(z) ~~reserved.~~ Special provisions applicable to solar facilities and energy storage facilities.

- (1) Such projects shall be located within two and one-half (2.5) miles of electric transmission lines.
- (2) Solar panels shall cover no more than eighty percent (80%) of the total land area of the solar project site.
- (3) The solar project site shall have access to a major collector road (or higher) as designated in the comprehensive plan unless the board of supervisors finds the amount of traffic generated by the project is such that frontage on a public road with a lesser designation will not cause an undue impact on neighboring properties or adversely affect safety or road usage.
- (4) All equipment shall be placed at least one hundred (100) feet from any property line or habitable structure located on adjacent properties unless such modification is approved by the board of supervisors.
- (5) All equipment and panels shall be at least five hundred (500) feet from the edge of any right-of-way identified as a Corridor of Statewide Significance by the state, unless such modification is approved by the board of supervisors. The setback may be modified by the board of supervisors upon demonstration that the panels

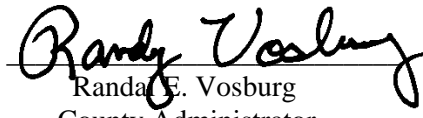
will not impact the viewshed from the identified corridor.

- (6) Solar panel components shall have a UL listing and shall be designed with an anti-reflective coating. Individual arrays/solar panels shall be designed and installed in order to prevent glare toward buildings on adjacent properties and nearby vehicular traffic.
- (7) The solar project site shall be enclosed with chain link fencing not less than six (6) feet in height, include an appropriate anti-climbing device, and shall be secured with gates. Fencing shall be installed on the interior of the buffer required in subsection (z)(8) below.
- (8) A vegetated buffer shall be required around the solar project site consisting of a landscaped strip at least fifty (50) feet wide measured from each boundary line of the solar project site around the entire perimeter. The solar project site shall be landscaped and maintained with a buffer of plant materials that are mature enough to effectively screen the view to eight (8) feet above ground level of the solar panels from adjacent properties all year round. Non-invasive plant species, pollinator-friendly and wildlife-friendly native plants, shrubs and trees shall be used.
- (9) The solar project site, including the area underneath the solar panels, shall be vegetated. Solar panels shall be adequately spaced to ensure sufficient sunlight penetration to promote vegetation growth.
- (10) When a buffer is not required based on the results of a viewshed analysis, buffer requirements may be reduced or eliminated when the adjoining property is subject to an active agricultural use and the reduction or elimination is approved by the board of supervisors.
- (11) All newly installed utilities, including but not limited to electric or fiber lines, serving the solar project site shall be placed underground.
- (12) Any change of ownership or management of the solar facility or energy storage facility shall be reported to the zoning administrator within ninety (90) days of such change.
- (13) The zoning administrator shall be notified in writing at least one hundred eighty (180) days in advance of any intent to repower the facility. Such notification shall include full details for the proposed changes to the site for review and may require new permits, inspections or a site plan.
- (14) Conditional use permits applicable to solar facilities and energy storage facilities may include conditions permitted by Virginia Code § 15.2-2288.8, as amended.
- (15) A proposed decommissioning agreement shall be submitted as part of the conditional use permit application. Decommissioning shall include the removal of all solar panels, collectors, cabling, electrical components, fencing and all other associated equipment, facilities and structures to a depth of at least thirty-six (36) inches from the ground surface of the property with site rehabilitation establishing preconstruction conditions of the solar project site.

In addition to the terms required by Virginia Code § 15.2-2241.2, such agreement, which shall be recorded in the land records of the Stafford County Circuit Court, shall include the following:

- a. A description of any agreement (e.g. lease) with all landowners regarding decommissioning shall be included on the site plan;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications used at the project site;
 - d. Standard procedures for removal of facilities and project site rehabilitation, including, but not limited to, recompacting, planting and reseeding;
 - e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade; and
 - f. A deadline for completion of decommissioning.
- (16) The zoning administrator shall be notified in writing within thirty (30) days of the abandonment or discontinuance of the solar facility or energy storage facility use.

A Copy, teste:


Randal E. Vosburg
County Administrator

REV:KCB:dm