

**PLANNING COMMISSION
SPECIAL EXCEPTION SUMMARY REPORT**

CASE NUMBER: SE-17-02

APPLICANT: New Energy Ventures, Inc. dba Rives Road Solar LLC

LOCATION: 3513 and 3701 Rives Road, South Prince George, VA 23805

TAX MAPS: 330(OA)00-024-0 and 330(OA)00-025-0 (part of)

REQUEST: Special Exception to permit a large-scale solar energy facility

EXISTING ZONING: R-A, Residential Agricultural Zoning District (R-2 Corridor area)

EXISTING USE: Agricultural and rural residential uses

PROPOSED USE: Large-scale solar energy facility (15 MW)

UTILITIES: Not applicable for the solar energy facility

REAL ESTATE TAXES: Delinquent taxes are not owed to the County

MEETING INFORMATION:

Planning Commission: Thursday, May 25, 2017 at 6:30 p.m.

Board of Supervisors: Tuesday, June 13, 2017 at 7:30 p.m.

ATTACHMENTS:

1. Special Exception Application and a Solar facility layout
2. Staff Report and GIS Map of the surrounding properties

PRINCE GEORGE COUNTY, VIRGINIA
PLANNING COMMISSION STAFF REPORT
SPECIAL EXCEPTION SE-17-02 NEW ENERGY VENTURES, INC.
PUBLIC HEARING DATE: MAY 25, 2017

Request:

A Special Exception request to permit a large-scale solar energy facility use in an R-A, Residential – Agricultural Zoning District.

Case Summary:

The case applicant is proposing to build a 15 MW solar electric generating facility and the use will utilize approximately 62,000 photovoltaic panels using a ground-mounted fixed-tilt or single axis tracking system. The solar panels are estimated to cover approximately 71 acres of the 148 acres available on the subject properties. There will be associated equipment including electric inverters and the other miscellaneous control and instrument panels. There will be one small, pre-fab shed that will store mechanical equipment and the solar energy facility will generally conform to their construction plans and Timmons Site Plan layout on the two subject properties.

Comprehensive Plan:

The 2014 Comprehensive Plan identifies this area as appropriate for commercial and industrial uses and it complies with the proposed “commercial” large-scale solar energy facility land use.

Existing Use and Surrounding Zoning:

The subject property is zoned R-A, Residential Agricultural and it contains agricultural fields. The properties to the north, south and west are zoned R-A and contain single family dwellings as rural residential homes along both the Rives Road and Walton Lake Road county corridors.

Community Development – Planning Division

This proposed project will use no water or sewer utilities service in the solar electric generation process and will be in compliance with the County’s Noise Ordinance with minimal noise on site. There will be no additional burden to the County’s infrastructure including roads, schools, police, fire and rescue squad calls for service. The proposed land use will add to the County’s tax base but requires little to no public services to operate in Prince George County. The solar facility will operate year round generating electricity during the daylight hours only. Electric inverters which convert the DC current produced by the 62,000 solar panels over to AC current which is sent to the Dominion Energy distribution lines connected to the site and onward out into the utility grid.

This solar energy project will result in virtually no environmental issues and will be creating clean, non-polluting electricity. In addition, the project may even provide a draw for the type of industries that do have corporate commitments to procure power from clean energy sources. Dominion Energy has a program by which they can sell power from a project like this directly to those customers. All power generated by the solar energy facility will be delivered to the Dominion Energy system at the point of interconnection near the site entrance at Rives Road.

Community Development – Inspections Division

The 2012 Virginia Uniform Statewide Building Code (USBC) and 2012 Virginia Statewide Fire Prevention Code would be applicable to this proposed project. The solar equipment and related wiring would be exempt from permitting if the installer is a publicly regulated utility company and they own the equipment and wiring. Any structures supporting the equipment (except poles or towers installed by the utility company) would require permits. Permits would also be required for any electric service to the property or structures. Permits would be required to be obtained from Prince George County for this use for any items that are not exempted under the USBC.

Prince George County Real Estate Assessment:

The subject property has a legal acreage of 141.8 acres, all of which currently qualifies for the Land Use program. New Energy Ventures is proposing to develop a 15 MW solar energy facility on approximately 67.87-acres of the subject parcel. The approval and subsequent construction for this development will have the following real property tax impacts:

1. The 67.87+/- acre portion of the site will be subject to roll-back taxes. An accurate estimate of the roll-back tax charge would be difficult to accurately calculate until the final site plan is approved. Based on the current discussion of changing the use to 67.87+/- acres, the roll-back tax charge could range from approximately \$10,200 (partial) to \$18,400 (full). Please be aware that these are very preliminary estimates and could be higher or lower based the final approved site plans and on actual roll-back calculations.

A roll-back is the recapture of deferred value and taxes that benefit the property owner when a parcel qualifies for the land use program. The Code of Virginia requires the County to calculate roll-back taxes for the current year plus the five previous tax years when a parcel in the Land Use program converts to a non-qualifying use.

2. The entire parcel will no longer qualify for the Land Use Program and will be valued at Fair Market Value. For the current tax year, the Market Value is \$500,300 and the Use Value (Taxable Value) is \$129,200. A change in use will increase the taxable value \$371,100. Based on the adopted FY2018 Real Estate Tax Rate of \$0.86, this is an increase in real estate taxes of \$3,191.46. The potential impact is summarized below:

FY2018 ASSESSMENT				
330(OA)00-024-0	Current	After	Change	% Change
Land (MV)	\$500,300	\$500,300	\$500,300	N/A
Land (Use Val)	\$129,200	\$0	\$129,200	
Improvements	\$0	\$0	\$0	
Taxable Value	\$129,200	\$500,300	\$371,100	287%
Taxes (@\$0.86)	\$1,111.12	\$4,302.58	\$3,191.46	287%

3. Real Estate Taxes, and therefore any Roll-back taxes, are attached to the land not directly to the property owner or lessee. Rollback taxes will be assessed and billed to the owner of record at the time the rollback is generated. It is the responsibility of the property owner to negotiate the payment of roll-back taxes with the land lessee.

Virginia Department of Transportation:

VDOT cannot determine based upon the submitted application and supporting information the number of vehicle trips generated by the facility. If in excess of 50 vehicle trips per day (VPD) are generated by the facility a commercial entrance will be required. If between 10 and 50 VPD are generated a low volume commercial entrance will be required. However, if less than 10 VPD are generated a private entrance will be required and this can be determined at site plan review.

Commercial entrances are subject to the sight distance and the spacing criteria contained in VDOT's Access Management Design Standards. SR 629, Rives Road is classified as a minor arterial with a speed limit of 45 MPH. Spacing between full access entrances must be 470' with an intersection sight distance requirement of 500'. Based upon a recent site visit, it is unlikely that the sight distance required for a commercial entrance is available at the current entrance location. VDOT will work with the applicant and Timmons Group to determine this information.

Recommendation:

Staff recommends Approval of the proposed, large-scale solar energy facility land use provided that the potential impact upon the surrounding property owners is minimal. Staff has proposed recommended conditions to ensure that this use complies with all Federal, State and County Code requirements:

1. This Special Exception is granted for a large-scale solar energy facility use to New Energy Ventures, Inc. or any successors as owner/operator of the solar energy facility located on Tax Maps 330(OA)00-024-0 and 025-0 (part of). **This Special Exception may be transferred provided that Condition 10 is met relative to the proper surety.**
2. All site activity required for the construction, expansion and the operation of the solar energy facility shall be limited to the following days and times: All pile driving shall be limited to the hours from sunrise to sunset Monday through Saturday. No Sunday pile driving shall occur during site construction, expansion or operation of the facility. All other normal on-site construction activity may be permitted Monday through Sunday in accordance with the provisions of the County Noise Ordinance, as amended from time to time, and as enforced by the Prince George County Police Department.
3. All construction roads and construction areas shall remain dust-free by the use of a water truck or other approved method to keep sediment on the premises and not be of a general nuisance to the adjoining property owners during site construction and/or site expansion for a solar energy facility.
4. The applicant, owner or operator of the solar energy facility shall install a security fence a minimum of six (6) feet in height around the perimeter of the solar energy facility and it shall be approved as part of the site plan submitted for the development of the property.
5. Site construction lighting shall be minimized and shall be directed downward and away from residential uses. Post construction lighting shall be limited to security lighting only as approved by any federal, state or county agency for the appropriate lighting needed.
6. The applicant, owner or operator shall coordinate directly with the Director of Fire, EMS and Emergency Management to provide solar energy materials, educational information and/or training to the respective personnel responding to the solar energy facility project in regards to how to safely respond to any emergencies that may occur on the premises.

7. A minimum fifty (50) foot setback shall be maintained from all public right-of-ways and all agriculturally and residentially zoned properties, either occupied or unoccupied, until such time that the property is converted to commercial or industrial uses, at such time the setback can become the underlying zoning district setback amount for such district. The required site landscaping and screening materials will be reviewed at the time of site plan review to properly meet the screening requirements for the solar energy facility use.
8. A Construction Traffic Management Plan and mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and Prince George County for review and approval. The Plan shall address traffic control measures, pre-and post-construction road evaluation and any necessary repairs to the public roads that are required as a result of any damage from the solar energy facility construction and/or expansion. All VDOT permits will be received and be approved by VDOT prior to site construction occurring on the premises.
9. A decommissioning plan shall be developed by the applicant, owner or operator prior to the approval of a site plan or any building permits being issued for a solar energy facility. If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to the Planning Division in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by Prince George County. This shall be known as the "Decommissioning Plan" under Zoning Ordinance Section 90-16 (ii) (e) which shall include the following: (1) anticipated life of the solar energy facility project; (2) the estimated cost of the decommissioning in the future as expressed in current dollars; (3) how said estimate was determined; (4) the manner in which the project will be decommissioned and (5) the name and physical address of the person or entity responsible for the decommissioning plan and a performance bond for the life of the use.
10. Unless the large-scale solar energy facility project is owned by a public utility within the Commonwealth of Virginia, the net costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within thirty (30) days of the project receiving its occupancy permit or equivalent from Prince George County to operate the use. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator and provided to the County. **If the solar energy facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate surety is provided for the solar energy facility.** At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use as approved by the County Attorney.
11. This Special Exception shall become null and void if the use of a large-scale solar energy facility is abandoned for a period of twenty-four (24) consecutive months.
12. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant, owner or operator to comply with any of the listed conditions or any provision of federal, state or local regulations.