

Cape Solar, LLC- Page County, VA

1. THIS SPECIAL USE PERMIT SHALL RUN WITH THE LAND. THIS SPECIAL USE PERMIT IS TRANSFERABLE. IT WILL MEET THE REQUIREMENTS IN AND HAVE PRIVILEGES PROVIDED FOR IN THE PAGE COUNTY ZONING ORDINANCE AND ANY ORDINANCE AMENDMENTS AS OF THE DATE OF APPROVAL OR AMENDMENT AND CONTINUING FOR THE PERIOD SET FORTH WITHIN THE PARAMETERS IN THIS SPECIAL USE PERMIT. THE SPECIAL USE PERMIT SHALL REMAIN WITH THE PROPERTY FOR A PERIOD OF FIFTY (50) YEARS.
2. THE SOLAR ELECTRICITY GENERATING FACILITY MAY CONSIST OF RACKING AND FOUNDATIONS; INVERTERS AND TRANSFORMERS; NECESSARY ELECTRICAL INTERCONNECTIONS AND ALL IMPROVEMENTS AND CONNECTIONS REQUIRED TO STORE, TRANSFER AND DELIVER ELECTRICAL GENERATION AND ANCILLARY SERVICES, INCLUDING BUT NOT LIMITED TO: THREE (3) PHASE EXTENSIONS AND POWER BOX(ES); STRUCTURES TO HOUSE ELECTRICAL AND MAINTENANCE EQUIPMENT; SECURITY FENCING AND GATING ENCLOSING THE PREMISES; SAFETY SIGNAGE AND SOLAR PHOTOVOLTAIC (“PV”) PANELS; AND PRIVATE VEHICULAR MAINTENANCE AND ACCESS ROADS (THE “SOLAR ELECTRICITY GENERATING FACILITY”), WHICH SHALL BE IN COMPLIANCE WITH ALL APPLICABLE COUNTY, STATE, AND FEDERAL AGENCY REGULATIONS.
3. THIS SPECIAL USE PERMIT MAY BE REVOKED UPON MATERIAL NONCOMPLIANCE WITH THE TERMS OF THE PERMIT, OR UPON VIOLATION OF ANY OTHER RELEVANT TERMS OF THE ZONING ORDINANCE OR ANY OTHER ORDINANCES OF THE COUNTY OF PAGE, VIRGINIA.
4. THE UTILIZATION OF LAND FOR SOLAR PANELS AND OTHER EQUIPMENT SHALL BE IN SUBSTANTIAL COMFORMITY WITH AND NOT EXTEND BEYOND THE PROPERTY LIMITS SHOWN ON THE PRELIMINARY SITE PLAN MAP, BY TIMMONS GROUP, LAST REVISED APRIL 6, 2018, INCLUDED IN SITE PLAN/APPLICATION. ANY EXPANSION OF THE SOLAR ELECTRICITY GENERATING FACILITY BEYOND THE ABOVE-DESCRIBED PROPERTY LIMITS WILL REQUIRE AN ADDITIONAL, NEW, OR MODIFIED SPECIAL USE PERMIT AS REQUIRED BY THE PAGE COUNTY ZONING ORDINANCE AT THAT TIME. IN THE EVENT OF A CONFLICT BETWEEN THE PRELIMINARY SITE PLAN MAP AND THESE CONDITIONS, THESE CONDITIONS SHALL CONTROL.
5. INSTALLATION OF SOLAR PANELS IS PERMITTED TO PROVIDE A SOLAR ELECTRICITY GENERATING FACILITY CAPABLE OF GENERATING UP TO 100 MEGAWATTS AC OF POWER GENERATION ON THE 559 ACRE SITE.

Commented [A1]: Deleted 150 contiguous acre provision

6. BEFORE BEGINNING ANY CLEARING, GRADING, OR OTHER LAND DISTURBING ACTIVITY, THE APPLICANT SHALL OBTAIN APPROVAL OF CONSTRUCTION/ELECTRICAL PLANS AND/OR PERMITS FROM THE PAGE COUNTY BUILDING OFFICIAL, INCLUDING EROSION AND SEDIMENTATION PLANS AND/OR PERMITS AS REQUIRED BY THE PLANNING AND COMMUNITY DEVELOPMENT OFFICE AND/OR DEPARTMENT OF ENVIRONMENTAL QUALITY.
7. THE APPLICANT SHALL ADHERE TO THE LIGHTING AND LANDSCAPING PLAN SUBMITTED BY THE APPLICANT WITH ITS CONSTRUCTION PERMITTING APPLICATIONS APPROVED BY THE COUNTY OF PAGE, VIRGINIA. IF AMENDMENTS NEED TO BE MADE RELATED TO LIGHTING AND LANDSCAPING, PROPOSED AMENDMENTS MUST BE AT LEAST EQUIVALENT TO WHAT WAS ORIGINALLY APPROVED BY THE COUNTY OF PAGE, VIRGINIA. APPROVED LIGHTING AND LANDSCAPING SHALL BE INSTALLED PRIOR TO CLOSEOUT OF CONSTRUCTION PERMITTING FOR THE SOLAR ELECTRICITY GENERATING FACILITY. ALL LIGHTING SHALL BE MAINTAINED IN AN OPERATING CONDITION AT ALL TIMES. ALL LANDSCAPING SHALL BE MAINTAINED IN A HEALTHY CONDITION AT ALL TIMES. DEAD OR DYING PLANT MATERIALS SHALL BE REMOVED AND REPLACED WITHIN 90 DAYS OF NOTIFICATION TO THE APPLICANT, SUBJECT TO THE NORMAL PLANTING SEASONS. NOTWITHSTANDING THE FOREGOING, ALL PLANTS AND TREES THAT ARE DEAD, OR THAT ARE SHOWING SIGNS OF SUBSTANTIAL DECAY OR IMMINENT DEATH, SHALL BE REMOVED AND REPLACED NOT LATER THAN BY THE END OF MAY OF EACH CALENDAR YEAR, REGARDLESS OF NOTICE TO THE APPLICANT.
8. WITHIN THE SETBACK AREAS ALONG US ROUTE 340 BETWEEN JEB LANE AND TAX PARCEL 32-4-2, AND ALONG PROPERTY BOUNDARY OF OLD FARMS SUBDIVISION AND PARKVIEW ESTATES SUBDIVISION ADJACENT TO THE PROJECT SITE EXCEPT WITHIN THE TRANSMISSION RIGHT OF WAY, EXISTING AND NEW VEGETATION SHALL BE USED TO SCREEN THE SECURITY FENCE PURSUANT TO THE BUFFER SCREENING STANDARDS ATTACHED HERETO.
9. ALL EXTERIOR LIGHTING SHALL BE SHIELDED TO DIRECT LIGHT DOWNWARD AND AWAY FROM ADJACENT PROPERTIES AND ROADS. LIGHT FIXTURES FOR THE SOLAR ELECTRICITY GENERATING FACILITY SHALL NOT EXCEED 20 FEET IN HEIGHT.
10. HOURS OF CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO MONDAY THROUGH SATURDAY, AND SHALL COMMENCE NO EARLIER THAN 7:00 A.M. AND WILL CEASE NO LATER THAN 7:00 P.M. NO CONSTRUCTION ACTIVITIES SHALL TAKE PLACE ON SUNDAYS OR NATIONAL HOLIDAYS. THIS LIMITATION TO HOURS OF CONSTRUCTION WILL NOT APPLY TO

MAINTAINENCE OF AN EXISTING FACILITY ONCE COMPLETED UNLESS SUCH MAINTAINENCE WILL INVOLVE EXTENSIVE CONSTRUCTION REPAIRS TO THE FACILITY SUCH AS PANEL REPLACEMENT. "CONSTRUCTION ACTIVITIES" AS USED HEREIN SHALL MEAN ANY ACT OF CONSTRUCTION, INCLUDING SUCH ACTS AS INSTALLING POSTS, LAND GRADING OR SOIL DISTURBING ACTIVITIES, INSTALLATION OF PANELS, AND ANY OTHER ACTIVITY THAT PRODUCES NOISE OR OTHER DISTURBANCES BEYOND THE PROJECT BOUNDARIES. CONTRACTORS FOR THE APPLICANT MAY ENTER ONTO AND BE PRESENT ON THE SITE FOR ONE HOUR BEFORE, AND ONE HOUR AFTER, THE PROSCRIBED TIME PERIODS SET FORTH HEREIN, EXCEPT FOR IN EMERGENCY SITUATIONS WHEREIN THIS RESTRICTION SHALL NOT APPLY. NO EMPLOYEE, CONTRACTOR, OR SUBCONTRACTOR SHALL BE PERMITTED TO STAY OVERNIGHT ON THE PROPERTY SITE.

11. THE TOTAL HEIGHT OF THE SOLAR ELECTRICITY GENERATING FACILITY TO INCLUDE THE PANELS AND MOUNTS ONLY, SHALL NOT EXCEED 20 FEET ABOVE THE GROUND WHEN ORIENTATED AT MAXIMUM TILT. THIS HEIGHT LIMITATION SHALL NOT APPLY TO THE EQUIPMENT AT THE INTERCONNECTION POINT, WITHIN THE SUBSTATIONS OR THAT IS A PART OF THE TRANSMISSION LINES THAT ARE PART OF THE LOCAL UTILITY POWER GRID.
12. ELECTRICAL WIRING USED IN THE SOLAR ELECTRICITY GENERATING FACILITY SHALL BE UNDERGROUND (TRENCHED) WHERE PRACTICABLE EXCEPT a) WIRING DIRECTLY CONNECTING INDIVIDUAL PANELS AND ARRAYS OF PANELS, b) WHERE NECESSARY TO AVOID NATURAL OBSTACLES, WETLANDS OR ELECTRICAL INTERFERENCE, OR c) WHERE WIRING IS BROUGHT TOGETHER FOR INTERCONNECTION TO SYSTEM COMPONENTS, SUBSTATIONS, AND/OR THE LOCAL UTILITY POWER GRID.
13. THE APPLICANT SHALL BE SOLELY RESPONSIBLE FOR DECOMMISSIONING THE SOLAR ELECTRICITY GENERATING FACILITY ACCORDING TO THE DECOMMISSIONING PLAN PROVIDED BY THE APPLICANT THAT WAS APPROVED BY THE COUNTY OF PAGE, VIRGINIA. DECOMMISSIONING SHALL INCLUDE REMOVAL OF SOLAR COLLECTORS, CABLING, ELECTRICAL COMPONENTS, ANY BASES OR FOOTERS, AND ALL OTHER ASSOCIATED ITEMS. THE APPLICANT SHALL BE SOLELY FINANCIALLY RESPONSIBLE FOR DECOMMISSIONING THE SOLAR ELECTRICITY GENERATING FACILITY. DECOMMISSIONING OF THE SOLAR ELECTRICITY GENERATING FACILITY DOES NOT INCLUDE THE TRANSMISSION LINE EQUIPMENT AND SUBSTATION THAT REMAINS A PART OF THE LOCAL UTILITY POWER GRID AFTER THE SOLAR ELECTRICITY GENERATING FACILITY IS DECOMMISSIONED AND REMOVED.
14. BEFORE THE SOLAR ELECTRICITY GENERATING FACILITY IS ENERGIZED, IT SHALL BE SECURED WITH A FENCE AT LEAST SIX FEET IN HEIGHT. THE

FENCE SHALL BE PROPERLY MAINTAINED AT ALL TIMES TO INCLUDE REPAIRS AND LANDSCAPING MAINTENANCE.

15. THE ZONING ADMINISTRATOR OR THEIR DESIGNATED REPRESENTATIVE MAY VISIT THE SITE AT ANY TIME TO ENSURE COMPLIANCE WITH ANY COUNTY ORDINANCES AND SPECIAL USE PERMIT CONDITIONS, SUCH VISITS TO BE IN COMPLIANCE WITH THE SAFETY AND SECURITY PROCEDURES OF THE SOLAR ELECTRICITY GENERATING FACILITY.
16. PRIOR TO COMMERCIAL OPERATION AND PERIODICALLY DURING OPERATION NO MORE FREQUENTLY THAN ONCE EVERY THREE YEARS, THE APPLICANT, AT THEIR EXPENSE, SHALL PROVIDE FIRE AND SAFETY TRAINING TO PAGE COUNTY FIRE AND EMERGENCY RESPONSE TEAMS REGARDING THE SOLAR ELECTRICITY GENERATING FACILITY
17. A MINIMUM SETBACK OF ONE HUNDRED FIFTY (150) FEET SHALL BE MAINTAINED FROM THE EDGE OF ROUTE 340.
18. A MINIMUM SETBACK OF TWO HUNDRED FIFTY (250) FEET SHALL BE MAINTAINED BETWEEN ANY SOLAR PHOTOVOLTAIC (“PV”) PANELS AND ANY RESIDENCE ADJACENT TO THE FACILITY AT THE TIME OF APPROVAL OF THIS PERMIT. THIS REQUIREMENT MAY BE REDUCED IF AGREED TO IN WRITING BY THE OWNER OF SUCH RESIDENCE BY DELIVERY OF A COPY OF THE SIGNED AGREEMENT TO THE COUNTY ATTORNEY AND THE COUNTY ADMINISTRATOR OR HER DESIGNEE, SUBJECT TO THE FOLLOWING EXPRESS LIMITATIONS AND REQUIREMENTS: THE REDUCTION IN SETBACK SHALL NOT RESULT IN A SETBACK WITH LESS THAN FIFTY (50) FEET BETWEEN THE SECURITY FENCING AND ANY ADJACENT PROPERTY LINE, OR ONE HUNDRED FIFTY (150) FEET FROM ANY SOLAR PHOTOVOLTAIC (“PV”) PANELS AND ANY ADJACENT RESIDENCE, WHICHEVER IS GREATER. IN THE EVENT OF ANY SUCH WAIVER, BARRIER LANDSCAPING MUST BE INSTALLED BETWEEN THE FENCE AND THE AFFECTED PROPERTY PURSUANT TO THE LANDSCAPING PLAN SUBMITTED BY THE APPLICANT WITH ITS CONSTRUCTION PERMITTING APPLICATIONS.
19. THE ZONING ADMINISTRATOR MAY REFER THE SITE PLANS FOR THE PERMITTED SOLAR PROJECT TO A QUALIFIED CONSULTANT FOR REVIEW AND COMMENT, AT THE APPLICANT’S EXPENSE. THE ZONING ADMINISTRATOR OR DESIGNEE MAY REFER ANY ZONING INSPECTIONS FOR COMPLIANCE TO A QUALIFIED CONSULTANT. THE TERMS AND CONDITIONS OF WHICH SHALL BE DETERMINED IN ADVANCE OF THE REFERRAL BETWEEN THE APPLICANT, THE COUNTY AND THE CONSULTANT.
20. THE APPLICANT SHALL PROVIDE FOR CONSTRUCTION PHASE THIRD PARTY INSPECTIONS AND SUBMITTAL OF INSPECTION REPORTS TO THE PAGE COUNTY BUILDING OFFICIAL, AT THE APPLICANT’S, EXPENSE.

Commented [A2]: Changed this back to just Route 340 instead of all public and private roadways to avoid confusion of private drives

Commented [A3]: Added waiver language and changed 250 setback to panels and residence.

21. ANY LESSEE, SUB-LESSEE, FUTURE PROJECT OWNER, SOLAR FACILITY OPERATOR, OR ASSIGNEE OF THE APPLICANT SHALL EXECUTE A WRITTEN ACKNOWLEDGEMENT AND AGREEMENT TO THE TERMS AND OBLIGATIONS OF THIS SPECIAL USE PERMIT, WHICH SHALL INCLUDE AN ASSUMPTION OF THE RESPONSIBILITIES AND OBLIGATIONS OF THE APPLICANT. A COPY OF THE ACKNOWLEDGMENT AND AGREEMENT SHALL BE DELIVERED TO THE COUNTY ATTORNEY AND THE COUNTY ADMINISTRATOR, OR HER DESIGNEE.
22. THE APPLICANT SHALL HOLD AT LEAST TWO (2) CONTRACTOR AND JOBS FAIRS, ONE (1) ON A WEEKDAY EVENING AND ONE (1) ON A SATURDAY, IN PAGE COUNTY TO ATTRACT QUALIFIED CONSTRUCTION SUB-CONTRACTORS BASED IN PAGE COUNTY AND INDIVIDUAL JOB APPLICANTS WHO RESIDE IN PAGE COUNTY FOR THE CONSTRUCTION OR OPERATION OF THE FACILITY.
23. THE APPLICANT SHALL REPAIR EXPEDITIOUSLY ANY DAMAGE TO PUBLIC ROADS OR RELATED INFRASTRUCTURE CAUSED BY CONSTRUCTION TRAFFIC FOR THE FACILITY, AS REQUIRED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION.
24. THE APPLICANT SHALL SUBMIT SOILS TESTING REPORTS SIMILAR TO THE SAMPLING SUMMATION EXAMPLE ATTACHED HERETO PRIOR TO SITE PLAN APPROVAL, EVERY FIVE YEARS ONCE THE FACILITY IS ENGERIZED, AND AGAIN DURING DECOMMISSIONING.
25. PLACEMENT OF ANY PANELS OR EQUIPMENT IS PROHIBITED IN THE FLOODPLAIN.
26. PANELS MAY NOT BE LOCATED ON A SLOPE OF 15% OR MORE IN GRADE.
27. BECAUSE THE UTILITY SWITCHYARD AND THE PROJECT SUBSTATION NEED TO BE ADJACENT TO THE EXISTING TRANSMISSION LINE, NOTWITHSTANDING THE SETBACK APPLICABLE TO THE SOLAR PANELS AND FENCING AROUND SOLAR PANELS SET FORTH IN PARAGRAPHS 17 AND 18, THE UTILITY SWITCHYARD (FOR INTERCONNECTION TO THE TRANSMISSION LINES) AND THE PROJECT SUBSTATION (WHERE THE POWER GENERATED AT THE FACILITY IS BROUGHT TOGETHER AND STEPPED UP FOR INTERCONNECTION), SHALL BE SUBJECT TO NO MORE THAN A TWENTY-FIVE (25) FOOT SETBACK REQUIREMENT FROM PARCEL 42-A-15A AND A FIFTEEN (15) FOOT SETBACK REQUIREMENT FROM EACH OTHER. THE UTILITY SWITCHYARD AND PROJECT SUBSTATION SHALL BE LOCATED ON THE NORTHERN SIDE OF THE TRANSMISSION LINE, WITH A SETBACK OF AT LEAST 250 FEET FROM THE PROPERTY LINE OF PARCELS WITHIN THE OLD FARMS SUBDIVISION. BARRIER LANDSCAPING SHALL BE INSTALLED

PURSUANT TO THE LANDSCAPING PLAN PURSUANT TO THE LANDSCAPING PLAN SUBMITTED BY THE APPLICANT WITH ITS CONSTRUCTION PERMITTING APPLICATIONS BETWEEN THE SECURITY FENCING AND ANY ADJACENT PROPERTY LINE ON OLD FARMS SUBDIVISION.

28. APPLICANT SHALL OBTAIN AND MAINTAIN LIABILITY INSURANCE OF AT LEAST TWO MILLION DOLLARS FOR THE SOLAR FACILITY DURING DEVELOPMENT, OPERATIONS AND UNTIL THE FACILITY HAS BEEN DECOMMISSIONED AND REMOVED.

Commented [A4]: Added barrier landscaping requirement for area between Old Farms and Fence – however, this may be capture in paragraph 8 above.