

**NOTICE IS HEREBY GIVEN THAT  
THE SURRY COUNTY BOARD OF SUPERVISORS  
WILL HOLD A PUBLIC HEARING ON  
THURSDAY, FEBRUARY 13, 2025 AT 6:00 P.M.  
IN THE GENERAL DISTRICT COURTROOM LOCATED AT  
THE SURRY COUNTY GOVERNMENT CENTER  
45 SCHOOL STREET, SURRY, VIRGINIA  
TO CONSIDER AND INTENDS TO TAKE ACTION ON THE FOLLOWING:**

**PC Ordinance Amendment 2024-02:** The Board of Supervisors will consider and intends to take action on the adoption of amendments to the Solar Energy Ordinance adopted on December 6, 2018 but erroneously placed within Chapter 10, Environment, Article IV, of the Surry County General Ordinances, and codify the ordinance into the Surry County Zoning Ordinance by amending Article I, General Provisions, Article II – Definitions and Uses, Article III - Zoning Districts and Boundaries, and Article IV – Supplementary Regulations to incorporate and update language regarding application requirements, new use type descriptions, location requirements, and performance standards for solar energy facilities.

The public hearing will be held pursuant to § 15.2-2204 and § 15.2-2285 of The Code of Virginia (1950, as amended). A copy of the proposed ordinance and related material may be reviewed or obtained on the County's website at <https://www.surrycountyva.gov/413/Public-Notices>, or a copy of the proposed ordinance and related material may be examined at the Department of Planning and Community Development, Surry County Government Center, 45 School Street, Surry, Virginia. Office hours are Monday through Friday from 9:00 am to 5:00 pm.

All interested persons are invited to participate in the public hearing. If assistance or special accommodations are needed to participate in the hearing, please contact the Department of Planning & Community Development Monday – Friday from 9:00 a.m. to 5:00 p.m. at least 72 hours prior to the hearing.

Horace H. Wade III, Director  
Department of Planning & Community Development  
(757) 294-5210

## **PART II - LAND DEVELOPMENT ORDINANCES**

### **APPENDIX A - ZONING**

#### *ARTICLE I. – GENERAL PROVISIONS*

##### *1-500. Planning Commission and Board of Supervisors*

###### **Sec. 1-501. Conditional use permit.**

- A. The procedures and standards contained in this section shall apply to all uses specifically permitted as conditional uses in the district regulations found elsewhere in this ordinance.
- B. This category of uses known as conditional uses is established in recognition that in addition to uses permitted by right, certain uses may, depending upon their scale, design, location, and conditions imposed by the board, be compatible with existing and future uses in a district.
- C. The review and subsequent approval or disapproval of a conditional use permit by the board shall be considered a legislative act, and shall be governed by the procedures thereof.

###### **Sec. 1-501.1 Conditional use permits for community-scale solar energy facilities or utility-scale solar energy facilities**

In order to preserve and protect the county's rural ambiance and its agricultural and forestal lands, the Board of Supervisors determined that the total approved utility-scale solar generation facilities shall not exceed 7 percent of developable land within the County or 10,695 acres in total. Land calculation is based on the entire acreage for parcel seeking a conditional use permit. Siting agreements between the County and the developer shall be required. In addition, the centroid of such facilities shall be within one-mile of existing high-voltage electric transmission lines. Such facilities are permitted only in the (M-1) Light Industrial and the (M-2) General Industrial Zoning Districts.

###### **Sec. 1-502. General standards.**

- A. The administrator shall not accept a conditional use permit application for a lot or parcel that does not comply with the minimum requirements contained in the use and design standards for that use. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the administrator shall thereafter accept the conditional use permit application for the consideration of the commission and board.
- B. No conditional use permit shall be issued except upon a finding of the board that in addition to conformity with any standards set forth in article IV, Use and design standards, the proposed conditional use conforms with the following general standards. These standards shall be met either by the proposal made in the original conditional use permit application, or by the proposal as modified or amended as part of the review of the application by the commission and the board:
  - 1. The proposal as submitted or modified shall conform to the comprehensive plan of the county and to the purposes of the zoning ordinance.
  - 2. The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impact shall be evaluated with consideration to items such as, but not limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor,

fumes and vibrations. In considering impacts, due regard shall be given to the timing of the operation, site design, access, screening, or other matters which might be regulated to mitigate adverse impact.

### **Sec. 1-503. Application requirements.**

- A. An application for a conditional use permit may be initiated by:
  - 1. Resolution of the board, or;
  - 2. Motion of the commission, or;
  - 3. Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property for which a conditional use permit is requested.
- B. The applicant for a conditional use permit shall provide at the time of application, information and or data to demonstrate that the proposed use will be in harmony with the purposes of the specific zoning district in which it will be located. Further, the applicant shall have the responsibility to demonstrate that the proposed use will have minimum adverse impact on adjoining property and the surrounding neighborhood in terms of public health, safety, or general welfare.
- C. All applications submitted for conditional use permits shall show the nature and extent of the proposed use and development. If the proposed development is to be constructed in phases, all phases shall be shown at the time of the original application.

#### **Sec. 1-503.1 Application requirements for community-scale solar energy facilities or utility-scale solar energy facilities.**

In addition to the requirements set forth in section 1-503, a conditional use permit application for a community-scale solar energy facility or utility-scale solar energy facility shall provide the following information:

##### A. Project narrative:

- 1. Identify the applicant, facility owner, site owner, and operator, known at the time of the application and provide property control or ownership documentation via lease, purchase option or deed.
- 2. Describe the project including an overview, its location, years of operation; site area in acres; current site use; the projects compatibility with its surroundings and conformance to the adopted Comprehensive Plan.
- 3. Address any impacts to nearby cultural/historical features.
- 4. Explain setbacks, vegetated buffers, landscaping and the use of pollinator-friendly and wildlife-friendly native planting areas.
- 5. Describe the existing and proposed access roads serving the project and address construction traffic management and control.
- 6. Give construction and deconstruction hours of operation and address maximum noise levels and mitigation.
- 7. Describe and provide renderings, including, but not limited to, 3D images, audio files, and site visits, of any glint, glare, or noise produced by any equipment and any necessary mitigation measures needed.
- 8. Estimated time for construction and operations commencement.

9. A list of materials utilized (i.e. aluminum, copper, glass, etc.) in construction of the facility and approximate percentages.
  10. Maximum electricity generation rated capacity.
  11. Approximate number and representative type, and expected footprint of solar equipment under construction, including number and types of photovoltaic panels; ancillary facilities.
  12. Where and how the transmission of electricity generated at the facility will occur, including the proposed location of electric grid interconnection.
  13. Applicant to submit a copy of the PJM Interconnection Application with the Conditional Use Permit Application.
- B. Concept development plan. The concept development plan shall conform to the preparation and submittal requirements of the County Code, including supplemental plans and submissions, and shall include the following information:
1. Property lines and setbacks.
  2. Provide an area map showing the proposed site within a five-mile radius.
  3. Existing and proposed buildings and structures, including preliminary locations of the proposed solar equipment.
  4. Existing and proposed access roads, drives, turnout locations, permanent entrances, temporary construction entrances, cemetery locations and access and parking; Written confirmation from the Virginia Department of Transportation (VDOT) that all entrances satisfy applicable VDOT requirements.
  5. Location and heights of existing and proposed substations, electrical cabling from the solar systems to the substations, ancillary equipment, building, and structures (including those within any applicable setbacks).
  6. Fencing.
  7. Inverter locations.
  8. Identify areas where sufficient vegetative buffering exists or needs supplemental plantings, or new vegetation, and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers shall be planted following Virginia Pollinator-Smart Program best practices. All such vegetative areas shall require maintenance and replacement of dead or dying as necessary throughout the life of the project. All vegetative plantings shall be performed as part of the installation of fencing.
  9. The extent of existing, previously known wetlands and woodland the property.
  10. Identification of predominant soil types on the property.
  11. Scaled elevation views and simulations of proposed vegetative buffers at planting, and over five, ten, and 20-year periods, to assess their effectiveness in reducing visual impacts as taken from adjacent public rights-of-way and dwellings.
  12. Identification of project parcels located in Residential Growth Areas as shown in the County's adopted Comprehensive Plan.
  13. Location of existing cemeteries, protection measures and access.
- C. Community impact assessment. An assessment of the impact on the immediate vicinity of the proposed solar energy facility as well as the greater the county community shall be prepared and submitted to the county with zoning map amendment and/or conditional use permit request and/or site plan approval

request. The report shall be prepared by a professional acting within his or her competency, shall be presented in written form and shall analyze in specific terms the probable impact of the project on the vicinity and community over time. Specific attention, as may be appropriate to the individual proposal, should be given but not be limited to the following elements:

1. Anticipated direct revenues to the county from real estate and personal property taxes.
  2. An assessment of employment opportunities to be created by the proposed development.
  3. An assessment of the short and long-term economic impact of the proposed development. If the development is replacing an existing enterprise, including agricultural and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise.
  4. Fire, rescue, and law enforcement requirements as compared to existing capacities and facilities.
  5. Water, sewer and stormwater management needs as compared to existing capacities and facilities to address:
    - i. Adequacy of existing utilities, water, sewer, public services and public facilities in the vicinity of the development.
    - ii. Public and private improvements both offsite and onsite that are proposed for construction and a cost estimate for providing these improvements.
  6. Other public and quasi-public facility and service impacts including refuse collection and disposal systems intended to serve the development.
  7. Socioeconomic changes and impacts to result from the proposed development.
  8. The costs in both capital and operating funds of providing services to the proposed development.
  9. What efforts, if any, are proposed to mitigate the service demands or costs to the county. The board of supervisors may waive certain elements of the community impact assessment where the nature of the proposed development makes such elements inapplicable.
- D. Additional information as may be required, as determined by the zoning administrator, such as a historic resource impact analysis, an environmental resource impact analysis, a traffic impact analysis, a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the planning and zoning administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
- E. Technical review/fees. Applications for utility-scale solar energy projects shall require a technical review that will be conducted by a consultant selected by the county. Any fees associated with performance of this review will be paid by the applicant.
- F. Transportation and traffic control plan. The applicant or project owner shall prepare and submit such a plan to the Virginia Department of Transportation (VDOT) and the county for review and approval. Such plan shall address the following:
1. Directing employee traffic and delivery traffic to specific roadways to access the property to minimize conflicts with local traffic patterns.
  2. Lane closures, flagging procedures, directional and informational signage.

3. Designated routes for employees, deliveries or equipment and materials on secondary roads to the property
4. Designated delivery and parking areas.
5. Dust control and mitigation, using water trucks, mulch, or similar methods.
6. Measures necessary to prevent deposits of soil and mud onto adjacent roads from construction-related traffic.
7. A pre-and post-construction road evaluation, an any necessary repairs to the public or private roads damaged by the project. If a traffic issue arises during the construction of the project, the applicant or project owner shall develop, with the input from the county and VDOT, a complete appropriate measures to mitigate the issue.

#### G. Cultural/ Historic Plan

1. The applicant shall provide a Phase 1A cultural resource assessment of the projects general impacts prepared by a Virginia qualified environmental professional. Such report shall contain a Virginia Cultural Resource Information System (VCRIS) desktop survey of the facility's property, and applicable documentation from the Virginia Department of Environmental Quality (DEQ), Department of Historic Resources (DHR), Department of Wildlife Resources (DWR), and the Department of Conservation and Recreation (DCR).
2. At a minimum the desktop survey scope shall encompass the proposed site and all property within one mile and include previously performed surveys.
3. Provide an environmental context.
4. Provide a cultural context description.
5. Provide assessment results.
6. Conclusions and recommendations.
7. A list of resources used and references.

#### H. Landscaping and buffering plan

1. The plan shall address the vegetative buffering required, including the use of existing and newly installed vegetation necessary to buffer the facility from view. Such vegetative buffers shall be a minimum of 300 feet surrounding all utility-scale projects. Supplemental plantings must reach a minimum height canopy of 20 feet within 10 years. The plan also must address the use and maintenance of pollinator-friendly and wildlife native plants, shrubs, trees, grasses, forbs, and wildflowers in the project area and in the setbacks and vegetative buffering following the Virginia Pollinator-Smart Program best practices.

#### I. Community meeting requirement

The applicant shall hold a public community meeting prior to the Planning Commission's public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility under the following guidelines:

- a. The applicant shall inform the Zoning Administrator and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days in advance of the meeting.
- b. The applicant shall advertise the meeting notice in a newspaper of record in the county giving the meeting date, time and location at least seven but no more than 14 days, in advance of the meeting date.
- c. The meeting shall take place within the county, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.
- d. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
- e. The applicant shall provide to the zoning administrator a summary of any input received from members of the public at the meeting any any responses.

#### **Sec. 1-504. Review and action.**

- A. The commission shall review and make recommendations to the board concerning the approval or disapproval of any conditional use permit. No such recommendation shall be made until after a public hearing is held in accordance with Code of Virginia, § 15.2-2204, as amended. Posting of the property shall be in accord with section 1-600 of this ordinance. The commission shall base its recommendation upon the review of the submitted application materials, the specific and general criteria for the conditional use, public comment received at the hearing, and any additional provided by the administrator. In making a recommendation to the board, the commission may recommend any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the design, scale, use, or operation of the proposed conditional use. Where warranted, for the purpose of compliance with the general standards for conditional uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.
- B. The board may grant or deny any applicant a conditional use permit after notice is given and a public hearing is held in accordance with Code of Virginia, § 15.2-2204, as amended. No action on any conditional use permit shall be taken until the Board has received the recommendation of the planning commission. In granting a conditional use permit, the board may attach any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the design, scale, use, or operation of the proposed conditional use. Where warranted, for the purpose of compliance with the general standards for conditional uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.

#### **Sec. 1-505. Time limitations.**

- A. Within 90 days from the date that the proposed conditional use permit application is referred to the commission, unless a longer period shall have been established by mutual agreement between the board and the commission in a particular case, the commission shall review the proposed application and report its findings and recommendation to the board along with any appropriate explanatory materials. Failure of the commission to report to the board within 90 days shall be deemed a recommendation of approval. If the commission does not report within 90 days, the board may act on the application without the recommendation of the commission.
- B. The board shall hold a public hearing and approve, approve with conditions imposed by the board or deny any conditional use permit application within 12 months after receiving the commission's recommendation. Failure to act on any permit within this 12-month period shall be deemed denial of the permit.

- C. Any conditional use permit approved under this ordinance shall expire after two years from the date of approval if no substantial construction has taken place in accordance with the plans for which such variance was granted, unless the board grants a longer period of time for good cause shown.
- D. If any conditional use permit application is withdrawn at the request of the applicant subsequent to the commission's recommendation on the permit, or if the board denies any application submitted for its review, the county shall not consider any application for the same conditional use, on the same property, within one year of the permit withdrawal or the board's action.

#### **Sec. 1-506. Existing conditional uses.**

Any use listed as requiring approval of a conditional use legally existing at the effective date of the regulations of this article shall be considered a nonconforming use. Any use approved as a conditional use under a previous ordinance shall remain in place and full force under the provisions of the previous ordinance unless an alternative use is made of the property at which time the conditional use permit shall be void.

#### **Secs. 1-507 – 1-509. Reserved.**

#### **Sec. 1-510. Amendments to ordinance.**

- A. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the board may, by ordinance, amend, supplement, or change these regulations, district boundaries, or classifications of property. Any such amendments may be initiated by:
  - 1. Resolution of the board, or;
  - 2. Motion of the commission, or;
  - 3. Petition of the owner, contract purchaser with the owner's written consent, or the owners agent thereof, of the property which is the subject of the proposed zoning map amendment.

Any petition submitted shall be in writing and shall be addressed to the administrator, board or commission.

- B. The administrator shall establish and maintain the amendment application materials. These application materials shall, at a minimum, include any information the administrator deems necessary for the commission and board to adequately evaluate the amendment request.
- C. The administrator shall not accept any amendment application for a lot or parcel that does not comply with the minimum lot area, width, or frontage requirements of the requested zoning district. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the administrator shall thereafter accept the amendment application for the consideration of the commission and board.
- D. Applications for a change in zoning shall not be allowed to be withdrawn from consideration after first notice of a public hearing thereon has been published.
- E. If any amendment application is withdrawn at the request of the applicant subsequent to the commission's recommendation on the application, or if the board denies any amendment application submitted for its review, the county shall not consider substantially the same application for the same property within one year of the application's withdrawal or the board's action. The administrator shall have the authority to determine whether new applications submitted within this one-year period are substantially the same. In making any such determination the administrator shall have the authority to consider any items pertaining to the proposed use or development of the site such as, but not limited to, the uses proposed, densities, access, building locations, and overall site design.



### **Sec. 1-511. Commission study and action.**

- A. All proposed amendments to the zoning ordinance shall be referred by the board to the commission for study and recommendation. The commission shall study proposals to determine:
  - 1. The need and justification for the change.
  - 2. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property, surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for the proposed change as related to the purposes set forth at the beginning of each district classification.
  - 3. The relationship of the proposed amendment to the purposes of the general planning program of the county, with appropriate consideration as to whether the change will further the purposes of this ordinance and the general welfare of the entire community.
  - 4. Whether the proposed amendment conforms to the general guidelines and policies contained in the county comprehensive plan.
- B. Prior to making any recommendation to the board on a proposed amendment to the zoning ordinance, the commission shall advertise and hold a public hearing in accord with the provisions of Code of Virginia, § 15.2-2204, as amended. The cost of all public advertisements shall be the responsibility of the applicant.
- C. The commission shall review the proposed amendment and report its findings and recommendations to the board along with any appropriate explanatory materials within 90 days from the date that the proposed zoning ordinance amendment is referred to the commission, unless an extension of time is approved by the applicant in writing and approved by motion of the board. Failure of the commission to report to the board within 90 days without an extension shall be deemed a recommendation of approval. If the commission does not report within 90 days without an extension, the board may act on the amendment without the recommendation of the commission.
- D. Any recommendation of the commission shall be deemed advisory, and shall not be binding on the board.

### **Sec. 1-512. Board study and action.**

- A. Before enacting any proposed amendment to the zoning ordinance, the board shall hold a public hearing as required by Code of Virginia, § 15.2-2204, as amended. The cost of all public advertisements shall be the responsibility of the applicant. After holding this hearing, the board may make appropriate changes to the proposed amendment; provided however that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public notice as required by [Code of Virginia,] § 15.2-2204.
- B. The clerk of the board shall transmit to the administrator official notice of any board action modifying the zoning ordinance. The administrator shall thereafter have the responsibility to make any necessary and appropriate changes to the zoning ordinance text or map.
- C. Any zoning amendment approved by the board of supervisors shall be recorded in accordance with section 1-515.A, Records of conditions below.

### **Sec. 1-513. Conditional zoning; generally.**

- A. In accordance with the authority granted to Surry County pursuant to Code of Virginia, § 15.2-2298, as amended, the owner of property for which an amendment is requested may voluntarily proffer in writing reasonable conditions, in addition to the applicable regulations for the requested zoning district. All proffered conditions must be signed by the owner of the property.

- B. Surry County's acceptance of proffers pursuant to this authority shall be in accord with the procedures and standards contained in Code of Virginia, § 15.2-2298, as amended.
- C. All conditions proffered by the owner shall meet the following standards:
  - 1. The rezoning itself must give rise for the need for the conditions.
  - 2. The conditions shall have a reasonable relation to the rezoning.
  - 3. The conditions shall be in conformity with the comprehensive plan.
  - 4. The conditions must be clearly understood and enforceable.
  - 5. The conditions must not require or allow a design or standard that is less restrictive than the general provisions of this ordinance.
- D. Any such conditions should be submitted prior to the start of the commission's public hearing on the amendment. All conditions shall be submitted prior to the start of the board's public hearing, and shall also be submitted in accord with any adopted board policy pertaining to the submittal of proffers. If proffered conditions which substantially modify the nature or impact of the proposed use are made by the owner after the commission's recommendation on the amendment, the board may refer the request back to the commission for further review and action. The commission shall have the authority to schedule a new public hearing for any request so referred. The applicant shall be responsible for all advertising costs associated with the new public hearing.
- E. The commission and the board shall not be obligated to accept any or all of the conditions made by the property owner.

#### **Sec. 1-514. Enforcement of conditions.**

- A. The administrator shall be vested with all necessary authority on behalf of the board to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:
  - 1. The ordering in writing of the remedy of any noncompliance with such conditions.
  - 2. The bringing of legal action to insure compliance with such conditions.
  - 3. Requiring a guarantee, satisfactory to the administrator in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements, and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the administrator upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.
- B. Failure of a property owner to meet all conditions accepted by the board shall constitute cause to deny approval of a site development plan, or deny issuance of a zoning permit, building permit, or certificate of zoning compliance, as may be appropriate.

#### **Sec. 1-515. Records of conditions.**

- A. An official copy of the proffered conditions signed by the property owner(s) and as approved by the board of supervisors shall be recorded within 180 days of approval in the land records in office of the clerk of court in a form approved by the county attorney. Failure to record the proffered conditions within this time period shall automatically nullify the zoning action of the board of supervisors and shall require reinitiating of the amendment process.
- B. The zoning map shall show by an appropriate symbol on the map the existence of conditions attached to the zoning on the map. The administrator shall keep and make available for public inspection a conditional zoning index. The index shall provide ready access to the proffered conditions in addition to the regulations provided for in a particular zoning district or zone.

### **Sec. 1-516. Review of administrator's decisions.**

Any zoning applicant, or any other person aggrieved by a decision of the administrator made pursuant to the provisions of section 1-513, may petition the board for the review of the decision of the administrator. All such petitions for review shall be filed with the administrator within 30 days from the date of the decision for which review is sought. All such petitions shall specify the grounds upon which the petitioner is aggrieved.

### **Sec. 1-517. Amendments and variations of conditions.**

- A. Any request by an applicant to amend conditions that were voluntarily proffered and accepted by the board shall be considered an amendment to the zoning ordinance.
- B. There shall be no amendment or variation of conditions created pursuant to the provisions of this ordinance until after a public hearing by the commission and board advertised pursuant to the provisions of Code of Virginia, § 15.2-2204, as amended. The cost of all public advertisements shall be the responsibility of the applicant.
- [C.] In determining the reasonableness and acceptability of voluntary proffers, the Board of Supervisors of Surry County, Virginia, will consider the most recent resolution and its supporting study pertaining to cash proffers, as a guide together with the most current capital improvements plan of Surry County, Virginia.

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## **ARTICLE II. – DEFINITIONS AND USES**

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### **Sec. 2-202. Use type descriptions.**

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#### **CIVIC USE TYPES**

*Camp.* A use that primarily provides recreational opportunities of an outdoor nature on a daily or overnight basis. Included in this use type would be scout camps, religious camps, children's camps, wilderness camps, and similar uses which are not otherwise specifically described in this ordinance.

*Cemetery.* A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

*Child care institution.* Any institution maintained for the purpose of receiving children for full-time care, maintenance, protection and guidance separated from their parents or guardians. This shall not include primary or secondary educational facilities or summer camps.

*Club.* A use providing meeting, or social facilities for social clubs, fraternal/sororal organizations, lodge, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. This definition excludes hunt clubs and dance halls, which are defined separately.

*Community center.* A place, structure, or other facility used for providing civic and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community. This use can also be referred to as a convention or civic center.

*Community recreation.* A recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are proposed or planned in association with development and are usually located within or adjacent to such development. Such uses may include clubhouses, swimming pools, work out facilities, and tennis courts.

[\*Community-scale solar energy facility.\* An energy generation with a rated capacity greater than 1 MWac \(megawatts alternating current\) and no greater than 5 MWac. Facilities do not require connections to high voltage transmission lines.](#)

*Correctional facility.* A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

*Crisis center.* A facility providing temporary protective sanctuary for victims of crime or abuse, and homelessness including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

*Cultural service.* A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences. Such uses shall include, but are not limited to libraries, museums, art galleries, and art centers.

*Day care center.* A facility that provides care during part of the day only to: (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care; and/or (ii) two or more adults and which includes personal supervision of the adults and promotes social, physical, and emotional well-being through companionship, self-education and leisure time activities.

[\*Distributed solar energy facility.\* An solar energy generation facility with a rated capacity less than MWac. Distributed solar energy facilities are used to meet energy demands on-site and include rooftop and groundmounted photovoltaic arrays on residential, commercial, and institutional properties.](#)

*Educational facility.* An educational institution, whether it is public, private or parochial, recognized or authorized by the Commonwealth of Virginia (or a similar reputable accreditation institution) to offer instruction in the branches of learning and study typical of primary, secondary, or collegiate institutions and authorized to award diplomas, or associate, baccalaureate or higher degrees. This shall include publicly supported vocational schools, but shall not include business and trade schools described as a commercial use type.

*Halfway house.* An establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol or drug addiction or similar disorders, and/or to persons re-entering society after being released from a correctional facility or other institution.

*Nursing home.* A facility whose primary function is to provide nursing, assisted living, and health-related services for the treatment and inpatient care of two or more unrelated individuals, including facilities known as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities. A hospice is also included in this use. Excluded from this use type is any facility providing surgical or emergency medical services and facilities providing care for alcoholism, drug addiction, mental disease, or communicable disease.

*Park and ride facility.* A publicly owned, short-term parking facility for commuters.

*Post office.* Postal services directly available to the consumer operated by the United States Postal Service.

*Public facilities.* Facilities owned and operated by a government or quasi-government agency accommodating offices, safety and emergency services, and places of public assembly. Typical uses include federal, state and county offices, auditoriums, sports auditorium, convention facilities, fairgrounds, and police, fire and ambulance services.

*Public maintenance facility.* A government owned or operated facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities.

*Public park and recreational area.* Government owned and operated park, picnic area, playground, indoor or outdoor athletic facility, game preserve and open space.

*Religious assembly.* A use providing regular organized religious worship and related incidental activities within or out of a structure including accessory uses, such as daycare facilities, but not including educational facilities, primary and secondary.

*Rehabilitation service.* A use providing recuperative or similar services for persons requiring rehabilitation assistance as a result of physical, mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a 24-hour day.

*Utility service/major.* A service of a regional nature which normally entails the construction of new buildings or structures such as switching facilities and stations or substations, community waste water treatment plants, and water supply and production in excess of 50,000 gallons per day. Included in this definition is also electric, gas and other utility transmission lines of a regional nature that are not otherwise reviewed and approved by the Virginia State Corporation Commission.

*Utility service/minor.* A services which is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are distribution lines and small facilities that are underground or overhead, such as transformers, relay and booster devices, remote switching stations well, water, and sewer pump stations.

*Utility-scale solar energy facility.* A solar energy generation facility with a rated capacity greater than 5 MWac.

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### ARTICLE III. – ZONING DISTRICTS AND BOUNDARIES

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#### 3-900. M-1 General Industrial District

##### Sec. 3-901. Purpose of the district.

This district is intended to provide an environment suitable for industrial activities that do not create appreciable nuisances, hazards or threats to the natural environment or surrounding development. Uses that would typically be found in this district include a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access to highways and providing a controlled environment within which uses are to be conducted in completely enclosed buildings. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

##### Sec. 3-902. Permitted uses.

- A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

##### AGRICULTURAL USES

Agriculture

Silvicultural activities

#### CIVIC USE TYPES

[Park and Ride Facility](#)  
[Parks and Recreation](#)  
[Post Office](#)  
[Public Maintenance Facility](#)  
[Utility Service/Minor](#)

#### COMMERCIAL USE TYPES

[Auction Establishment](#)  
[Bank](#)  
[Business Support Service](#)  
[Business or Trade School](#)  
[Construction Office, Temporary](#)  
[Equipment Sales and Rental](#)  
[General Service and Repair](#)  
[Mini Warehouse](#)  
[Motor Vehicle/Outdoor Storage](#)  
[Motor Vehicle Repair Service/Major](#)  
[Office, General](#)  
[Taxidermy](#)  
[Truck Stop](#)

#### INDUSTRIAL USE TYPES

[Contractor's Yard](#)  
[Convenience Center](#)  
[Custom Manufacturing](#)  
[Industry, Type I](#)  
[Laboratory](#)  
[Warehousing and Distribution](#)

#### MISCELLANEOUS USE TYPES

[Parking Facility](#)  
[Reconstructed Wetland](#)  
[Windmill\\*](#)

B. [The following uses are allowed only by special exception from the board of zoning appeals pursuant to section 1-304. An asterisk \(\\*\) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.](#)

#### RESIDENTIAL USES

[Accessory Apartment](#)

#### CIVIC USE TYPES

Day Care Center

#### MISCELLANEOUS USE TYPES

Communication Tower

- C. The following uses are allowed only by conditional use permit from the board of supervisors pursuant to section 1-501. An asterisk (\*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

#### CIVIC USE TYPES

Utility Service/Major

Community-Scale Solar Energy Facility\*

Utility-Scale Solar Energy Facility\*

#### COMMERCIAL USE TYPES

Convenience Store

Lumber Yard

#### INDUSTRIAL USE TYPES

Industry, Type II

Recycling Center

Transfer Station

#### MISCELLANEOUS USE TYPES

Alternate Discharge Sewage System

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### *3-1000. M-2 General Industrial District*

#### **Sec. 3-1001. Purpose of the district.**

The purpose of this district is to provide for a wide variety of industrial operations, but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons. It is the intention of the district to preserve the land in the district for industrial use and to exclude new residential or commercial development except for certain uses determined to be supportive of industrial operations.

#### **Sec. 3-1002. Permitted uses.**

- A. The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (\*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

#### AGRICULTURAL USES

Agriculture

Silvicultural activities

RESIDENTIAL USES

Accessory Apartment

CIVIC USE TYPES

Day Care Center

Park and Ride Facility

Post Office

Public Maintenance Facility

Public Facility

Public Park and Recreational Area

Utility Service/Minor

COMMERCIAL USE TYPES

Adult Entertainment Establishment

Agricultural Service

Auction Establishment

Bank

Business Support Service

Business or Trade School

Construction Office, Temporary

Crematorium

General Service and Repair

Laundry

Livestock Auction Market

Office, General

Truck Stop

INDUSTRIAL USE TYPES

Convenience Center

Industry, Type I

Industry, Type II

Laboratory

Recycling Center

Scrap and Salvage Service

Transfer Station

Warehousing and Distribution

MISCELLANEOUS USE TYPES



Parking Facility

Reconstructed Wetland

Windmill\*

- B. The following uses are allowed only by special exception from the board of zoning appeals pursuant to section 1-304. An asterisk (\*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

CIVIC USE TYPES

Day Care Center

MISCELLANEOUS USE TYPES

Communication Tower

- C. The following uses are allowed only by conditional use permit from the board of supervisors pursuant to section 1-501. An asterisk (\*) indicates additional, modified or more stringent standards are listed in article IV, Use and design standards, for those specific uses.

CIVIC USE TYPES

Utility Service/Major

[Community-Scale Solar Energy Facility\\*](#)

[Utility-Scale Solar Energy Facility\\*](#)

COMMERCIAL USE TYPES

Convenience Store

INDUSTRIAL USE TYPES

Asphalt Plant

Industry, Type III

Landfill

Meat Packing

Power Plant

MISCELLANEOUS USE TYPES

Alternate Discharge Sewage System

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*ARTICLE IV. – SUPPLEMENTARY REGULATIONS*

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*4-200. – Supplementary Use Regulations Generally*

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#### 4-204. – Accessory uses.

- A. The district regulations classify different principal uses according to their different impacts. Whenever a residential, civic, office, commercial, industrial, or miscellaneous activity (which may or may not be separately listed as a principal use) is conducted in conjunction with another principal use and that activity constitutes only an incidental or insubstantial part of the total use that takes place on a lot, then the activity shall be regarded as accessory to the principal use and shall be carried on in accordance with the permit issued for the principal use.

For purpose of interpreting this section;

1. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.
2. An accessory use does not have to be connected with a principle use. However, their association must take place with sufficient frequency that there is common acceptance of their relatedness.
3. Portable on demand storage (POD) units shall be considered a temporary structure. They are permitted for use for a total of six months, after which a zoning permit must be obtained through the planning and zoning department.
4. Distributed solar energy facility shall be considered an accessory use to be used to meet energy demands on-site and include rooftop and groundmounted photovoltaic arrays on residential, commercial, and industrial properties. Roof-mounted or ground-mounted solar collectors shall not exceed the square footage of the principal structure or use and shall meet the following requirements:
  - a. Solar collectors shall be configured to avoid glare and heat transference to adjacent properties.
  - b. Ground-mounted solar collectors shall not be located within ten feet of any side or rear lot line.
  - c. Ground-mounted solar collectors located within a front yard shall meet the minimum setback required for the principal structure or use in the applicable zoning district where located and shall be sited as far back as the principal structure or use.
  - d. The maximum height of a ground-mounted solar collector shall be 15 feet as measured from the grade or base of the collector to its highest point and shall not exceed the height of the principal structure or use.
  - e. Roof-mounted solar collectors shall not extend beyond the exterior perimeter of the building or structure on which mounted or built and shall not exceed the maximum height for the applicable zoning district where the building or structure is located.

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#### *4-600. Supplementary Regulations for Civic Uses*

##### **Sec. 4-601. Camp.**

A. *General standards.*

1. Any outdoor activity area, swimming pool, or ball field or court which adjoins a residential use type shall be landscaped with one row of small evergreen trees in accordance with section [30-92] along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences.

B. *Additional standards.*

1. The minimum area for a camp shall be ten contiguous acres.
2. Multiple structures may be constructed on the property, such as cabins, lodges and other facilities typical of a camp provided that all structures comply with the setback requirements for a principal structure from adjoining property lines.
3. Each building intended to accommodate members shall be accessible via an all weather road suitable to accommodate emergency vehicles serving the property.
4. One year-round residence, including a Class A or B manufactured home, may be constructed as a caretakers home.

**Sec. 4-602. Cemetery.**

A. *General standards.*

1. Any burial plot on land abutting a public or private street shall comply with the required front yard setback of the underlying zoning district and 25 feet from all property lines.
2. Arrangements for perpetual maintenance of the cemetery shall be in compliance with all applicable governmental laws and regulatory requirements and shall be approved by the county attorney as to form.
3. Cemeteries and distance from wells. All cemeteries shall meet the requirements set forth below unless otherwise exempted by the department of health.

Well Class	Distance from Cemetery
Class 3A or Deep Well	Minimum 50 feet
Class 3B Well	Minimum 50 feet
Class 3C or a shallow well	Minimum 100 feet
Class 4 well	Minimum 100 feet

4. All cemeteries for the interment of human remains, whether public or private, shall record in the clerk of the court's real estate records the location of all burial plots with sufficient detail to provide future owners of the location of individuals interred on the property.

**Sec. 4-603. Club.**

- A. In the RVC district, when a club adjoins a residential use, a Type B buffer yard in accordance with section 5-400 shall be provided along the property line which adjoins the residential use type.

**Sec. 4-604. Day care center.**

A. *General standards.*

1. All day care centers shall comply with the minimum standards for day care centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
2. The operation shall care for either children under 13 years of age or adults, but shall not care for both at the same time in the same space.
3. A business license or certificate of zoning compliance to operate a day care center shall be approved provided that a license to operate a day care center from the Virginia Department of Social Services is

approved prior to beginning operation of the center. Failure to maintain a valid license approved by the Virginia Department of Social Services shall be considered a violation of this ordinance.

**Sec. 4-605. Public maintenance facility.**

- A. When adjoining a residential use type, a Type C buffer yard in accordance with section 5-400 shall be provided along the property line which adjoins the residential use type.

**Sec. 4-606. Religious assembly.**

- A. When a place of religious assembly adjoins a residential use type, a Type A buffer yard in accordance with section 5-400 shall be provided between the parking area(s) and the residential use type.
- B. In the A-L, A-R and RVC districts:
  - 1. A conditional use permit shall be required for establishing a new place of religious assembly.
  - 2. A conditional use permit shall be required for the expansion of an existing place of religious assembly only when the expansion exceeds one or more of the following criteria:
    - a. The total gross floor area of the expansion itself exceeds 7,500 square feet;
    - b. The gross floor area of the expansion is more than 100 percent of the existing gross floor area; and
    - c. The expansion includes an expansion of the principal worship area of more than 50 percent of the existing seating.

**Sec. 4-607. Utility service/major.**

- A. *General standards.*
  - 1. In considering an application for a conditional use permit, the planning commission and board of supervisors shall consider the justification for the location of the proposed utility service and any alternative locations which may be available.
  - 2. The minimum lot size may be reduced as part of approval of the special use permit provided all setback and yard requirements are met and all other dimensional requirements are achieved.
  - 3. The height limitation contained in each district may be increased as part of the approval of the special use permit, subject to any other height limitation contained in this ordinance.
  - 4. No major utility service shall be located within 100 feet of an existing residence.
  - 5. Except in the I-1 and I-2 districts, outdoor storage of materials and equipment shall be prohibited in association with a major utility service, except during construction of the utility facility, unless specifically requested and approved as part of the special use permit. In the I-1 and I-2 districts outdoor storage areas shall comply with the screening provisions contained in section 5-400.
  - 6. Buildings and facilities shall be designed and constructed to be compatible with the surrounding area, so that these facilities or structures will not adversely affect nearby properties.
  - 7. Except in the I-1 and I-2 districts, Type B screening and buffering consistent with section 5-400 of this ordinance shall be required, unless specifically modified as a part of the approved conditional use permit.
  - 8. All public sewer and water utility services shall be publicly owned and operated by a government agency unless otherwise approved by the board of supervisors. If private ownership is approved by the board of supervisors, the board may impose reasonable conditions to ensure the long-term operation,

maintenance and solvency of the operator. These conditions may be in addition to any other conditions imposed by the state regulating authority.

9. Sewer and water utility services shall be designed with a service area and capacity consistent with the purposes of the respective zoning district and the recommendations of the Comprehensive Plan.

## **Sec. 4-608. Community-Scale Solar Energy Facility or Utility-Scale Solar Energy Facility**

Performance standards for community-scale solar energy facilities and utility-scale solar energy facilities.

A. *Performance requirements.* Applications shall comply with the following criteria:

1. *Project liaison.* The operator shall designate at least one public liaison, publicize a toll-free phone number and email address for communication with the liaison during construction, and post it on a temporary sign at each access. The operator shall at a minimum, publish this information on the operator's website and provide county staff with the same information for publication on the county's website and other social media. The liaison shall act as a point of contact between citizens and construction crews. The liaison shall be available in person and by phone during active construction hours and shall respond to any questions related to the facility or property within 24 hours. The liaison role shall commence at the initial pre-construction meeting. The public liaison shall prepare a monthly report detailing any complaints, complaint date, resolution, and resolution date of any inquiries. A copy of the report shall go to the administrator on the first business day of each month throughout the construction period and an additional six months following issuance of the final occupancy permit or equivalent from the county for the facility.
2. *Independent engineer.* The applicant shall pay an independent engineer, licensed by the commonwealth, to check construction progress weekly and ensure construction is proceeding in accordance with the terms of the CUP. The engineer will resolve any construction problems by mutual agreement between the applicant, engineer, and county staff. The Board of Supervisors will decide any unresolved disputes. Construction activity may halt during the time it takes to bring the issue to the Board for resolution.
3. *Construction bond.* The applicant shall post a bond with the county sufficient to ensure compliance with the construction requirements of the CUP as determined by staff. The bond must be posted at the time the building permit is issued or the site plan is approved and shall be released upon completion of construction upon certification by the administrator in consultation with the independent engineer that the construction has been built in compliance with the CUP.
4. *Erosion and sediment control.* Site clearing shall not exceed 100 acres for each phase of development. Sediment control features shall receive county approval on each phase-by-phase basis before beginning any land disturbance or construction activities. Applicants to obtain a written report from either an independent engineer or the administrator determining the stabilization of each phase of construction. Once this determination is made another phase of land disturbance activities can begin.

5. Visual impacts. The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on view sheds, including from residential areas and areas of scenic, historical, cultural, archeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare. The applicant shall provide written certification from a qualified expert acceptable to the county that the facility's panels incorporate and utilize anti-glare technology and anti-reflective coatings, reduce glint, and glare to levels that meet or exceed industry standards.

6. National standards. Projects shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects. Such existing product certifications and standards include the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A site development plan shall reference the specific safety and environmental standards met.

7. Setbacks. The project area shall be set back at least 300 feet from all abutting public rights of way and main buildings on adjoining parcels and from adjacent property lines. Exceptions to these distances are possible for adjoining parcels owned or leased by the applicant. Increased setbacks over 300 feet and additional buffering may be included in the conditions for a particular permit. Access, erosion and stormwater structures, and interconnection to the electrical grid is allowable through setback areas if such are generally perpendicular to the property line or underground. A 25 foot setback shall be provided between perimeter security fencing and vegetative buffer for emergency access.

8. Security fencing. Such fencing shall enclose the project area at least six feet in height and be equipped with appropriate anticlimbing devices, such as strands of barbed wire on top of the fence. The fencing shall go on the interior of the required vegetative buffer to screen it from the ground-level view of adjacent property owners. Continual maintenance of the fencing shall occur while the facility is in operation.

9. Maintenance of facility. All inoperative components of the facility shall be removed from the project parcels within six (6) months of inoperability.

10. General Standards:

- a. All floodplains, wetlands, and steep slopes shall be protected from clearing, grading, filling, or construction, except as may be approved by the Administrator for essential infrastructure.
- b. The layout shall be designed to preserve and maintain existing tree lines between fields or meadows, pastures, orchards, and mature woodlands.
- c. The layout shall be designed to minimize development on open fields and pastures, and building sites shall be located on the least productive agricultural lands.
- d. Existing views from public thoroughfares shall be preserved.
- e. The layout shall be designed to avoid historic, archeological or cultural sites.

11. Noise. Noise requirements for solar energy projects shall be no more stringent than noise requirements for other types of development in the underlying zoning district.

12. Signage.

Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, 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 federal agency; (d) signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and benefits of renewable energy may be allowed as provided in the local sign ordinance.

13. Opaque vegetative buffers. Vegetative buffers sufficient to mitigate the visual impact of the facility are required as follows:

- a. The buffer shall consist of a landscaping strip at least 300 feet wide, shall be located within the setbacks required, and shall circle the entire perimeter of the property. In no case shall such buffers contain stormwater holding ponds
- b. Within the buffer area there shall be sufficient existing vegetation and trees to create an opaque visual barrier to screen the project area from view. If no such barrier exists then the applicant shall establish this landscaped strip consisting of four rows of staggered evergreens ten feet apart and on 15-foot centers. Such trees shall be at least five feet tall at the time of planting and expected to grow to a minimum height of 20 feet within 10 years.
- c. The Planning Commission or Board of Supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or topography affects the visual impact of the facility. Planting of non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers shall occur in the vegetative buffer following Virginia Pollinator-Smart Program best practices.

- d. On going maintenance of existing trees and vegetation in the buffer is a requirement for the life of the facility. The removal of dead or diseased trees necessary to promote healthy growth or other trees which may impact operations as approved in advance by the zoning administrator. Trees removed from the buffer shall be replaced by planting a similar tree in the buffer at least five-foot tall.
- e. Following completion of construction the pollinator-smart designated area of the project area shall receive prompt seeding with appropriate pollinator-friendly native plants, shrubs, trees, grasses, and wildflowers and in such a manner as to reduce invasive weed growth and trap sediment within the project area. At the beginning of the next planting season over-seed the project area, setbacks and buffers with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers, following Virginia Pollinator-Smart Program best practices or any such other program as approved by county staff in consultation with the Department of Environmental Quality native plant finder system. Once established, mowing of the pollinator habitats shall occur after the end of every migratory season in order to reseed these areas. The intent of this provision is to ensure at least ten percent of the total acreage of the facility is cultivated in such a manner to encourage pollinator habitats in order to help maintain the rural, agricultural nature of the county
- f. The Planning Commission may recommend waiving or altering the vegetative screening and/or buffer requirements when the applicant proposes to preserve existing wetlands or woodlands, as long as the wetlands or woodlands receive protection and it serves as a buffer

14. *Heights.* Ground-mounted solar energy generation facilities shall not exceed a height of 18 feet, measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid that meet state corporation commission requirements.

15. *Ground Water Monitoring.* Ground water monitoring to assess the level of groundwater contamination shall take place prior to, during, and upon construction of the the project throughout the area of the solar energy generation facility. Ground water monitoring shall take place every five years of the operation of the project, and upon completion of decommissioning. Results from said monitoring shall be delivered to the County Planning Office.

16. *Lighting.* Lighting shall be limited to the minimum reasonably necessary for security purposes and shall minimize off-site effects. Lighting on the site shall be Dark Sky compliant.

#### 17. Inspections.

- a. All active solar energy facilities shall be inspected by County staff on an annual basis to ensure compliance with applicable state building and electrical standards.
- b. Each solar energy facility shall be required to be inspected annually for three years by the planning and zoning administrator or his/her designee following the issuance of the zoning permit or development permit to verify continued compliance with the zoning ordinance or solar energy ordinance, as applicable.
- c. Additional inspections shall be conducted as necessary in the event of complaints and shall not replace the noted inspections outlined in this section.

18. *Airport proximity.* These facilities shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard to or interfere with airport operations.



B. *Waivers and modifications.* In issuing any conditional use permit for a utility-scale solar generation facility, the board of supervisors may waive or modify any of the requirements of subsection (A) above and shall consider the following matters in addition to those otherwise provided in this chapter:

1. The topography of the site and the surrounding area.
2. The proximity of the site to, observability from, and impact on agricultural, rural and developed residential areas.
3. The proximity of the site to, observability from, and impact on areas of historical, cultural, and archaeological significance including cemeteries.
4. The proximity of the site to other large scale solar energy facilities, other energy generating facilities, and utility transmission lines.
5. The proximity of the site to, observability from, and impact on areas of scenic significance, such as scenic byways, vistas, and blueways.
6. The proximity of the site to, observability from, and impact on public rights-of-way, including, but not limited to, highways, secondary roads, streets, and scenic byways.
7. The proximity of the site to, observability from, and impact on recreational areas, such as parks, battlefields, trails, lakes, rivers, and creeks.
8. The proximity of the site to airports.
9. The preservation and protection of wildlife and pollinator habitats and corridors.
10. The proximity of the site to any Residential Corridors of Residential Investment Areas identified in the currently adopted comprehensive plan.
11. The size of the site in acres.
12. The proposed use of available technology, coatings, and other measures for mitigating adverse impacts of the facility.
13. The preservation and protection of prime farmland in the county.
14. Such other matters as the planning commission or the board of supervisors may deem reasonably related to the application or its impacts.

C. *Conditions.* The board of supervisors may impose conditions reasonably designed to mitigate the impacts of the facility. Such conditions may include requirements for:

1. Dedication of real property of substantial value to the county or one of its instrumentalities, or
2. Substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of the conditional use permit, so long as such conditions are reasonably related to the project.

D. All references, within the conditional use and site development requirements, where the term “construction” is used, shall also mean “deconstruction” and “decommissioning;” and vice-versa.

E. *Decommissioning*

1. The project shall be deconstructed and removed within 6 months after the project sites are permanently decommissioned. As used herein “deconstructed and removed shall mean:

- a. The removal from the surface of the property, any project facilities and appurtenances installed or constructed thereupon, including permanent foundations shall be completed both above and below ground.
  - b. The filling in and compacting of all trenches or other borings or excavations made in association with the project, (iii) the removal of all debris caused by the project from the surface of the property, (iv) performing and providing a phase II environmental site assessment report of the site to the county. The project owner or operator shall provide to the zoning administrator a report detailing compliance with all of conditional use permit requirements required for decommissioning.
  - c. Prohibited is the disposal of solar panels in any of the county's landfill facilities.
  - d. County staff will review the provided decommissioning report for approval or denial. If denied, a list of corrective actions will be provided to the project owner or operator. At the completion of decommissioning the properties be ready for agricultural or forestal use preserving and protecting the county's rural and agricultural character. Decommission means the removal and proper disposal of solar energy equipment, facilities, or devices related to a utility-scale energy facility. The term includes the reasonable restoration of the real property including:
    - (i) Soil stabilization, and
    - (ii) Revegetation of the ground cover of the real property distributed by the removal of such equipment, facilities, or devices, and
    - (iii) The preparation and submittal to the county of a phase II environmental site assessment report of the property.
2. A site development plan for a community-scale solar energy facility or utility-scale solar energy facility shall include a detailed decommissioning plan that provides procedures and requirements for the removal of all parts of the solar energy facility and its various structures at the end of the useful life of the facility or if abandoned. The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned, including but not limited to, environmental impact, definitions of future land uses, traffic management plans, and disposal locations. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the administrator or as provided in the agreement provided for in subsection (3), provided the update shall be no more frequently than once every five years and no less frequently than once every ten years.
3. As a condition of the approval of a site development plan for a community-scale solar energy facility or utility-scale solar energy facility, the owner, lessee, or developer of the project (the "responsible party") shall enter into a written project development agreement with the county, setting forth, at a minimum that:
  - a. If the facility ceases to generate electricity for more than 6 consecutive months, unless due to an act of God, the responsible party will provide for its decommissioning;
  - b. If the owner, lessee, or developer defaults in the obligation to decommission the facility, the county has the right to enter the real property without further need of consent of the owner to engage in decommissioning;
  - c. The responsible party provides financial assurance of such performance to the county in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee as approved by the County Attorney, and
  - d. The amount of the financial assurance based upon an estimate by a professional engineer licensed in the Commonwealth, engaged for and paid by the responsible party, who has experience in preparing decommissioning estimates, and approved by the County.
  - e. The amount of the surety required shall be 100% of the estimated decommissioning costs plus 20% in administrative fees. Any solar panels, steel, aluminum, copper, fence posts, fencing, or other material removed from the facility as part of decommissioning shall be taken out of Surry County by the owner, lessee, or developer. None of the estimated salvage value of any of this material shall be used to offset the decommissioning costs.

f. All references within the conditional use permitting and site development requirements, where the term "construction" is used, shall also mean "deconstruction" and "decommissioning" and vice-versa.