# Department of Community Development
# Staff Report

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**PROPERTY OWNER(S):** Luck Stone Corporation

**APPLICANT:** Bealeton Solar, LLC

**LOCATION:** 11441 Remington Road, Remington

**DISTRICT:** Lee

**PIN:** 6888-86-0168-000, 6888-86-8224-000, 6888-95-3841-000, 6888-95-5281-000 and 6888-97-5418-000

**ACREAGE:** 161.69 acres

**ZONING:** Agricultural (RA)

**LAND USE:** Rural

**MEETING DATE**: November 21, 2024

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**REQUEST:** SPEX-24-023123 – Bealeton Solar Center: An application for a Category 20 Special Exception to allow a Utility Scale Solar Electrical Generating Facility.

**OUTSTANDING ISSUES:** The Zoning Ordinance (Section 5-2003.5) requires the Board of Supervisors to make a finding that the type and amount of traffic generated by the use, being on a property which does not have direct access to a road designated as a major collector or higher, will not cause an undue impact on neighbors or adversely affect the safety of road usage. The property is accessed by Lucky Hill Road (Route 655) which is a local road. Additional information is included within the report.

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**POTENTIAL CONDITIONS:**

1. The Special Exception is granted only for PIN 6888-86-0168-000, 6888-86-8224-000, 6888-95-3841-000, 6888-95-5281-000 and 6888-97-5418-000, runs with the land as indicated in the application, and shall not be transferred to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Bealeton Solar, LLC Concept Plan, related exhibits and application materials received by Community Development on September 19, 2024, except as qualified by these development conditions.

3. At all times, the facility shall be remotely operated and monitored for performance, security, and safety by the project's owner, as well as for service quality and interruption by the interconnection utility.

4. The area of panel bays (areas which consist of groupings or multiple arrays or racks of panels) shall be limited to a maximum of 47.0 acres (determined by measuring the outer row of panels in each subarray), and the area under panel shall be limited to a maximum of 18.5 acres (determined by measuring the total area of the individual panels as they would be at a horizontal position).

5. No solar equipment shall be placed within:
   a. 100 feet of the project boundary;
   b. 150 feet of any existing residential dwelling;
   c. 25 feet of any internal lot line; or
   d. 50 feet of any stream edge or jurisdictional wetland.

6. Solar panels shall not exceed fifteen (15) feet in height measured from existing grade below the panel. Additionally, the lowest surface of the panel shall be a minimum of eighteen (18) inches above grade.

7. All solar panel components shall have a UL listing and shall be designed with an anti-reflective coating. Individual arrays/panels shall be designed and installed to prevent glare toward adjacent properties and vehicular traffic.

8. All facilities shall meet or exceed the standards and regulations of the Federal Aviation Administration (FAA), the State Corporation Commission (SCC) or equivalent, and any other agency of the local, state or federal government with authority to regulate such infrastructure that are in effect at the time of the application, or which applies retroactively.

9. All equipment, machinery and facilities not located within an enclosed building shall be effectively screened.

10. The entire project area, including the area underneath the solar panels, shall be vegetated. Panels shall be adequately spaced to ensure sufficient sunlight penetration to promote growth of vegetation.

11. A vegetated buffer, at least 100 feet wide as measured from the project's boundary, shall be required around the entire perimeter. Existing vegetation shall be retained within this perimeter buffer. In areas where existing vegetation, within the perimeter buffer, does not effectively screen the facility, supplemental plantings shall be provided.

a. Any existing vegetation within the perimeter buffer, that suffers damage or death such that the buffer is diminished or is compromised, shall be replaced with supplemental plantings to the satisfaction of the Zoning Administrator within the following growing season.
b. A minimum of 75% of the supplemental perimeter buffer plantings shall be evergreen trees.
c. At the time of planting, all trees shall be at least six (6) feet in height, a minimum of 30% of the trees shall be at least eight (8) feet in height, and a minimum of 30% of the trees shall be at least ten (10) feet in height.
d. The trees and shrubs shall be installed so that the mix of species and plant heights appears to be random. At least two (2) different species shall be used every 100 linear feet of the buffer.

12. A double staggered row of evergreen trees shall be planted within a 30-foot-wide buffer along both sides of the 100-foot VEPCO Transmission Easement.
    a. The buffer planting species shall be either American Holly (*Ilex Opaca* 'Greenleaf'), Eastern Red Cedar (*Juniperus Virginiana* 'Brodie), Arborvitae (*Thuja Occidentalis* 'Techny'), Oakleaf Holly (*Ilex x* 'Conaf'), Nellie R. Stevens Holly (*Ilex* x 'Nellie R. Stevens') or other similar species as approved by the Zoning Administrator.
    b. At the time of planting, all trees shall be at least six (6) feet in height, a minimum of 30% of the trees shall be at least eight (8) feet in height, and a minimum of 30% of the trees shall be at least ten (10) feet in height.
    c. The trees shall be installed so that the mix of species and plant heights appears to be random. At least two (2) different species shall be used every 100 linear feet of the corridor.

13. All disturbed areas within the project area shall be seeded with a pollinator groundcover seed mix. The seed mix shall be Ernsts Seeds "Northeast Solar Pollinator Buffer Mix" or similar as may be approved by the Zoning Administrator.

14. A Licensed Landscape Architect or Certified Horticulturist shall certify that all plant species to be installed are non-invasive, pollinator–friendly and wildlife-friendly native plants that are able to tolerate saturated soil conditions from late fall to spring and dry soil conditions from July to September.

15. All newly installed utilities, including but not limited to electric, fiber, and telephone lines serving the site shall be placed underground.

16. All areas containing solar panels shall be enclosed with chain link fencing not less than six (6) feet in height. The fencing shall be topped with an appropriate anti-climbing device and secured with gates. All fencing shall be installed on the interior of any buffer.

17. Fencing and landscaping, as required by this approval, shall be maintained for the life of the facility. Should any required plant materials die, they shall be replaced with new material of the same species, which is at least equal to the size of the material at the time of initial planting.

18. There shall be no grading or ground disturbance, except as required for essential infrastructure (such as road or utility crossings) or supplemental plantings, within 100 feet of the project boundary or 25 feet from the edge of any stream edge or jurisdictional wetland.

19. Permanent lighting and signage shall be limited to that which is necessary for safety/security or that which is needed to meet governmental regulations or any requirements related to the interconnecting of the facility to the public utility.

20. The proposed driveway off Lucky Hill Road (Route 655) shall be the only point of access for the project. The entrance shall be designed to meet all applicable Virginia Department of Transportation (VDOT) standards. All required VDOT permits shall be obtained prior to the start of construction.

21. Fauquier County Department of Community Development shall be granted access to all stormwater management facilities, both during construction and during general operation of the facility.

22. Access to the facility shall be provided through a gated and secured entrance that meets all International Fire Code regulations, including a Knox Box for fire and rescue responders.

23. Emergency vehicle access within the facility shall be maintained at all times.

24. Emergency contact information shall be posted at the site entrance.

25. All applicable Fauquier County Building and Zoning permits shall be obtained prior to commencement of the use.

26. Any change of ownership or management of the solar facility shall be reported to the Zoning Administrator within 90 days of the change.

27. A Site Plan shall be required prior to the establishment of the use.

28. The Site Plan shall include details and specifications related to maintenance of the vegetation.

29. All construction staging and unloading of materials and equipment shall occur within the project boundary. A construction staging, parking area, material laydown yard and layout area, which is located outside of all required buffers and landscape areas shall be included on the Site Plan. At the conclusion of construction, this area shall be reseeded and stabilized.

30. An Emergency Response Plan shall be submitted with the Site Plan application. The plan shall be reviewed and approved by the Department of Fire and Rescue prior to approval of the Site Plan.

31. A Construction Traffic Management Plan shall be submitted for review with the first submission of the Site Plan and approved by Fauquier County and the Virginia Department of Transportation (VDOT), prior to approval of the Site Plan.

32. Concurrent with the first submission of the Site Plan for the development, the Applicant shall submit to VDOT an evaluation of the condition of the road surface and road shoulders for the Delivery Routes (the "Pre-Construction Road Evaluation"). The Pre-Construction Road Evaluation shall include an evaluation of planned commercial entrances to be approved by VDOT concurrent with the first Site Plan for the development. The Pre-Construction Road Evaluation shall also include an estimate for the cost of predictable repairs that may be caused by construction activities related to the development, and the Applicant shall post a bond or other surety based on such estimate (the "Repair Surety"). The Pre-Construction Road Evaluation must be approved by VDOT prior to release of the Site Plan.

33. After completion of construction, the Applicant shall submit an evaluation of the condition of the road surface and road shoulders on the Delivery Routes (the "Post-Construction Road Evaluation"). The Post-Construction Road Evaluation shall be submitted to VDOT for approval. The Post-Construction Road Evaluation shall include a plan for repairing any damage caused to the Delivery Routes, and the Applicant shall be responsible for causing such identified repairs to be completed within a timeframe approved by VDOT. The Repair Surety shall be released within six months of completion of the repairs required under an approved Post-Construction Road Evaluation.

34. A Decommissioning Plan shall be submitted with the Site Plan application. Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities and structures to a depth of at least 36 inches and stabilization of the site. The Decommissioning Plan shall include the following:
    a. The anticipated life of the project;
    b. The estimated decommissioning cost in current dollars;
    c. How said estimate was determined; and
    d. The manner in which the project will be decommissioned.

35. The full estimate of decommissioning shall be guaranteed by escrow at a federally insured financial institution, irrevocable letter of credit or surety bond prior to a building permit being issued. The decommissioning cost guarantee shall remain valid until the solar energy facility has been fully decommissioned. The cost estimate shall be recalculated every five (5) years and the surety increased when the recalculated estimate exceeds the guarantee amount by 10%.

36. The decommissioning of the facility shall not remove any existing perimeter vegetation or internal buffering. All disturbed areas shall be reseeded and stabilized, and the soils shall be restored to pre-development conditions.

37. The facility owner/operator shall notify the Zoning Administrator by certified mail of the date of interconnection to the public utility and commercial operation commencing. Notification shall be provided within 30 days of the facility going live.

38. The facility owner/operator shall notify the Zoning Administrator by certified mail of the proposed date of discontinued operations and plans for removal.

39. The owner or operator of the Utility Scale Solar facility shall completely decommission the facility within 12 months if the facility ceases to generate electricity for a continuous period of 12 months. The Board of Supervisors may extend this period if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond their control and the facility has not been abandoned.

40. This Special Exception shall be issued for a period of thirty-five (35) years starting at the date of interconnection to the public utility and the commercial operation commencing.

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**Topic Description:**

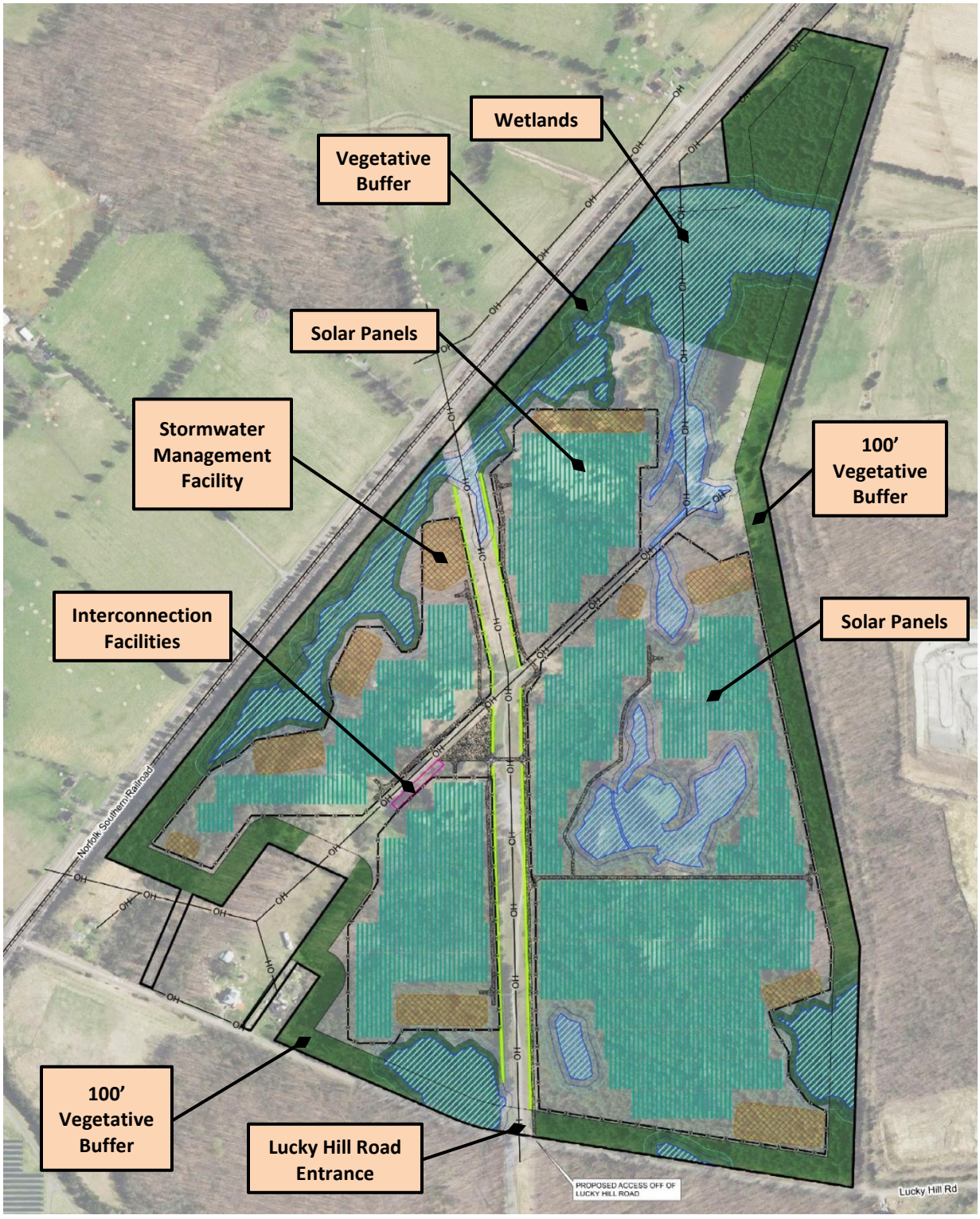
The Applicant has applied for a Category 20 Special Exception for Utility Scale Solar Energy Generation Facility, known as Bealeton Solar Center. The project is proposed to be a 14-megawatt ("MW") solar photovoltaic ("PV") energy facility. The project's development is anticipated to occur on approximately 93 acres (57.5%) of the 161.69-acre property. Within the development area there are four individual panel bays (areas which consist of groupings or multiple arrays or racks of panels), which encompass approximately 47 acres (29% of the total property). Within the panel bays, the area to be directly under panel (when the panels are at a horizontal position) is approximately 18.2 acres (11% of the total property) being under panel. The remaining portion of the property, approximately 68.68 acres (42.5%), primarily consists of undisturbed vegetated areas, undisturbed wetland areas and existing utility corridors.

The Applicant states that great care was taken to design the Bealeton Solar Center in a way that protects the viewshed of the neighboring properties and roadways to the extent practicable and the proposed design recognizes the importance of conservation of scenic resources. They believe that this is accomplished through setbacks from the property boundary, leaving existing vegetative buffering in place, and supplementing with additional plantings where necessary. Additionally, the project does not include any permanent lighting or signage on site, except for that required for safety, security, or the requirements of the interconnecting utility. The Applicant believes that the project's low visual profile and quiet operation will make it an excellent neighbor.

The project will utilize solar PV panels to convert the sun's energy into electricity. The PV panels are to be electrically connected. They will be mechanically mounted on racking equipment made from metal framing, which is driven into the ground, creating racks of panels. The racks will be oriented in rows along a north-south axis and rotate daily following the sun's path. The panels will start each morning facing east, rotate to being generally horizontal through midday and continue to rotate to face to the west in the afternoon. At their most vertical orientation, in the early morning and late afternoon, the top of panels, will not exceed 15 feet in height, and the bottom will be at least 18 inches above grade. This single axis tracking mechanism is desirable as it produces more energy as compared to a fixed-tilt racking system using a similar footprint. The project is also considering the use of bifacial PV panels, meaning both sides of each panel are used to produce energy. This would increase the total energy generation and improve efficiency of the facility. The facility will be enclosed in a perimeter fence, a minimum of six feet in height (as

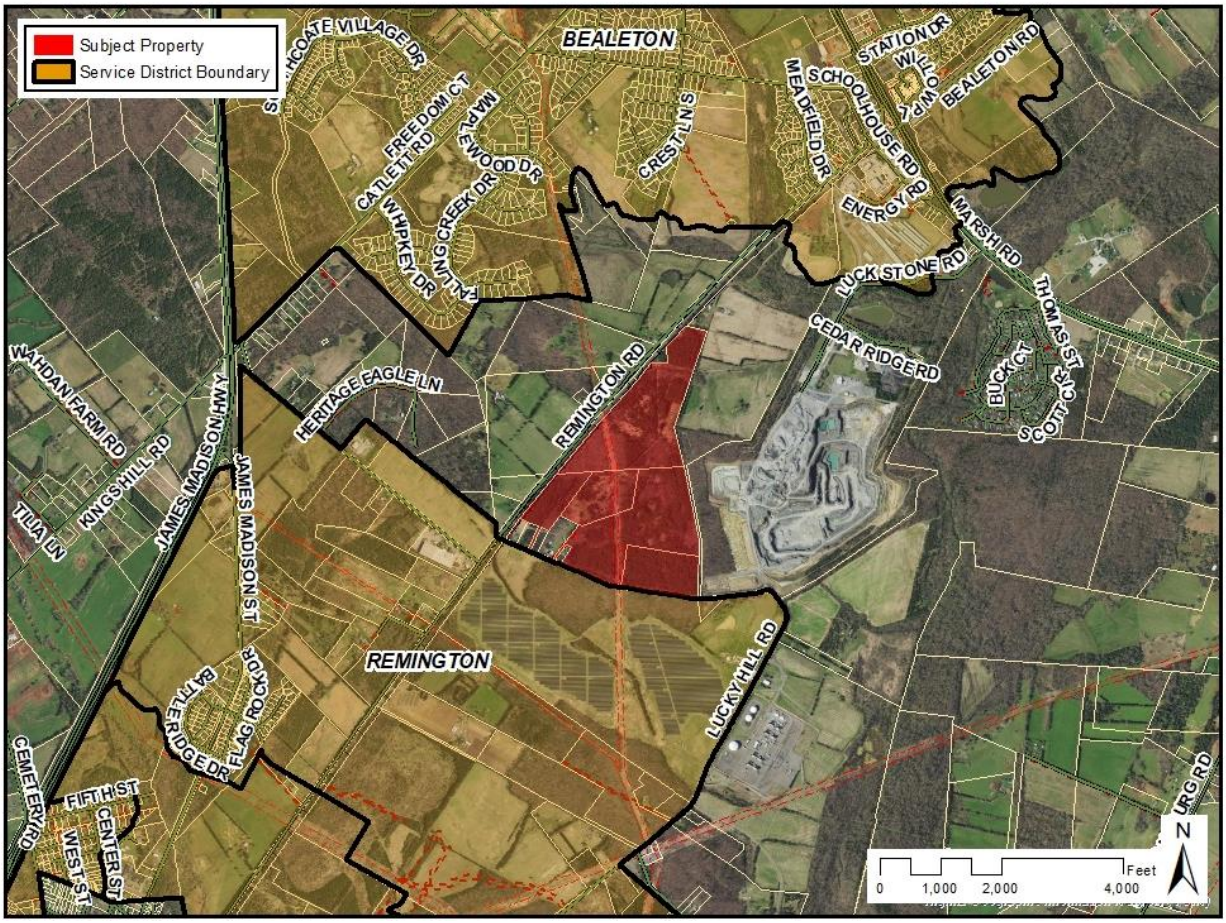
required by the National Electric Code and the Zoning Ordinance) which will be located to the interior of the required vegetative buffering.

**Concept Plan**



The electricity produced by the panels is collected by above ground and/or underground wires before connecting to inverters that convert the electricity from direct current to alternating current. The inverters are then connected through additional wiring to transformers that step up the power to a higher voltage for interconnection to the electrical grid. Inverters and transformers will be located throughout the site. Staff would note that Zoning Ordinance §5-2003.16 requires that "all newly installed utilities, including but not limited to electric, fiber, and telephone lines serving the site shall be placed underground." As such, above ground wires will not be permitted.

## Location Map




The electricity generated by the Bealeton Solar facility will connect to circuit 324 of Dominion's distribution system, which feeds into the Remington Substation, located approximately 1.9 miles in circuit length away. This circuit currently crosses the project site, which allows the point of interconnection to be located within the project site itself. No new distribution power infrastructure will need to be constructed. Additionally, the project will utilize a distribution five pole interconnection structure which will connect directly to existing three-phase power lines and will not need a new dedicated substation. The Applicant states that if demand in the vicinity of the Remington substation is equal to or higher than the output of the solar facility, power generated by the Bealeton Solar facility will be consumed locally. If demand is lower than the output of the solar facility, power will flow onto the Dominion transmission system. Dominion has studied their

distribution system to ensure there is adequate equipment and controls to receive facility power. The interconnection agreement, which outlines the terms of the interconnection, is expected to be executed in December 2024. Dominion's preliminary interconnection analysis has been attached for reference.

Existing, mature vegetation is proposed to be utilized to screen the project where practical and supplemental vegetative plantings are proposed where needed to obtain adequate screening. The Applicant proposes to retain a minimum of 100 feet of the existing vegetation around the perimeter of the project in a buffer area. Often, the proposed buffer width is increased due to the presence of wetlands. The existing vegetation will be supplemented with additional plantings where necessary to ensure appropriate screening is in place. Additionally, a new double row evergreen buffer is proposed along the existing transmission corridor which transverses the property. The project also includes a 25-foot buffer and 50-foot setback around wetland areas. The Special Exception application materials include a plant list, which consists of species that are either varieties of native species or well-adapted non-native and non-invasive species. A planting template has also been included.

Construction of the Bealeton Solar Center is expected to take approximately eight to 10 months. The Applicant estimates that there will be approximately 20 to 30 personnel on site daily during construction. Materials and equipment necessary to construct the project will be delivered to the property by truck. Trucks delivering project materials will be both staged and unloaded on the project site. Major materials that may be stored on site prior to installation include PV modules, inverters, transformers, racking, and spooled wire. Other materials arriving by truck for more immediate installation include fencing, conduit, concrete, reinforcing steel, wire management hardware, communication equipment, and other electrical components. On-site construction activities fall into the following main categories:

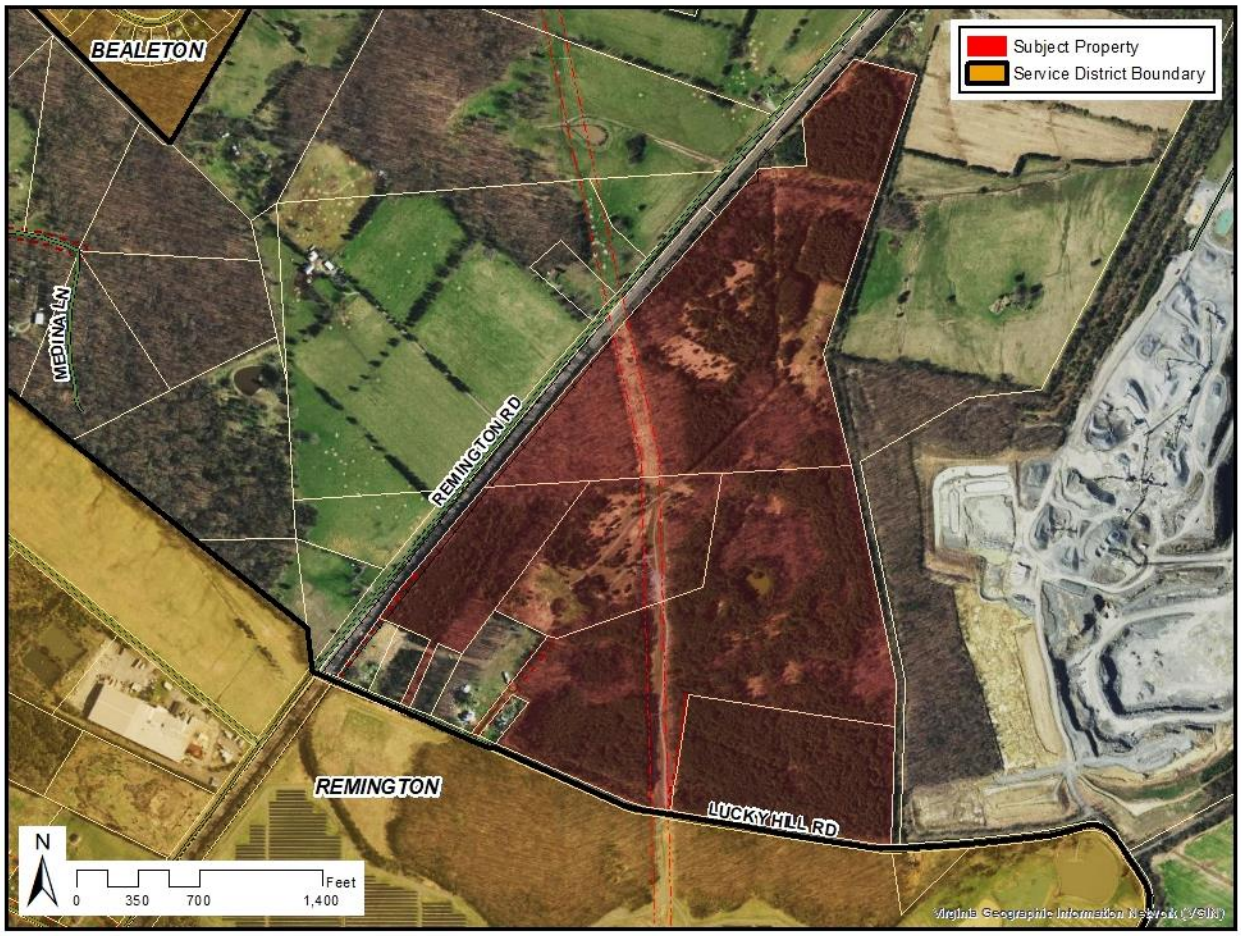
- Civil & Environmental: Temporary erosion and sediment control Best Management Practices ("BMPs"), permanent stormwater management BMPs, grading, internal site road construction, construction entrances, and material laydown area
- Fence: Permanent fence surrounding the project site
- Mechanical: Racking foundation pile driving, metal racking assembly, and solar panel installation
- Electrical: Mounting of electrical equipment, trenching, and installation of conduit and wire
- Site Commissioning: Inspecting, testing, and energization of facility prior to commercial operation

Once the facility is generating power and fully operational, it will be monitored and operated remotely. The facility will be monitored 24/7 for performance, security, and safety by the project's owner. It will also be monitored by the interconnection utility, and for service quality and interruption. The project is anticipated to have a 40-year lifespan and a 35-year operational life. The Applicant states that at the end of the project's life, the site will be decommissioned and returned to its previous land use or land use consistent with adjacent uses in the area, at the discretion of the landowner. The decommissioning is designed to restore the property to a condition similar to the condition that existed prior to the project's construction. As a part of

decommissioning, existing vegetation and buffering will remain in place to the extent they do not obstruct or otherwise interfere with the removal of the facilities. Disturbed areas will be reseeded and stabilized. The decommissioning sequence will generally include:

- Disconnecting the project from the utility power grid in accordance with the requirements of the utility or other distribution or transmission system owner as applicable.
- Removal of solar panels, foundations, racking, electrical components, cabling and other associated facilities.
- Recycling, repurposing, or otherwise disposing of equipment and materials in accordance with the applicable permit requirements in a manner that complies with local, state, and federal regulations.
- Decommissioning activities may exclude the removal of select roads, driveways, fences, and other real property improvements that the landowner requests be left in place for future use.

**Site Aerial Map**



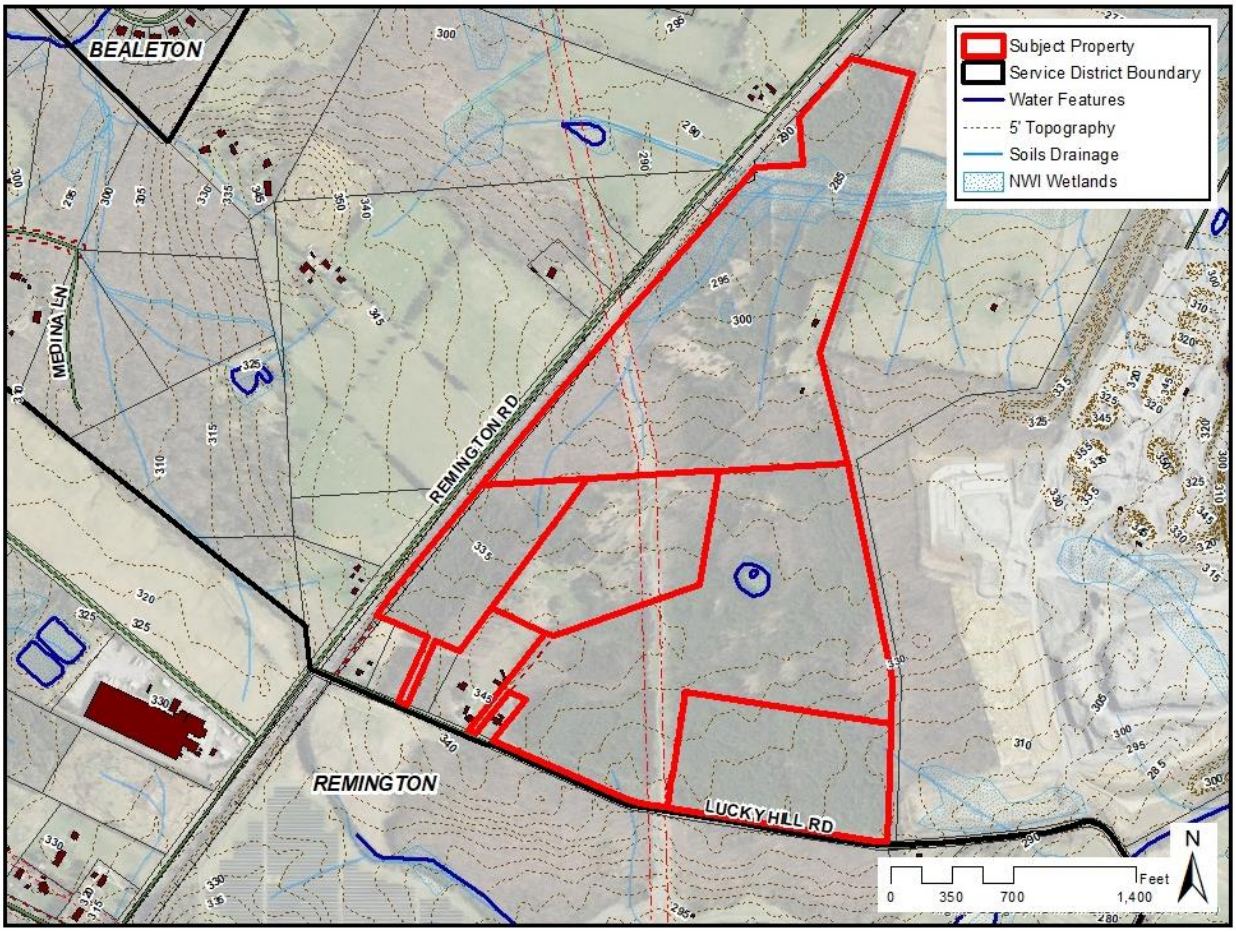

The Applicant states that the Bealeton Solar Center will provide clean, renewable energy to Fauquier County residents and businesses; while also diversifying the region's electric generation mix, stabilizing and putting downward pressure on electricity prices. The Applicant believes that

by producing electricity in communities where power is consumed, solar projects increase the resiliency of the local distribution grid and reduce reliance on out-of-state power plants. It is also stated that as the County's energy demands increase over time, a need for diverse sources of new energy production will be necessary. The Applicant believes that Bealeton Solar Center would complement the County's existing suite of energy generation sources without impacts to active agricultural or silvicultural lands or the County's important cultural, historical, or natural resources.

**Property History:**

On May 16, 2024, following a public hearing, the Planning Commission found that locating a Utility Scale Solar Facility on the properties would be consistent with the Comprehensive Plan's guiding principles, policies, goals and objectives. As such, they unanimously adopted a Resolution which found the Bealeton Solar Center proposal to be Substantially in Accord with the County's Comprehensive Plan. There were two speakers at the public hearing, a representative of the Applicant and a representative of Luck Stone. Both of which described the proposal and requested the Commission's support.

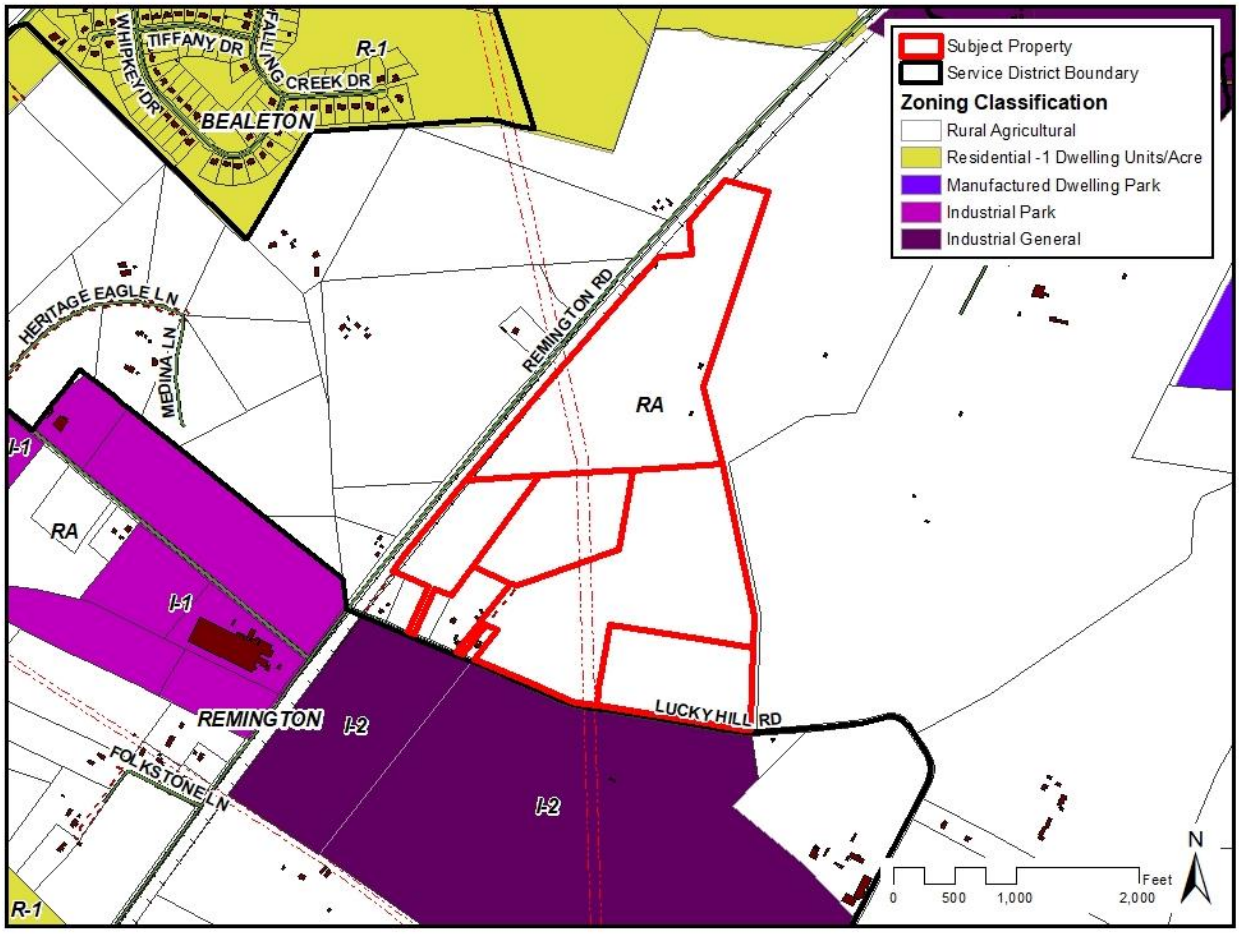
**Site Environmental Features Map**



**Property Location, Zoning and Land Use:**

The property consists of five individual parcels, owned by the Luck Stone Corporation, which total 161.69 acres. The property is located immediately adjacent to the Remington Service Distirict. The property is generally defined by Lucky Hill Road (Route 655) to the south, Remington Road (Route 656) and the Norfolk Southern rail line to the west and active mining portions of Luck Stone's Bealeton Plant to the east.

**Zoning Map**




The entire property is zoned Agriculture (RA). The property is primarily wooded with a mixture of deciduous and evergreen trees. There are also pockets of cleared areas and identified wetlands. The wetlands are generally located along the eastern boundary, adjacent to the Norfolk Southern rail line, in the northern section of the property and around an existing farm pond in the center of the property. There are also two utility corridors that transverse the center of the property, an electrical transmission line generally running north/south and an electrical distribution line generally running northeast/northwest.

The majority of the property is generally vacant and awaiting expansion of the Luck Stone Bealeton Plant to allow for future quarring and mining operations, while at the same time acting as a buffer for the current operations. Shady Grove Kennel and Hunting Preserve currently operates a year-round sporting clays course near the center of the property. The course consists of 15 stations, which are located both within the wooded areas and the open field areas. It should be noted that if the solar facility is approved the sporting clays course will no longer operate at this location.

**Surrounding Zoning and Current Land Use:**

The adjacent properties to the north and west are zoned Agricultural (RA). These properties are used for rural residential, agricultural and open space purposes. There are two adjacent properties on the eastern edge of the property, both of which are zoned RA. The northern parcel contains residential and agricultural uses, and the southern parcel contains active mining/quarrying operations associated with Luck Stone's Bealeton Plant. The parcels immediately south of the subject property are zoned RA and Industrial General (I-2). The RA zoned properties contain residential uses. The I-2 zoned properties contain a Utility Scale Solar Facility, owned and operated by Dominion Energy. Other near-by properties contain Dominion's Remington Power Station (approximately 0.7 mile to the southeast on property zoned RA), Dominion's Remington Substation (approximately 0.9 mile to the south on property zoned RA), future data center development associated with the Remington Technology Park (approximately 1.0 mile to the southwest on property zoned Business Park (BP)) and ODEC's Marsh Run Power Station (approximately 1.7 miles to the southeast on property zoned RA).

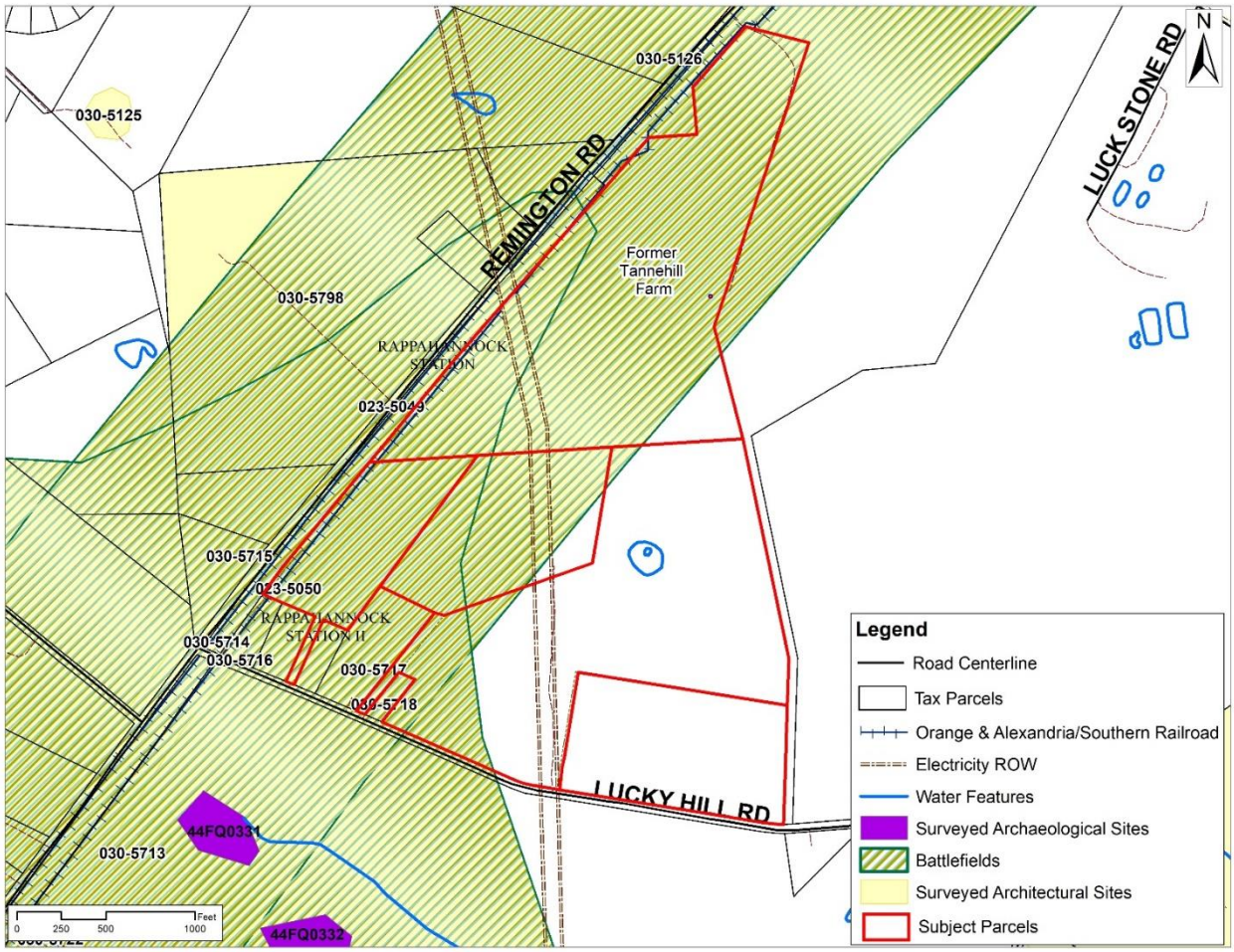
**Historic Resources:**

The following historic resources have been identified on and adjacent to the subject parcels thus far:

| | | |
|---|---|---|
| • Rappahannock Station I Battlefield | 023-5049 | On subject parcels |
| • Rappahannock Station II Battlefield | 023-5050 | On subject parcels |
| • Archaeological site, 44FQ041 | | On subject parcels |
| • Orange & Alexandria/Southern Railroad | 030-5714 | Along west side |
| • 11687 Lucky Hill Road (ca. 1960 house) | 030-5716 | Adjacent on south side |
| • 11725 Lucky Hill Road (ca. 1920 house) | 030-5718 | Adjacent on south side |
| • 11721 Lucky Hill Road (ca. 1959 house) | 030-5717 | Adjacent on south side |
| • 11586 Remington Road (Willingham Farm) | 030-5798 | West side of Remington Road |

Of these resources, the Rappahannock Station I & II Battlefields and the railroad have been determined potentially eligible for listing in the National Register of Historic Places (NRHP). Although now vacant and mostly wooded, the northern half of the project area was once the Tannehill Farm, established by William and Virginia Tannehill in 1900. The Tannehill house, outbuildings, orchard, and agricultural fields can clearly be seen on the 1937 aerial map. The southern half of the project area was a separate farm, also visible on the 1937 aerial. Both farms were a part of the rural community of Lucky Hill, which was located near the intersection of Lucky Hill Road and Remington Road with a halt on the railroad called the Lucky Hill Milk Station.

## Historic Resources Map




**Comprehensive Plan:**

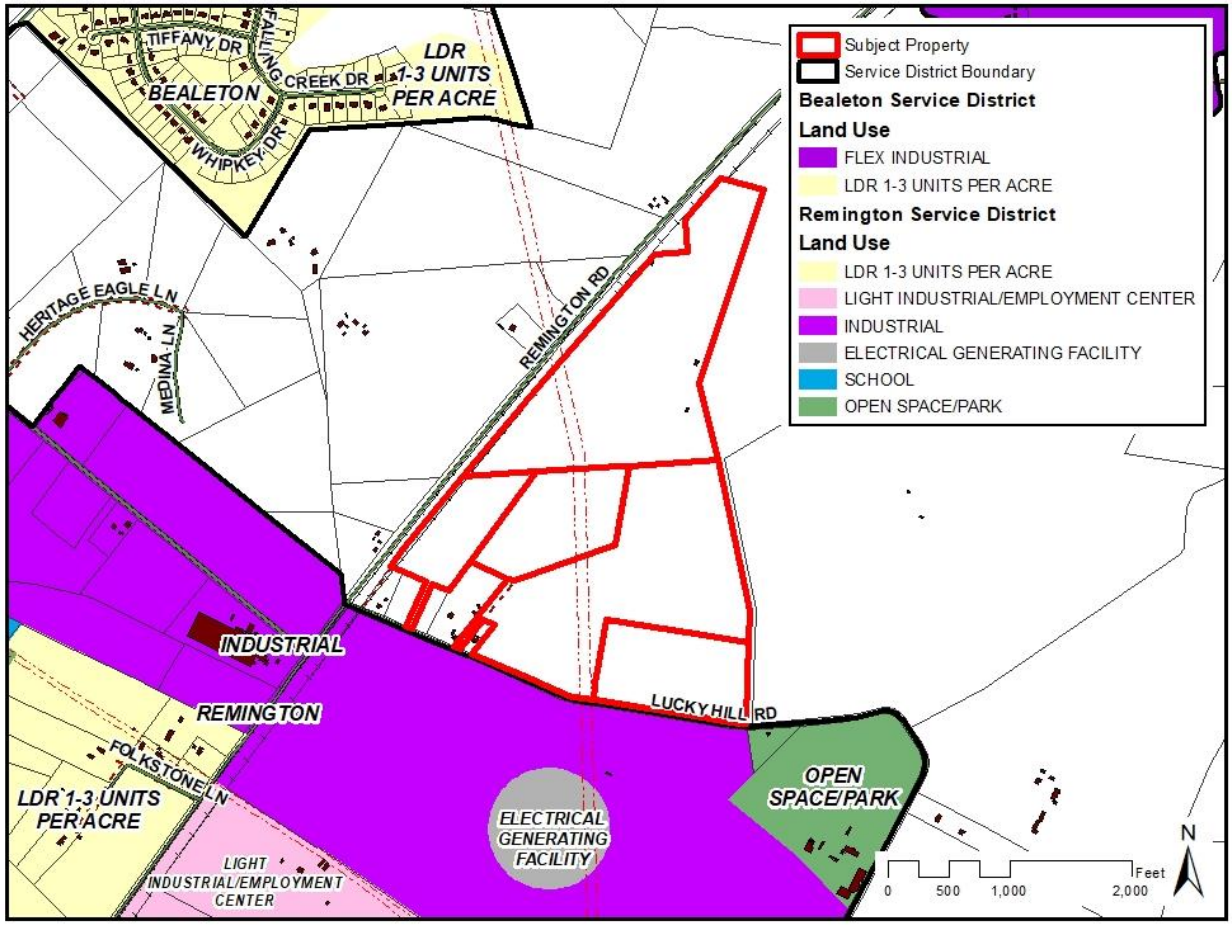
The subject property is in an area of the County designated for Rural Land Use. It is also immediately adjacent to the northeastern portion of the Remington Service District. Chapter 8 of the Comprehensive Plan addresses land use in the rural areas of the County. It contains policies and plans which place emphasis on the protection and preservation of farmland, historic sites and open space. The Rural Land Use Plan is focused on preserving the physical beauty, historical heritage and environmental quality of the County, while growing its rural and agricultural economy to better serve its people and protect its heritage. Generally, the Rural Land Use Plan's guidance encourages an approach which foremost protects the rural/agricultural character of the County while allowing reasonable development of Solar Energy Generation Facilities where the location and nature of the facility are appropriate.

The Rural Land Use Plan also offers specific guidance on alternative energy operations in rural areas. It states that the:

*"County may permit non-agriculturally related commercial uses by special exception or special permit in the rural lands if the use is agriculturally and rurally compatible in scale and intensity; poses no threat to public health, safety and welfare; contributes to the preservation of historically significant structures or landscapes; and if it helps to preserve farmland and open space and continue agricultural operations."*

It is recognized that solar panels have been a supplemental source of power for residential and farm operations, and that recent developments in the industry have seen the expansion of Utility Scale Solar Energy Generation Facilities into rural areas. The Plan suggests that as large-scale solar facilities become more common, the County may consider regulations to ensure that these operations do not detract from the rural character of the County and from the traditional and emerging farm economy. Additionally, as the industry expands, the County should continue its policy principles of ensuring that these uses do not detract from the basic agricultural character and economy of its rural lands.

**Land Use Map**




As mentioned above, the subject property lies immediately to the north of the Remington Service District. The adjacent properties within the Service District have a land use of Industrial. The

Remington Service District Plan suggests that industrial operations greater than three to five acres must be heavily buffered and that the uses should be strictly regulated. This is to ensure there are no harmful environmental and quality of life impacts rendered on surrounding residential neighborhoods.

**Special Exception Analysis:**

The standards below apply to this Special Exception. Following each standard is a staff evaluation in *italics.*

**5-006 General Standards for Special Permit and Special Exception Uses**

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

*The proposed use appears to be in accordance with the applicable zoning district regulations, and on May 16, 2024, the Planning Commission found that locating a Utility Scale Solar Facility on the properties would be consistent with the Comprehensive Plan's guiding principles, policies, goals and objectives.*

*Staff has included conditions for the Commission's consideration related to setbacks, screening, buffering and landscaping. The Planning Commission may wish to add or modify the conditions should it believe it necessary to do so. Staff believes that with appropriate conditions related to setbacks and buffering that the location, size and height of the facility will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.*

2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

*The Applicant estimates that during construction the project will generate between 25 and 40 daily trips. As the facility will have remote operating equipment which will allow for 24-hour monitoring and safety, following construction, the site will generally only be visited for routine maintenance. This level of traffic should not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site. There will be no pedestrian traffic associated with the use.*

*Related to construction traffic, staff has included a condition which requires a Construction Traffic Management Plan to be developed and submitted to Fauquier County and VDOT for review and approval alongside the Site Plan.*

3. In addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.

*The Applicant proposes to retain a minimum of 100 feet of the existing vegetation around the perimeter of the project in a buffer area. Often, the proposed buffer width is increased due to the presence of wetlands. The project also includes a 25-foot buffer and 50-foot setback around wetland areas.*

*Staff has included conditions for the Commission's consideration related to setbacks, screening, buffering and landscaping. The Planning Commission may wish to add or modify the conditions should it believe it necessary to do so.*

4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.

*There are no open space requirements with the proposed use in the RA zoning district.*

5. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Low-impact development techniques are encouraged by the County and shall be incorporated into the site and facility design when deemed appropriate by the applicant after consultation with appropriate county officials. Parking and loading requirements shall be in accordance with the provisions of Article 7.

*Adequate facilities appear to be provided. This standard will be further evaluated during the required Site Plan review.*

6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.

*The project does not intend to include any signage on site, except for that required for safety, security, or the requirements of the interconnecting utility. Staff has included a condition limiting the signage.*

7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.

*The project has an anticipated lifespan of 40 years and an expected operational life of 35 years. As such, staff has included a condition which would have the Special Exception expire after 35 years, starting at the date of interconnection to the public utility and the commercial operation*

*commencing. The Planning Commission may modify the suggested time limit if it deems necessary to do so.*

8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

*Staff does not believe that the proposed use will deplete or degrade air quality, surface and groundwater quality and quantity, to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings. The future Site Plan will ensure that the development meets all requirements related to erosion and sediment control, as well as stormwater management.*

9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

*All applicable standards of the RA zoning district appear to have been met.*

**5-2000 CATEGORY 20 PUBLIC UTILITIES**

**5-2001 Additional Submission Requirements**

1. In addition to the submission requirements set forth in Section 011 above, all applications for Category 20 uses shall be accompanied by the following:

   A. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.

   B. Four (4) copies of a statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

*These items have been submitted with the application materials; please see attached.*

2. A Special Exception application for a private individual sewage treatment system which discharges into an open ditch or water shall also include the following:

*The application is not for a private individual sewage treatment system; therefore, these additional submission requirements are not applicable.*

3. A Special Exception application for a Utility Scale Solar project shall also include the following:

   A. A 2232 Comprehensive Plan Review shall be required prior to submission of a Special Exception for Utility Scale Solar projects. This review by the Planning Commission shall

determine if their general or approximate location, character and extent are substantially in accord with the Comprehensive Plan.

*On May 16, 2024, following a public hearing, the Planning Commission found that locating a Utility Scale Solar Facility on the properties would be consistent with the Comprehensive Plan's guiding principles, policies, goals and objectives. As such, they unanimously adopted a Resolution which found the Bealeton Solar Center proposal to be Substantially in Accord with the County's Comprehensive Plan*.

B. In addition to the information required in Section 5-2001.1.A. and 5-011.2.3., the plat shall also include:
   a. Minimum required setback lines in the zoning district under which the project is proposed, the minimum required setbacks under this article and any proposed setbacks that exceed the minimum requirements.
   b. Existing and proposed buildings, drainfields, wells, and other structures, including preliminary location(s) of the proposed solar equipment.
   c. Existing and proposed access roads, permanent entrances, turnaround locations and parking.
   d. Proposed location of fencing and buffering.
   e. Proposed limits of clearing and grading and preliminary location of stormwater management facilities.
   f. Existing 100-year floodplain boundary, limits of wetlands, location of woodlands and wildlife corridors, areas of native vegetation and areas under existing cultivation.
   g. Existing soils information as determined by a Type I Soils Report prepared by the Fauquier County Soils Scientist's Office or a Preliminary Soils Report prepared by a certified professional soil scientist highlighting the areas of prime agricultural soils, moderately steep and steep slopes as identified in the latest edition of the Interpretive Guide to the Type 1 Soils of Fauquier County, VA.
   h. Location of any existing historic or cultural site, scenic highway, or public facility within one mile of the project boundary.

*These items have been included with the application materials.*

C. A viewshed analysis utilizing a scaled elevation view and other supporting drawings and photographs of the proposed site, or other realistic simulation or modeling of the proposed solar energy project to assess the visual impact of the project.

*Visual simulations have been provided; please see attached. The visual impact analysis shows simulations of views of the project at five locations around the project site. The simulations show views of the project at both the start of operation and at five years of operation.*

D. A fiscal impact analysis, prepared by a qualified third-party, that analyzes any expected impact on the County's tax revenues, the estimated costs to the County associated with the facility in the form of additional services, and information on any other economic benefits or burdens from the facility.

*A fiscal impact analysis was prepared by Mangum Economics and submitted as a part of the application materials. Please see attached "Economic and Fiscal Contribution to Fauquier County".*

*The analysis estimates that during the construction phase, the Bealeton Solar Center project will provide 33 direct, indirect, and induced jobs. This equates to $2.2 million in associated wages and benefits and $6.0 million in economic output. During its ongoing operational phase, the project is anticipated to provide one direct, indirect, and induced job with approximately $35,300 in associated wages and benefits and $101,200 in economic output.*

*The analysis also estimates that proposed project would generate approximately $0.2 million in state and local tax revenue from the one-time pulse of economic activity associated with the project's construction. The proposed Bealeton Solar Center would also generate approximately between $1.6 million and $1.8 million in cumulative County revenue over the facility's anticipated 35-year operational life, as compared to approximately $85,800 in cumulative County revenue in the property's current use.*

E. A wetlands study prepared by an individual qualified to prepare the required report to the U.S. Army Corps of Engineers.

*A wetland study was prepared by the Timmons Group and submitted as a part of the application materials. Please see attached "Wetland Study". The identified wetlands have been shown on the Special Exception Plat. It should also be mentioned that the Applicant has included a 25-foot buffer and 50-foot setback around wetland areas.*

F. A cultural resources study, prepared by a qualified third party, that identifies historical, architectural, archeological or other cultural resources on the property and within a one mile radius of the proposed facility.

*The Applicant submitted a Phase I Cultural Resource Survey report. Archaeological survey of the project area included a combination of pedestrian reconnaissance (walk-over and surface observation), metal detection survey, and systematic subsurface testing (shovel tests). The consultant found that much of the project area has been previously disturbed. Because extensive ground disturbance changes the probability of discovering archaeological remains, subsurface testing was conducted only in isolated, high-probability areas. Mature trees and a ca. 1950 shed are the only remaining evidence of the former Tannehill farm domestic complex. One archaeological site, 44FQ041, was identified on the northern edge of the proposed project, a late 19$^{th}$ to mid-20$^{th}$ century artifact scatter. Due to the limited quantity and variety of cultural material recovered, the site was recommended ineligible for inclusion in the NRHP. Site 44FQ041 is located within a portion of the property to be retained as vegetative buffer.*

*A total of 16 architectural resources more than 50 years old were identified on and in the vicinity of the project area, including the Rappahannock Station I Battlefield and Rappahannock Station II Battlefield, which extend across the subject parcels. However, subsurface testing and the metal detection survey did not result in discovery of any Civil War-related cultural material. The survey report also included a visual assessment of potential indirect effect on the battlefields and the*

*railroad. According to the consultant, the visual inspection found that in general, the rolling terrain and existing vegetation inhibit views of the project from most of the public and private vantages. The Applicant is to retain the existing vegetation within the required setback and provide landscaping in areas where insufficient existing vegetation exists, which should help in minimizing any impacts to the architectural resources.*

*It should be noted that on November 1, 2024, the Department of Historic Resources found that the project will have no more than a minimal impact to the three resources that are potentially National Register of Historic Places and Virginia Landmarks Register eligible: Rappahannock Station I Battlefield (DHR ID #023-5049), Rappahannock Station II Battlefield (DHR ID #023-5050), and Orange and Alexandria Railroad (DHR ID #030-5714). Please see Attached.*

G. A report on the potential impacts on wildlife and wildlife habitats at the site and within a one mile radius of the proposed facility using information provided by the state Department of Game and Inland Fisheries or a report prepared by a qualified third-party.

*A Wildlife Study, prepared by the Timmons Group, was submitted as a part of the application materials. Please see attached. The study indicates that there is one potential threatened and endangered species present within the vicinity of the site, the Northern Long Eared Bat. There are no known maternity roosts or hibernacula located within or in close proximity to the project area. Therefore, the project will not likely affect any known Northern Long Eared Bat areas and additional coordination with U.S. Fish and Wildlife is not anticipated.*

H. A report prepared by a qualified third party on potential impacts on pollinators and pollinator habitats at the site.

*A Pollinator Assessment, prepared by Verdantas, LLC, was submitted as a part of the application materials. Please see attached. The project is not expected to significantly harm pollinators or their habitat. The assessment states that by preserving some existing on-site habitat and converting other areas from pine silviculture to a grass-dominated meadow, that only minimal impact on pollinator diversity and habitat is anticipated. However, it is believed that as the meadow becomes established over time, natural recruitment will likely increase the number of forbs, leading to greater biodiversity and more pollinators in the area.*

I. A glint and glare study that demonstrates either that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations, or that the applicant will use all reasonably available mitigation techniques to reduce glint and glare to the lowest achievable levels.

*A Glint and Glare Study, prepared by Capitol Airspace Group, was submitted as a part of the application materials. Please see attached. The results of this analysis indicate that there are no predicted glare occurrences for the approaches to the Culpeper Regional Airport, the Warrenton/Fauquier Airport, the Rhynalds Ranch Airport or a near-by rural airport as a result of the proposed single-axis tracking PV arrays. There are no predicted glare occurrences for nearby residences, roadways or railroads as a result of the proposed single-axis tracking arrays.*

*Staff has included a condition which requires the panels to be sited, designed and installed to eliminate glint and glare effect on roadway users and nearby residences.*

J. A report from the transmission owner or a regional transmission organization stating that the transmission system has sufficient capacity to support the proposed project.

*Due to its size, the Bealeton Solar Center will interconnect to the existing Dominion Energy 34.5kV distribution lines located on the site. The Applicant submitted an Interconnection Request to Dominion Energy Virgina, and is expected to execute an interconnection agreement, which outlines the terms of the interconnection, in December 2024. A full study was completed by Dominion Energy to determine capacity and upgrades required to interconnect the project to the Dominion Energy grid. This study confirmed that there is sufficient capacity on the interconnecting circuit and the substation.*

*Dominion's Facilities Study which outlines the approximate cost and construction time estimates, to connect the solar generation facility to the Dominion Energy Virginia Electric System has been attached. As of February 29, 2024, it was estimated that the preliminary cost for all work necessary to facilitate the interconnection is $926,200.00, and that it will take approximately 16 months for engineering, material acquisition, and construction.*

K. An estimated construction schedule.

*The Applicant's preliminary construction schedule has been attached. It anticipates the project formally kicking off in July 2025, with engineering and permitting occurring through June 2026. Construction is expected to commence the end of June 2026 and last through December 2026, with commercial operations beginning by the end of 2026.*

L. Additional information may be required, as determined by the Zoning Administrator, based on the results of the above studies for a technical review of the proposal. The Planning Commission or Board of Supervisors may require other relevant information deemed to be necessary to evaluate the application.

*No additional information was determined to be required at this time. The Planning Commission may require other relevant information as they deem to be necessary to evaluate the application.*

**5-2002 Standards for All Category 20 Uses**

In addition to the general standards set forth in Section 006 above, all Category 20 special permit and special exception uses shall satisfy the following standards:

1. Category 20 Special Permit and Special Exception uses shall not be required to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located in Part 4 of Article 3. However, such requirements may be established in the conditions under which such a special permit or special exception is granted.

*Staff has not included any additional conditions regarding lot size or bulk regulations.*

2. No land or building in any district other than the Industrial Districts shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment or for the parking of vehicles, except those needed by employees connected with the operation of the immediate facility.

*The application does not include storage of materials or equipment or repair or servicing of vehicles or equipment. The only parking will be for the employees servicing the site.*

3. In all zoning districts, other than the I-2 District, all equipment, machinery and facilities not located within an enclosed building shall be effectively screened.

*Staff has included conditions to ensure this standard has been met.*

4. If the proposed location of a Category 20 use is in a Residential District there shall be a finding that there is no more suitable site available for such use in a Commercial or Industrial District, except that in the case of electric transformer stations and telephone and telegraph exchanges or dial centers, there shall be a finding that there is no alternative site available in a Commercial or Industrial District within distance of one mile, unless there is a substantial showing that it is impractical for satisfactory service to be rendered from an available location in such Commercial or Industrial District.

*The proposed location is not in a Residential District; it is in a Rural District. Therefore, the finding is not required.*

5. A special exception for a private individual sewage treatment system which discharges into an open ditch or water, shall be allowed only to replace an existing sewage system which is presently serving an existing use. That existing sewage system must have failed and have been certified by the Virginia Department of Health to pose a real or potential health threat and a discharging sewage treatment system is the only alternative for the repair. In approving such a system the Board may establish conditions including but not limited to use, maintenance, and testing.

*The application is not for a private individual sewage treatment system which discharges into an open ditch or water; therefore, this standard is not applicable.*

6. For those failed non-residential sewage systems located in a Commercial or Industrial District, which are to be replaced with a private individual sewage treatment system that discharges into an open ditch or water, an increase in the failed system capacity is allowed with approval of a Special Exception, subject to the following standards:

*The application is not for a private individual sewage treatment system which discharges into an open ditch or water; therefore, this standard is not applicable.*

7. Notwithstanding 5-2002.5 and 5-2002.6, above, a private individual sewage treatment system which discharges into an open ditch or water may be approved in the RA/Rural Agriculture zoning district for a farm supply establishment where the standards listed below are met:

*The application is not for a private individual sewage treatment system which discharges into an open ditch or water; therefore, this standard is not applicable.*

**5-2003 Additional Standards for Utility Scale Solar Projects**

1. The maximum project size for individual Utility Scale Solar projects shall not exceed one thousand (1,000) acres. Projects consisting of multiple parcels shall be contiguous in order to be considered part of the project.

*The Bealeton Solar Center project is proposed on a site consisting of five contiguous parcels totaling approximately 161.69 acres; therefore, this standard has been met.*

2. In addition, no more than eight percent of the land in a two- and one-half-mile radius of the project area of any existing utility scale solar project shall be approved for use as the project area for a new utility scale solar project.

*The eight percent of the land within a two- and one-half-mile radius is equivalent to approximately 1,000 acres. The only existing utility scale project within the identified radius is the 20MW, 277-acre Remington Solar Facility. If approved, the total area of the Remington Solar Facility and proposed Bealeton Solar Center would equal approximately 429 acres within the two- and one-half-mile radius. This equates to approximately 3.43 percent, less than half of the limit.*

3. Projects shall be located within two and one-half miles of electric transmission lines.

*An electrical transmission line generally running north/south transverses the center of the property; therefore, this standard has been met.*

4. Solar panels shall not cover more than 80% of the project area.

*The area of panel bays (areas which consist of groupings or multiple arrays or racks of panels) is approximately 47.0 acre (approximately 29% of the project area); this was determined by measuring the outer row of panels in each subarray. The area under panel is approximately 18.2 acres (11% of the project area). This was determined by measuring the area of an individual panel (27.8 square feet) as it would be at a horizontal position and multiplying it by the estimated total number of panels (28,474).*

*Staff has included a condition which limits the area under panel and limits the total area of the panel bays.*

5. The project shall have access to a major collector (or higher) as designated in the Comprehensive Plan unless the Board of Supervisors finds the amount of traffic generated by

the facility is such that frontage on a public road with a lesser designation will not cause an undue impact on the neighbors or adversely affect safety or road usage.

*The property has direct access to Lucky Hill Road (Route 655), which is designated as a local street in the Comprehensive Plan. As such, approval of this Special Exception application requires the Board of Supervisors to make the finding indicated above. The Applicant estimates that during construction the project will generate between 25 and 40 daily trips. As the facility will have remote operating equipment which will allow for 24-hour monitoring and safety, following construction, the site will generally only be visited for routine maintenance. Given the low volume of traffic related to the long-term operation of the use, staff believes that the traffic generated by the facility will not cause an undue impact on the neighbors or adversely affect safety of road usage.*

6. Solar panels shall not exceed fifteen (15) feet in height measured from existing grade below the panel and the lowest surface of the panel shall be a minimum of eighteen (18) inches above grade.

*The Applicant has stated the panels will meet this requirement. Staff has included a condition which ensurse that this standard is met.*

7. Solar equipment shall not be placed within the minimum setback required by the district within projects that consist of multiple parcels. The following additional minimum setbacks shall apply from all solar equipment:
   a. 100' setback to the project boundary.
   b. 150' setback to any existing residential dwelling.

*The application materials indicate that this requirement has been met. Staff has included a condition which ensures that this standard is met.*

8. Solar equipment and panels shall be set back a distance of 1,000 feet from a right-of-way line of a street identified as a Corridor of Statewide Significance. The setback may be modified by the Board of Supervisors upon demonstration the panels will not impact the viewshed from the identified corridor with the Special Exception application.

*A Corridor of Statewide Significance has not been identified in the vicinity of the project.*

9. All 100-year floodplains, wetlands and steep slopes shall be protected from clearing, grading, filling or construction, except as required for essential infrastructure such as road or utility crossings.

*No 100-year floodplains or steep slopes exist on the project site. The project is designed to protect wetlands and streams from clearing, grading, or filling; it includes a 25-foot buffer and 50-foot setback around wetland areas. Staff has included a condition which ensures that this standard is met.*

10. The layout of the facility shall be designed to avoid all identified historic, archaeological or cultural sites.

*One archaeological site, 44FQ041, was identified on the northern edge of the proposed project, a late 19th to mid-20th century artifact scatter. Due to the limited quantity and variety of cultural material recovered, the site was recommended ineligible for inclusion in the NRHP. Site 44FQ041 is located within the area of the subject parcels to be retained as vegetative buffer. Therefore, staff believes that this standard has been met.*

11. Solar panel components shall have a UL listing and shall be designed with an anti-reflective coating. Individual arrays/panels shall be designed and installed in order to prevent glare toward buildings on adjacent properties and vehicular traffic.

*The Applicant has stated the panels will meet this requirement. Staff has included a condition which ensures that this standard is met.*

12. All property containing panels shall be enclosed with chain link fencing not less than six (6) feet in height, topped with an appropriate anti-climbing device, and secured with gates. Fencing shall be installed on the interior of any buffer.

*The Applicant has stated the project will meet this requirement. Staff has included a condition which ensures that this standard is met.*

13. A vegetated buffer shall be required that consists of a landscaped strip at least 50 feet wide measured from each boundary line of the project around the entire perimeter. The project shall be landscaped and maintained with a buffer of plant materials that are mature enough to effectively screen the view, to eight feet above ground level, of the solar panels from adjacent properties all year around. Screening shall be fully established within five years and effectively maintained for the life of the project. Non-invasive plant species, pollinator–friendly and wildlife-friendly native plants, shrubs and trees shall be used.

*Staff has included conditions which ensure that this standard is met.*

14. The entire project, including the area underneath the solar panels, shall be vegetated. Panels shall be adequately spaced to ensure sufficient sunlight penetration to promote growth of vegetation. A plan shall be submitted for maintenance of the vegetation, except for access roads and accessory structures.

*Staff has included a condition which ensure that this standard is met.*

15. When a buffer is not required based on the results of a viewshed analysis, buffer requirements may be waived or modified when the adjoining property is subject to an active agricultural use and the adjoining property owner(s) agree that no buffer is necessary or a reduced buffer is acceptable.

*Staff has included a condition which requires a minimum of a 100-foot buffer around the project's boundary.*

16. All newly installed utilities, including but not limited to electric, fiber, and telephone lines serving the site shall be placed underground.

*Staff has included a condition which ensures that this standard is met.*

17. All facilities shall meet or exceed the standards and regulations of the Federal Aviation Administration (FAA), the State Corporation Commission (SCC) or equivalent, and any other agency of the local, state or federal government with authority to regulate such infrastructure that are in force at the time of the application or which applies retroactively.

*The Applicant has stated the project will meet this requirement. Staff has included a condition which ensures that this standard is met.*

18. Projects located within the Airport Area District shall obtain consent from the Warrenton-Fauquier Airport Committee stating the project meets the requirements for construction in Airport Safety Zones.

*The project is not located within the Airport Area District; therefore, this standard is not applicable.*

19. Any change of ownership or management of the solar installation shall be reported to the Zoning Administrator within 90 days of the change.

*Staff has included a condition which ensures that this standard is met.*

20. Applicants for new Utility Scale Solar projects shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

*Staff has included a condition that an Emergency Management Plan be submitted and approved with the Site Plan.*

21. The owner or operator of a Utility Scale Solar facility shall completely decommission a facility within 12 months if the facility ceases to generate electricity for a continuous period of 12 months. The Board of Supervisors may extend this period if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond their control and the facility has not been abandoned.

*Staff has included a condition which ensures that this standard is met.*

22. A decommissioning plan shall be submitted with the Site Plan application. Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing and

any other associated equipment, facilities and structures to a depth of at least 36 inches and stabilization of the site. The plan shall include the following:

a. The anticipated life of the project;
b. The estimated decommissioning cost in current dollars;
c. How said estimate was determined; and

The manner in which the project will be decommissioned. The full estimate of decommissioning shall be guaranteed by escrow at a federally insured financial institution, irrevocable letter of credit or surety bond prior to a building permit being issued. The decommissioning cost guarantee shall remain valid until the solar energy facility has been fully decommissioned. The cost estimate shall be recalculated every five (5) years and the surety increased when the recalculated estimate exceeds the guarantee amount by 10%.

*Staff has included a condition which ensures that this standard is met.*

23. The facility owner/operator shall notify the Zoning Administrator by certified mail of the proposed date of discontinued operations and plans for removal**.**

*Staff has included a condition which ensures that this standard is met.*

**Agency Comments:**

Staff and appropriate referral agencies have reviewed the application and have the following comments. Staff has noted how the items will be addressed in *italicized* language following the comments.

Zoning

1. Utility scale solar facilities are considered "electrical generating plants and facilities" and are permitted in the Agricultural (RA) district with approval of a Special Exception pursuant to Zoning Ordinance (ZO) Section 3-320.5.

*Provided for reference.*

2. The following additional standards associated with the use applies to this application.
   a. Section 5-006 General Standards for Special Permits and Special Exception Uses
   b. Section 5-2001 Additional Submission Requirements
   c. Section 5-2002 Standards for All Category 20 Uses
   d. Section 5-2003 Additional Standards for Utility Scale Solar Projects

   Zoning Staff defers to Planning Staff in compliance assessment of these standards.

*Provided for reference; please see staff evaluation above.*

3. The project is accessed Lucky Hill Road, a local collector. Access is required from a major collector or higher pursuant to ZO Section 5-2003.5 unless the Board makes a finding that the

amount of traffic generated by the facility will not cause an undue impact on the neighbors or adversely affect safety or road usage.

*Provided for reference; please see staff evaluation above. As previously mentioned, staff believes that the Board of Supervisors can make the required finding.*

4. The project consists of five (5) separate parcels. The parcel lines are not shown on Sheet P103 Conceptual Site Plan. It appears panels have been placed over the internal lot lines. Either the internal lots must be vacated or the panels re-arranged to meet the minimum setback required by the RA district of 25' between parcels pursuant to ZO Section 5-2003.7

*Staff has included a condition which addresses this comment.*

5. The preliminary construction schedule does not appear to consider site plan review by Fauquier County. It also anticipates stormwater review by DEQ. Fauquier County is its own Program Authority and reviews both Erosion Control and Stormwater plans and submits VAR10 to DEQ prior to issuance of a Land Disturbing Permit.

*Provided for reference; this should only have minimal impacts on the project's overall schedule.*

6. Stormwater facilities have been shown on Sheet P103 Conceptual Development Plan; however, additional information, such as topographic information, soils or drainage divides, has not been provided to determine whether the plan is viable. Grading has not been shown to determine whether the limits of clearing impacts any of the environmental areas.

*Provided for refence, staff has included a condition which restricts clearing and grading within the environmental areas.*

7. If the Special Exception is approved, a Site Plan will be required prior to commencement of the proposed.

*Staff has included a condition which requires a Site Plan.*

<u>Stormwater Management/Engineering</u>

1. The proposed conceptual site plan shows 10 stormwater management facilities. There is no topography sheet in the plan set, so the location of the sites cannot be evaluated. It appears all 10 facilities are within the fence around the project. County access for inspection will be needed both during construction and post-construction. The post-construction inspection requirement at this time is once every three years. Owners are required to complete post – constriction inspections annually.

*Staff has included a condition which addresses this comment.*

2. A staging, parking and layout area will be needed. Per the Facility Construction paragraph in the Statement of Justification on page 26, this will all be on the project site.

*Provided for reference. Staff has included conditions related to the staging, parking and layout area.*

3. VDOT will most likely comment on the construction traffic. If approved, the application should be conditioned to ensure that all construction equipment enters and exists through the railroad crossing at the intersection of Lucky Hill Road and Remington Road through to Route 28. Lucky Hill Road toward Remington has sharp curves and a lot of residential traffic. Remington Road toward Bealeton also has some vertical curves that makes sight distance tricky and there is residential development at the Bealeton Crossing of the Railroad Tracks. Remington Road toward the Town of Remington has a narrow bridge in a sharp turn right before you enter the Town Limits and a 90-degree tee intersection at the end where it intersects with Franklin Street. It would be extremely difficult for large trucks to make this turn.

*Staff has included a condition which requires a Construction Traffic Management Plan to be developed and submitted to Fauquier County for review and approval alongside the Site Plan.*

Site Plan Requirements

4. This site will need to be designed in accordance with the Virginia Erosion and Stormwater Regulation and Chapter 11 of the Fauquier County Code. This includes the preparation of a 2-phase erosion control and stormwater management plan. This will also include the requirement of a Construction General Permit through the Virginia Department of Environmental Quality, a Fauquier County Land Disturbing Permit, and a SWPPP.

5. The VRRM worksheet will need to be completed for this project during the site plan process.

6. The solar project is to be designed in accordance with the DEQ memo dated March 29, 2022, entitled "Post-development Stormwater Management at Solar Projects."

*The comments above have been provided for reference and will be addressed as a part of the Site Plan process.*

<u>Preservation Planning:</u>

Comprehensive Plan Analysis:

- Fauquier County Comprehensive Plan Policy A.3 directs the County to promote the identification, evaluation, registration and protection of heritage resources. Chapter 2, Section B of the Comprehensive Plan identifies specific historic resources as being threatened, including archaeological sites, battlefields, and the rural landscape. This section supports their preservation and protection.

- Action 4.1.2 of Chapter 2, Section B encourages the County "to apply the procedures of cultural resource identification/survey, evaluation, and treatment to land use applications" to mitigate potential harmful effects. When a proposed project could adversely affect significant

resources, it is recommended to collaborate with applicants to protect and incorporate heritage resources into new development when feasible.

*The comments above have been provided for reference.*

Staff Recommendations:

1. Staff recommends adding the historic resources identified in the survey report to the plat, including 44FQ041 (the newly identified archaeological site), 023-5049 and 023-5050 (Rappahannock Station I & II Battlefields), 030-5714 (Orange & Alexandria/Southern Railroad), 030-5716 (11687 Lucky Hill Road), 030-5718 (11725 Lucky Hill Road), 030-5717 (11721 Lucky Hill Road), and 030-5798 (11586 Remington Road).

*Provided for reference, as mentioned above the Department of Historic Resources found that the project will have no more than a minimal impact to the three (3) resources that are potentially National Register of Historic Places and Virginia Landmarks Register eligible: Rappahannock Station I Battlefield (DHR ID #023-5049), Rappahannock Station II Battlefield (DHR ID #023-5050), and Orange and Alexandria Railroad (DHR ID #030-5714).*

2. To retain the historic integrity of the battlefields, staff recommends adding a condition requiring abundant landscaping screening beyond that which is required by the Zoning Ordinance, especially in areas where there is insufficient existing vegetation along Remington Road and along the section of the transmission corridor that can easily be seen from Remington Road.

*Staff has included conditions related to landscaping and screening.*

<u>Fire and Rescue</u>

1. A fire lane design is required as outlined in the most current fire code.

   **D103.6 Signs**. Where required by the fire code official, fire apparatus access roads shall be marked with permanent **NO PARKING—FIRE LANE** signs complying D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

2. Fire department access shall be maintained at all times.

3. Emergency contact information shall be posted at the site entrance.

*Staff has included conditions which address these comments.*

VDOT

1. The site appears to be accessed through an existing entrance location along Rt. 655 Lucky Hill Road. Traffic Volume information should be provided to determine if the entrance should be improved to a low volume commercial, or full commercial entrance.

*Provided for reference, this comment will be addressed during the Site Plan review.*

2. Demonstrate that the entrance has sufficient sight distance.

*Staff has included a condition which addresses this comment.*

3. The county should require a Pre and Post Construction Inspection of Rt. 655 Lucky Hill Road for any damages incurred by the construction of the development. Any damages as a result of the construction should be repaired by the developer.

*Staff has included a condition which addresses this comment.*

Soils

1. Based on the Type 1 soil report:
   a. 98% of the project areas is rated very poor to poor for general development using central water and sewer, mainly due to the presence of a shrink–swell clay layer and a shallow seasonal high-water table.
   b. 46% of the site has as a seasonal high-water table at 0 to 10 inches below the soil surface; 13% at 10 to 20 inches; and 40% at 20 to 40 inches.
   c. 0% of the project area is rated as Prime Cropland (the highest rating in the Interpretive Guide).

*Provided for reference.*

2. The shrink-swell clay layer and seasonal high-water table will limit the stormwater management practices that can be used on the site. Generally, infiltration practices will not be feasible and shallow seasonal high-water table will prohibit practices such as detention ponds that require a vertical separation to seasonal high-water table.

*Provided for reference, this comment will be addressed during the Site Plan review.*

3. The native plants selected should be able to tolerate saturated soil conditions from late fall to spring and dry soil conditions from July to September. The shrink – swell clay layer will inhibit root development and penetration. The plants need to tolerate its disturbance of the rooting system.

*Staff has included conditions which address this comment.*

4. Show location of well on parcel 6888-97-5418 (ZO 5-2001.3.B.b).

*Provided for reference, this comment will be addressed during the Site Plan review.*