

§ 148-155. Solar energy facilities.¹ [Added 6-14-2018]

- A. Purpose. The purpose of this section is to provide for the siting, development, and decommissioning of solar energy projects in Northumberland County, subject to reasonable conditions that promote and protect the public health, safety and welfare of the community while promoting development of renewable energy resources.
- B. Definitions. For definitions and word usage, see § 148-3A.
- C. Solar energy facility, small system:
- (1) Shall require administrative plan approval by the County Zoning Administrator. Plan approval does not indicate compliance with the Building Code or the Electric Code.
 - (2) For ground-mounted projects, the applicant shall supply a site plan showing existing structures, property lines and setback lines.
 - (3) For ground-mounted projects, the applicant is required to obtain a zoning permit and comply with local and state building codes, with setbacks being the same as the principal structure in the underlying zoning district.
 - (4) Noise requirements shall be no more stringent than noise requirements for other types of development.
 - (5) Does not require a decommissioning plan.
- D. Solar energy facility, medium-scale, and solar energy facility, utility-scale:
- (1) Shall require conditional use approval by the Board of Supervisors in all zoning districts.
 - (2) Shall require a minimum setback of 25 feet, with a two hundred foot setback from the centerline of any state maintained road.
 - (3) Shall comply with all applicable federal and state laws, including but not limited to building and electrical codes and erosion and sediment control as well as stormwater regulations.
 - (4) Shall submit a preliminary Emergency Operations Plan (EOP) to be approved by the Chief of Emergency Services before seeking a conditional use permit, and a final as built facility specific EOP to the Chief of Emergency Services and the Sheriff's Office before the facility is operational. The EOP is to be revised when any substantial changes are made to the facility, or if the ownership of the facility changes.
 - (5) Training for first responders, fire departments, rescue squads, and sheriff shall be conducted on site prior to the

facility becoming operational.

(6) Shall notify the Chief of Emergency Services at least 48 hours before site becomes operational.

(3)(7) Shall purchase and install a knoxbox on the outside of the perimeter fence near the entrance with the latest revision of the EOP, facility map, MDS sheets and emergency contact information as well as a key to the facility gate. A placard shall be mounted to the perimeter fence with the emergency contact phone number.

(4)(8) Solar panels should, to the extent practical, be nonreflective.

(5)(9) Shall require a project description that is a narrative identifying the applicant, owner and operator, and describing the proposed solar energy project, including an overview of the project and its location; approximate rated capacity of the solar energy project; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable.

(6)(10) Shall require a site plan which shall include the following information:

- (a) Property lines and setback lines.
- (b) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
- (c) Existing and proposed access roads, drives, turnout locations, and parking; however, this requirement shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
- (d) Location of substations, electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures (including those within any applicable setbacks).

(e) Fencing or other methods of ensuring public safety.

(e)(f) Areas of Land Disturbance, and location of the Chesapeake Bay Resource Protection Area

(f)(g) Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning

Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

~~(7)~~(11) Noise requirements for solar facilities shall be no more stringent than noise requirements for other types of development in the County.

~~(8)~~(12) Documentation of right to use property for the proposed project. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested.

~~(9)~~(13) Decommissioning plan.

- (a) The application shall include a decommissioning plan.
 - (b) A decommissioning plan shall include the following:
 - [1] The anticipated life of the project;
 - [2] The estimated decommissioning cost in current dollars;
 - [3] How said estimate was determined; and
 - [4] The manner in which the project will be decommissioned.
 - (c) The decommissioning plan shall be updated and filed with the County every five years to account for changed circumstances, including inflation.
 - (d) The owner or owners of a solar facility shall notify the County whenever the facility is inactive for one year, at which time the owner shall have six months to decommission the facility.
 - (e) The owner or owners of a solar facility shall return the site to the land cover that was present before the solar facility was built.
- E. Bonding requirements. Solar energy facility, utility-scale, shall require a surety in the amount required for full decommissioning of the solar facility as stated in the decommissioning plan. The surety shall be approved by the BOS or its designee.