



County of Page, Virginia
Planning & Community Development
103 South Court St., Suite B
Luray, VA 22835

SPECIAL USE PERMIT

Applicant/Owner: Cape Solar, LLC

Tax Map #'s: 32-A-43, 32-A-48, 42-A-14B, 32-4-1, 32-4-1A, 32-A-56, 32-A-56A, 32-A-56B, 32-A-56C, 32-A-55

Purpose: Solar Electricity Generating Facility

APPROVED _____ DENIED _____

By the Page County Board of Supervisors on _____

1. This special use permit is transferable and shall run with the land. It shall remain with the property for a period of forty (40) years.
2. 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 designee within seven (7) days.
3. The maximum generating capacity of the utility scale industrial solar facility shall be 100MW.
4. No part of the facility shall be located within one (1) mile of the Town of Luray.
5. The facility shall be enclosed and secured with a chain link fence at least nine feet in height which shall be situated on the interior of the buffer area, not to be seen by adjacent properties. The fence shall not be topped with razor wire. The fence shall be properly maintained at all times to include repairs and landscaping maintenance. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the special use permit and the facility's decommissioning.
6. A minimum setback of six hundred (600) feet from the perimeter security fence of the facility to the property line of any adjacent property shall be maintained. A 100 foot buffer zone with barrier landscaping extending outward from the perimeter fence shall be maintained all around the perimeter of the facility.
7. An increased minimum setback of thirteen hundred and twenty feet (1,320) from the perimeter security fence of the facility to the property line along US Route 340 shall be maintained.
8. A perimeter security fence enclosing the utility switchyard and project substation shall be installed. A setback of thirteen hundred and twenty (1,320) feet from such perimeter security fence to the property lines of adjacent properties shall be maintained. A two hundred (200) foot buffer zone with barrier landscaping extending outward from the perimeter fence shall be maintained all around the perimeter and shall conform to the buffer standards specified below.
9. In order to achieve an effective visual barrier, landscaping of all buffer zones shall include native and non-invasive plant materials consisting of an evergreen and deciduous mix in ratio of 2 to 1.

Trees shall be a minimum of six (6) feet in height at time of planting and in staggered rows of ten (10) feet on center. In the event existing vegetation or landforms providing the screening are disturbed, new plantings shall be provided. Existing vegetation in buffer zones shall not be removed but supplemented to meet requirements herein with the exception of non-native species. Dead or dying plant materials shall be removed and replaced within 90 days of notification to the applicant, subject to 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. Ground cover on the site shall be limited to pollinator-friendly native and non-invasive vegetation requiring either no pesticides, herbicides, and fertilizers or the use of pesticides or fertilizers with low toxicity, persistence, and bioavailability, and only with notification to the county prior to application. All landscaping, including ground cover, shall meet the standards of the Virginia Department of Conservation and Recreation's Virginia Pollinator-Smart Program and be maintained in a healthy condition at all times. A performance bond reflecting the costs of anticipated landscaping maintenance of both ground cover and buffer zones shall be posted and maintained. Failure to maintain the landscaping shall result in revocation of the SUP and the facility's decommissioning.

10. No part of the facility shall be located on prime farmland or farmland of statewide importance. The applicant shall maintain a Virginia Nutrient Management Plan. Soil testing reports shall be submitted as required, but at least prior to any clearing or construction activity as a base line and every two years thereafter for the duration of the permit, and again during and after decommissioning. Soil testing shall include Note: Provide standards and consequences of non-compliance.
11. Continuous monitoring shall be provided to measure and analyze water runoff in sensitive areas, including but not limited to ponds, waterways and wetlands. Baseline testing shall be required prior to any clearing or construction activity, and all subsequent findings shall be reported to the county every ninety (90) days. Water testing shall include... Note: Provide standards and consequences of non-compliance.
12. A sealed dry-waste container shall be maintained at the facility for the storage and disposal of any hazardous waste, including but not limited to damaged solar panels. This storage and disposal shall conform to all applicable laws. No disposal shall be allowed in Page County.
13. No equipment shall be installed on existing slopes greater than ten percent (10%) or within a hundred (100) feet thereof. Mitigation, including but not limited to drip strips under panel arrays or row gaps, shall be required on slopes greater than seven percent (7%). No grading for the purpose of conforming with the ten percent (10%) slope requirement shall be permitted. Placement of solar panels arrays or equipment of any kind in the floodplain or within a hundred (100) feet thereof is prohibited.
14. No deforestation shall be allowed. No existing tree line shall be removed. Grading shall be minimal and shall conform to a grading plan which shall be submitted for approval together with the final site plan before issuance of Erosion & Sediment Control and Stormwater Permits.
15. Before beginning any clearing, grading, or other land disturbing activity, the applicant shall obtain approval of a grading plan and a final site plan, as well as obtain all permits required at the local and state level, including but limited to building and zoning permits, erosion and sedimentation plans. For erosion and sediment control protections applicant shall have a responsible land disturber and a Virginia DEQ certified erosion control inspector assigned to the

project, at applicant's expense. Applicant shall obtain approval of an erosion and sediment control plan and post the required erosion and sediment control surety with Page County prior to any land disturbing activities. The responsible land disturber shall maintain a daily log of activity at the facility, including but not limited to construction, environmental permit compliance, corrective measures, and erosion and sediment control installation and maintenance. Sediment barriers shall be inspected within twenty-four hours after every qualifying rainfall and if not functioning properly must be cleared and restored to good working condition or replaced immediately.

16. The design, equipment, improvements, structures and installation of the facility shall conform to applicable industry standards, including but not limited to those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements. The industrial solar electricity generating facility may consist of racking and foundations; inverters and transformers; necessary electrical interconnections and all improvements and connections required to 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 panels; and private vehicular maintenance and access roads ("the facility"), which shall be in compliance with all applicable county, state, and federal regulations. All features shall be clearly indicated on the final site plan to be approved by the county. No facility/equipment for the purpose of storage of electric power, including but not limited to battery storage, shall be allowed.
17. At least one wildlife corridor shall be provided and indicated on final site plan following a written recommendation of the Virginia Department of Wildlife Resources.
18. The total height of panel arrays shall not exceed ten (10) feet above the ground when orientated at maximum tilt. The maximum height of the lowest edge of the panel arrays shall be five (5) feet as measured from the finished grade. This height limitation shall not apply to inverters and equipment at the interconnection point, within the substations or the transmission lines that are part of the local utility power grid.
19. Electrical wiring shall be underground and trenched, 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.
20. The design of support buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the facilities to the natural setting and surrounding structures.
21. Approved lighting shall be installed prior to closeout of construction. All lighting shall be shielded to direct light downward and away from adjacent properties and roads to minimize off-site glare. Light fixtures shall not exceed twenty (20) feet in height and shall be maintained in an operating condition at all times.
22. No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

23. Hours of construction activities shall be limited to Monday through Thursday. They shall commence no earlier than 8:00 a.m. and will cease no later than 7:00 p.m. Pile driving shall be allowed only between 10:00 a.m. and 5:00 p.m. No construction activities shall take place on weekends or national holidays. This limitation will not apply to maintenance of an existing facility once completed unless such maintenance involves 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 or pile driving, 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.
24. Decommissioning shall begin immediately after the facility has ceased operating as an industrial solar electricity generating facility transferring electric energy to the grid (the "decommissioning commencement date") for a period of at least three (3) months, except for periods the facility is not operating due to maintenance, repair or events beyond the applicant's control. Periods where the applicant works diligently to return the facility to full operating status, shall not trigger the decommissioning commencement date. The County may require evidentiary support that a longer repair period is necessary. The owner or operator shall notify Page County by certified mail and in person of the proposed date of discontinued operations and plans for removal.
25. Decommissioning shall include removal of all solar collectors, panel arrays, electric systems and components, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility was located is again tillable and suitable for agricultural use. The site shall be graded and re-seeded to restore it to its natural a pre-development condition. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the land owner in writing. This request must be approved by the Board of Supervisors if other conditions might be more beneficial or desirable at that time. The 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. All wetland protections, natural vegetation, added perimeter landscaping, erosion control and storm water management features shall remain in place. Any topsoil removed during construction shall be put back in place. Land disturbance activities as a result of removal of solar facilities shall adhere to all local, state, and federal requirements.
26. The applicant, parent company and landowner shall be jointly and severally responsible for decommissioning the utility scale industrial solar facility according to the decommissioning plan attached to these conditions.
27. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.

28. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value. A Virginia licensed Engineer, selected by Page County but paid for by the applicant, shall calculate this cost and recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County. If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.
29. A final site plan containing any changes to the preliminary site plan and other documentation presented to the county, including but limited to those required by the Virginia Department of Environmental Quality Permit by Rule process, shall be submitted to the Zoning Administrator for approval before any permit can be issued. The Zoning Administrator may refer the final site plan and any new documentation to the Planning Commission for recommendation and final approval by the Board of Supervisors.
30. The facility shall be constructed and operated in compliance with the approved Final Site Plan and attached documentation. The 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. However, prior to the commencement of any action to revoke this permit, the county shall notify the permit holder in writing of the material in noncompliance or violation, and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holder or when mailed by certified mail, return receipt requested, to the permit holder.
31. The Zoning Administrator may refer any part of this Special Use Permit, including but not limited to the site plans, 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, at the applicant's expense. The terms and conditions of which shall be determined in advance of the referral between the applicant, the county and the consultant. The applicant shall provide third party inspections for construction phase and submittal of inspection reports to the Page County building official, at the applicant's expense.
32. Prior to land disturbance the applicant shall obtain a VDOT permit for entrance to the public roads and post the required surety for protection of those public roads, as required by the Virginia Department of Transportation. The applicant shall repair any damage to public roads or related infrastructure caused by construction traffic for the facility, as required by the Virginia Department of Transportation, within five (5) working days.
33. 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. Should the county determine that the applicant is in violation of any county ordinances or the

special use conditions, the county shall provide the applicant with a written notice with an opportunity to cure such violation(s). If such violations are not cured within thirty (30) days, the county may proceed to court to require compliance by the applicant.

34. Proof of liability insurance of at least five million dollars for the entire facility during all phases of development, operations and decommissioning, until the facility has been completely decommissioned and removed shall furnished prior to the issuance of any building and/or zoning permits.
35. Prior to commercial operation and periodically during operation but no more frequently than once every two years, the applicant, at their expense, shall provide fire and safety materials, education and training to Page County fire and emergency response teams regarding the industrial solar electricity generating facility.
36. 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. The job fairs shall be advertised in a local newspaper for two consecutive weeks and at least one week prior to the fairs.

I (we) the undersigned owner(s)/occupant(s) understand and agree to the foregoing conditions of this special use permit. I further understand that this special use permit may be reviewed on a yearly basis or at any time, the county determines necessary to ensure the compliance with and enforcement of all applicable conditions, codes, and regulations.

Owner(s)/Occupant(s)

Date

Board of Supervisors Chairman

Date

County Administrator

Date