AUGUSTA
COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT

COUNTY OF AUGUSTA
FINAL STAFF REPORT
NOVEMBER 3, 2026

CVE US VA WAYNESBORO 426, LLC

SPECIAL USE PERMIT REQUEST
SMALL SOLAR ENERGY SYSTEM

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PROJECT DETAILS

APPLICANT	CVE North America Inc.
NAME OF PROJECT	CVE US VA Waynesboro 426
SOLAR SUP NUMBER	SOL-26-0003
TAX MAP	058-93B 058B-(2)-71 [for access road]
MAGISTERIAL DISTRICT	Middle River
PROPERTY OWNER	Crawford S. Patterson
DEVELOPER	CVE US VA Waynesboro 426, LLC
AREA OF PROPERTY	Approximately 75.453 acres TMP 058-93B approximately 74.933 acres TMP 058B-(2)-71 approximately 0.520 acres
AREA OF FENCED PROPERTY	Approximately 22.12 acres
UTILITIES	Dominion Energy
GENERATION CAPACITY	5 MW AC / 6.0614 MW DC
SUMMARY OF REQUEST	A request for a substantial accord determination pursuant to § 15.2-2232 of the Code of Virginia for CVE US VA Waynesboro 426 LLC for a Special Use Permit to construct and operate a small solar energy system (5 MWac) on property owned by Crawford S. Patterson (TMP 058 93B and 058B (2) 71) located northwest of the intersection of Hildebrand Church Road (Rte. 619) and Rockfish Road (Rte. 865) in Waynesboro in the Middle River Magisterial District. The applicant has proposed to utilize TMP 058B (2) 71 as an access road to the facility from Rockfish Road. The total parcel acreage is approximately 75.453 acres, with approximately 22.12 acres within the fenced project area. The parcels included in this request are zoned General Agriculture (TMP 058 93B) and Single Family Residential-10 (TMP 58B (2) 71). The parcels are located in an Agricultural Conservation Area (TMP 058

	93B) and a Rural Conservation Area (TMP 58B (2) 71) of the Comprehensive Plan, and both have no associated Future Land Use designation on the County's Future Land Use Map.
CURRENT ZONING	General Agriculture (TMP 058 93B) Single Family Residential-10 (TMP 058B (2) 71)
EXISTING USE	Agriculture
OVERLAY DISTRICTS	This property lies outside of the Source Water Protection Overlay (SWPO), Airport Overlay District (APO), Floodplain Overlay (FPO) Ordinance and Urban Service Overlay (USO) districts.
ADJACENT ZONING	Single Family Residential to the east, General Agriculture to the north, south, east and west. Agricultural Forestal District parcel is adjacent to TMP 058 93B at the northeast corner of the property line.
CURRENT PROFFERS	N/A
PROPOSED PROFFERS	N/A
CURRENT COMPREHENSIVE PLAN PLANNING POLICY AREA	Agricultural Conservation Area (TMP 058 93B) Rural Conservation Area (TMP 058B (2) 71)
FUTURE LAND USE DESIGNATION	No Future Land Use Designation
PERMIT REQUESTED	Special Use Permit for a small solar energy system (25 acres or less).
OTHER INFORMATION	N/A
SUBSTANTIAL ACCORD DETERMINATION	The Augusta County Planning Commission is tentatively scheduled to hold a public hearing to determine the project's compliance with the Comprehensive Plan pursuant to Section 15.2-2232 of the Code of Virginia on Tuesday, December 8, 2026.

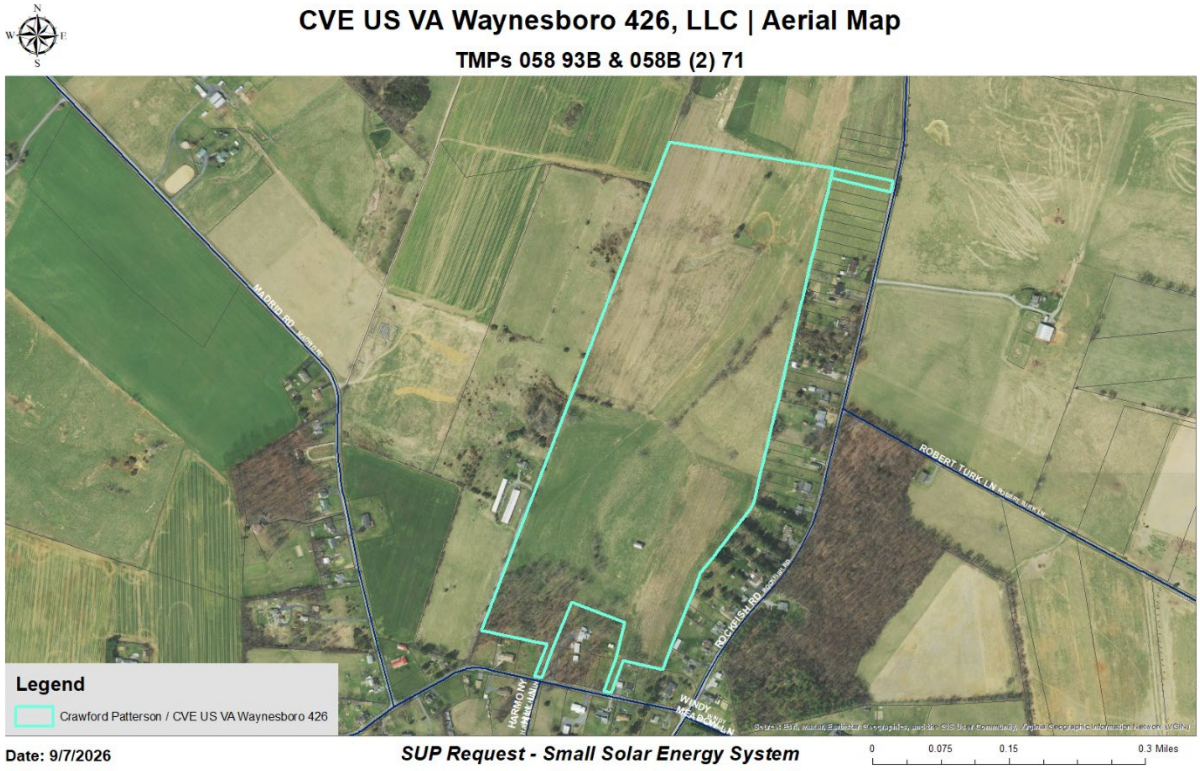
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PROJECT ANALYSIS

MAPS

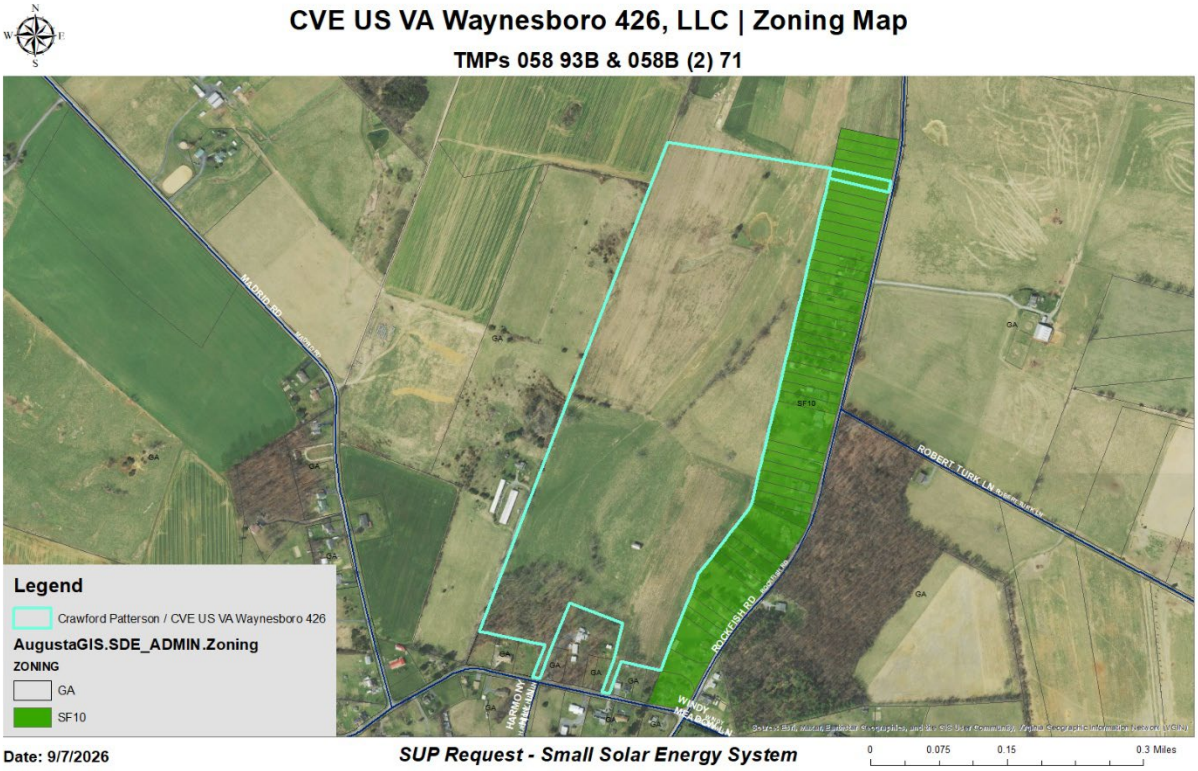
AERIAL MAP

The property included in the request is located northwest of the intersection of Rockfish Road and Hildebrand Church Road in the Middle River District.



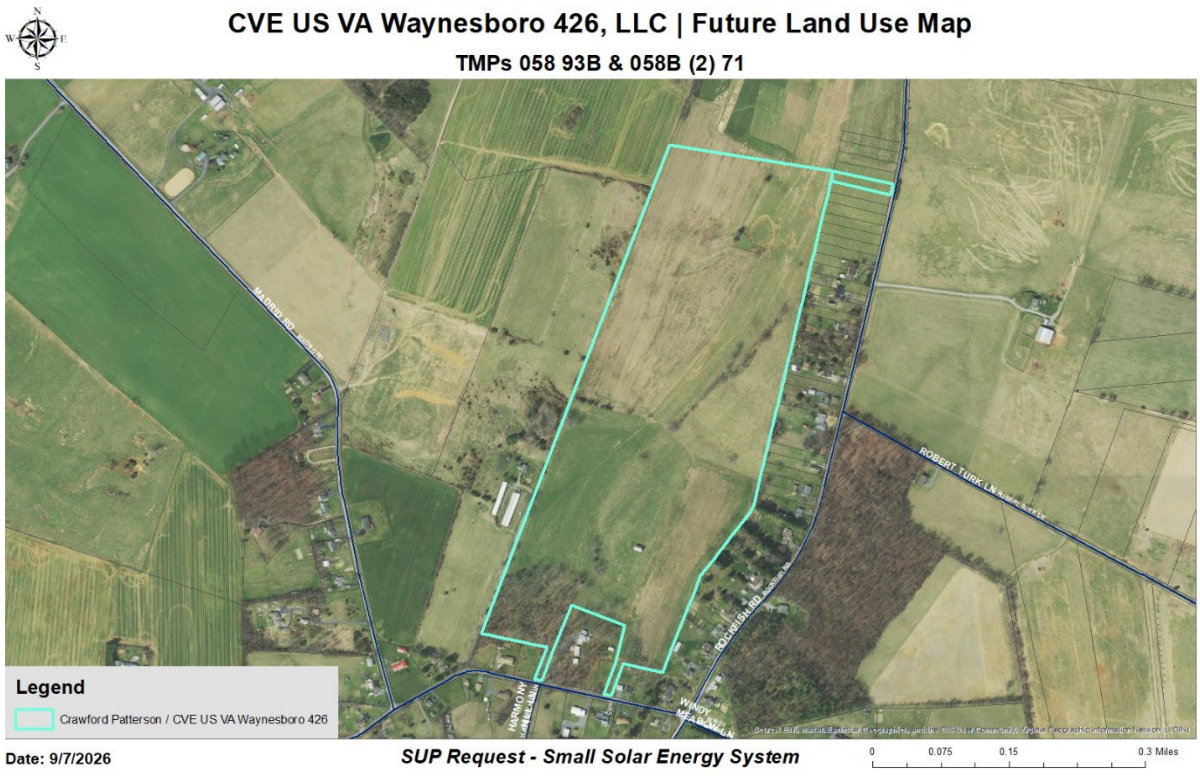
ZONING MAP

The parcels included in the request are zoned General Agriculture, and are surrounded by properties zoned General Agriculture to the north, south, and west with Single Family Residential-10 to the east along Rockfish Road. The parcel proposed to be utilized for an access road from Rockfish Road is zoned Single Family Residential-10.



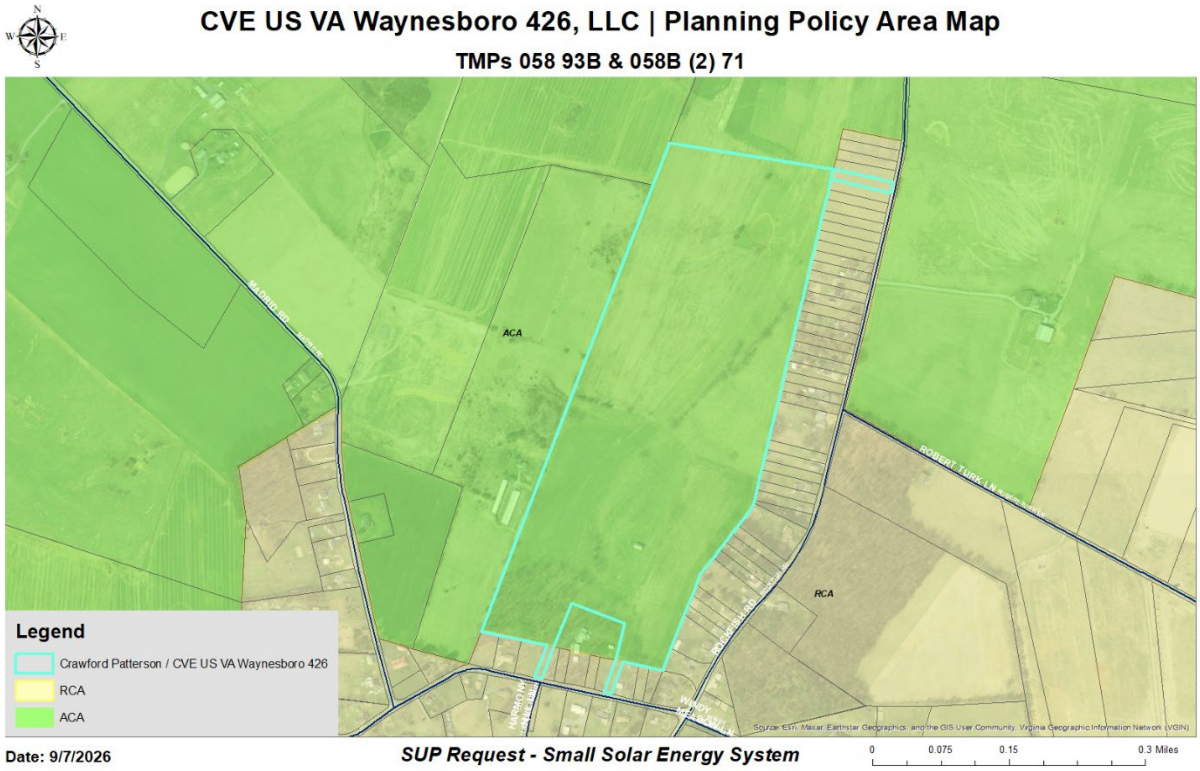
FUTURE LAND USE MAP

The property included within the fenced project area has no associated Future Land Use in the Comprehensive Plan Future Land Use Map, and is thus presumed to remain agricultural for the lifespan of the Plan.



PLANNING POLICY AREA MAP

TMP 058 93B is located in an Agricultural Conservation Area of the Comprehensive Plan's Future Land Use Map, which is intended to accommodate intensive agricultural uses and promote conservation of large tracts of land. TMP 058B (2) 71 is located in a Rural Conservation Area, which contains properties that are more substantially divided with residential uses, and are priority locations for moderate amounts of rural residential development.

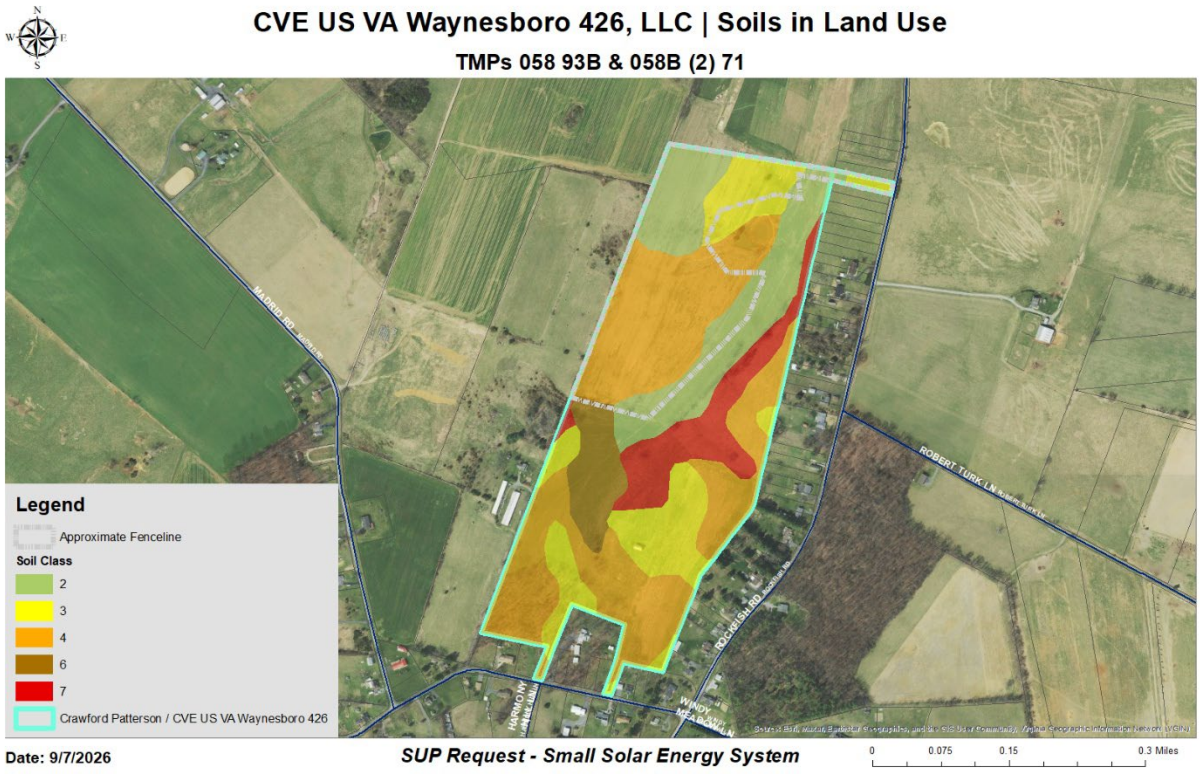


AGENCY COMMENTS

SOILS

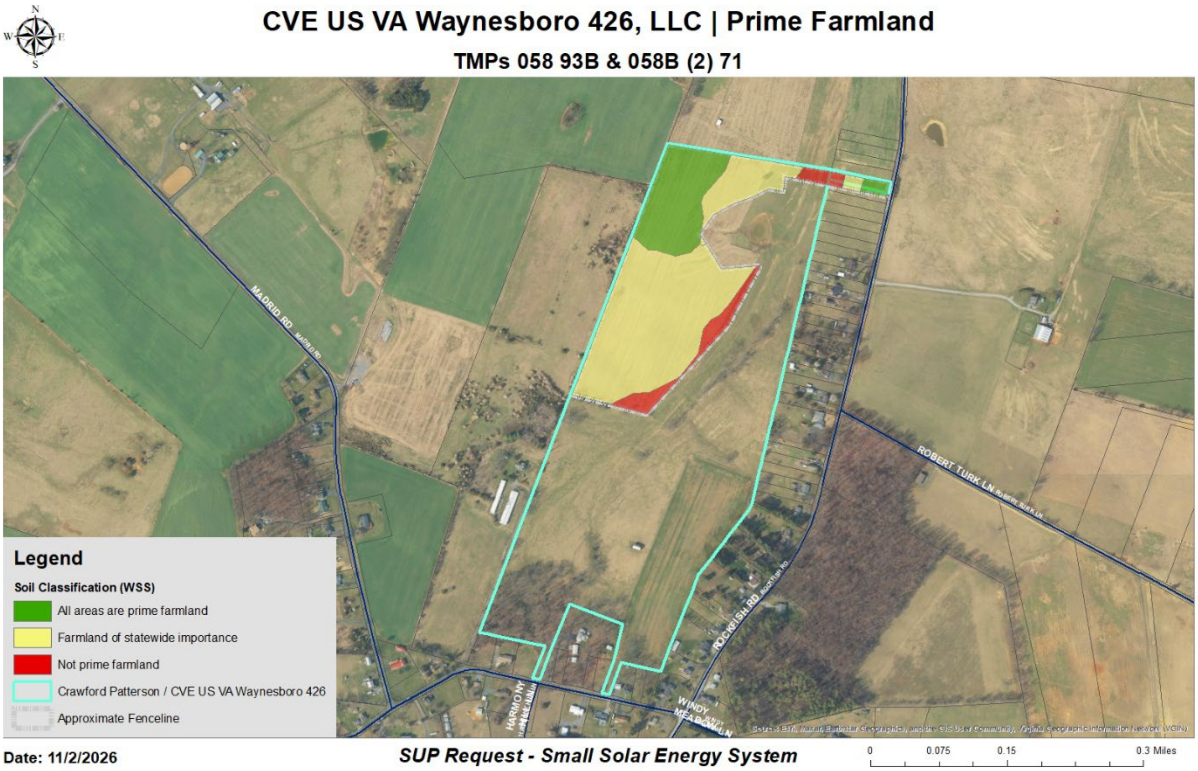
TAX MAP PARCEL	CLASS II	CLASS III	CLASS IV	Class VI	Class VII	FOREST	TOTAL ACREAGE
058-93B	15.0	12.0	29.933	5.0	8.0	5.0	74.933
058B-(2)-71			0.520				0.520

SOILS MAP



PRIME FARMLAND MAP

According to calculations of the proposed fenced project area, the fenced area is comprised of approximately 5.15 acres of Prime Farmland, or approximately **23.21**% of the total fenced area.



**Analysis according to data from the USDA's Web Soil Survey.*

Soil Classification*	Acres	Approximate % of Project Area
Prime Farmland	5.15	23.2%
Farmland of Statewide Importance	15.12	68.2%
Not Prime Farmland	1.90	8.6%
Approximate Total Fenced Area	22.18	100%

Applicant's Response

"A small portion of the Prime Farmland impact is at the entrance to the project from Rockfish Road and cannot be avoided. The remaining area will be further defined by the KMZ file requested by staff, provided by this submission. Impacts can be more further defined following this comparison (fenced area versus Prime Farmland boundary)."

SCHOOL BOARD STAFF COMMENTS

Property Owner/Applicant: CVE US VA Waynesboro 426 / CVE US VA Waynesboro 426, LLC
Schools: CaES, WMS, WMHS
Impact: The request for a Solar Special Use Permit would have no impact on these three (3) schools' enrollment (table below).

The table below indicates the enrollment as of May 18, 2026.

School	Enrollment	Capacity
Cassell Elementary School (CaES)	611	820
Wilson Middle School (WMS)	605	950
Wilson Memorial High School (WMHS)	780	900

VIRGINIA DEPARTMENT OF HEALTH

No health department permitting is required for the proposals, as presented.

If any of the intended uses currently proposing service by public utilities are unable to make connection then health department sewage disposal system and/or private well permitting will need to be pursued.

AUGUSTA COUNTY FIRE-RESCUE

After review of the above project, the Augusta County Fire-Rescue Department provides the following:

- Prior to activating the site, all Augusta County Fire and Rescue Departments shall be provided emergency response training by the owner or operator. This training and education must include documentation of onsite material and equipment, proper firefighting and lifesaving procedures, and material handling procedures.

  Applicant's Response
  "The Applicant shall provide emergency response training (training and education) including the requested onsite material and equipment documentation, proper firefighting and lifesaving procedures, and material handling procedures, as required."

- Solar sites should have adequate methods for system shutdown of the electrical equipment to be reviewed by the Fire Chief or his designee. All main power disconnects, as well as all system components that require special attention during

an emergency, shall be clearly and consistently labeled on the preliminary site plan submitted with the SUP application and all subsequent site plans.

Applicant's Response

"Adequate system shutdown methods for electrical equipment will be reviewed by the Fire Chief / designee. All main power disconnects, as well as all system components that require special attention during emergencies, shall be clearly and consistently labeled on the preliminary site plan submitted with the SUP application and all subsequent site plans. While none have been identified at this time, if any should, they will be so identified on all future submission."

- A Knox Box or key box shall be provided at all access gates shown on the site plan to be reviewed by the Fire Chief or his designee.

  Applicant's Response

  "Knox or Boxes shall be provided at all access gates shown on the site plan to be reviewed by the Fire Chief / designee. These locations will be determined and identified on future Site Plan submissions."

- All tracking rows must be a minimum of 15' apart at highest tilt for emergency vehicles and responders to have access.

  Applicant's Response

  "All tracking rows are shown at a minimum of 15' separation, at highest tilt, allowing emergency vehicles and responders access."

- A Site Maintenance Plan must be provided including the following: weed control methods, routine mowing and trimming, and other general site maintenance.

  Applicant's Response

  "A Site Maintenance Plan will be provided with Site Plan submission to include weed control methods, routine mowing and trimming, and other general site maintenance, as requested."

If you have further questions, please contact me at 540-245-5624.

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VDOT COMMENTS

VDOT understands this is a request for a substantial accord determination pursuant for the above referenced special use permit request, which includes small energy system on approx. 26.6 of 75.45 on TM # 58 93B and have the access road on TM # 58B (2) 71.

Traffic Data:

Rte. 865 (Rockfish Road)
-AADT: 1100 (2024)
-Speed Limit: 55 MPH (Posted)
-K-factor: .1625, Direction Factor: .6391
-Funct. Minor Collector

Rte. 619 (Hildebrand Church Road)
-AADT: 410 (2024)
-Speed Limit: 45 (Posted)
-K-factor: .1683, Direction Factor: .5797
-Funct. Local

VDOT SITE SPECIFIC COMMENTS:

A peak of traffic is expected during construction of the solar facility. Traffic generation is expected to be very minimal in build-out conditions

The proposed access to Rte. 865 (Rockfish Rd.) must be in accordance with Appendix F of the VDOT Road Design Manual.

Applicant's Response

"Design of the proposed access to Rte. 865 (Rockfish Rd.) will be in accordance with Appendix F of the VDOT Road Design Manual, as required."

VDOT GENERAL COMMENTS:

Should the safety, use, or maintenance level of an existing or proposed entrance to a VDOT maintained highway change in the future, VDOT reserves the right to require additional modifications as warranted by the site-specific conditions.

If any work is required on VDOT right-of-way, a VDOT Land Use Permit is required. The permit is issued through the Verona Sub-Residency office.

Thank you for the opportunity to comment. Please feel free to contact me at 540-434-2587 if you have any questions or concerns.

Applicant's Response

"Understood – warranted modifications will be accommodated. Any required LUPs will be obtained for work inside the roadway."

AUGUSTA WATER COMMENTS

Augusta Water has reviewed this potential rezoning request and has the following comment(s):

1. There is no public water or sewer available in the area of the subject parcels.

ENGINEERING COMMENTS

Applicant/Owner: Crawford Patterson/CVE North America Inc.
TM 58-Parcel 93B and TM 58B-(2) Parcel 71
Existing Zoning: General Agriculture

Overall Rezoning Description
Applicant is interested in a small solar energy system on approximately 26.6 acres. Applicant intends to construct panels on TMP 058-93B, and utilize TMP 058B-(2)-71 for an access road.

Environment Ordinance Considerations
Applicant will be required to submit a full site plan with an erosion and sediment control and stormwater management plan in accordance with Chapter 9 of the County code.

The applicant is advised to contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams.

This property drains to South River which is listed on the Virginia DEQ 2024 Impaired Waters List. This impaired segment extends from its confluence with Porterfield Run downstream to its confluence with Stull Run. This segment is impaired for aquatic life, recreation and fish consumption. Aquatic life is impaired due to exceedances of the State's water quality General Standard for benthic macroinvertebrates and was initially listed in 1996. VSCI shows improvement in 2024 but additional samples are needed to consider delisting the aquatic life use impairment. This impairment is included in the EPA approved South River Benthic TMDL. In addition, this segment is impaired due to exceedances of the e-coli bacteria initially listed in 1996; no new data in 2024. This impairment is included in the EPA approved South River Bacteria TMDL. Finally, this segment is within a VDH Fish Consumption Advisory for Mercury Contamination, effective 5/17/89 and modified on 12/13/04 for exceedances of mercury found in fish tissue samples. This impairment was initially listed in 1998 and included in the EPA approved South Fork Shenandoah River Mercury (Fish Tissue) TMDL. The sources of all three impairments include Agriculture; Livestock (Grazing or Feeding Operations); Crop Production (Crop Land or Dry Land); Grazing in Riparian or Shoreline Zones; Industrial Point Source Discharge; Streambank Erosion; Sediment Resuspension (Contaminated Sediment); Non-Point Source; On-site Treatment Systems (Septic Systems and Similar Decentralized Systems); Wildlife Other than Waterfowl. Approximately 11.55 miles of stream are impaired.

Additionally, the South River-Paine Run watershed is a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones as determined by the Virginia Department of Health. While infiltration BMPs may not be advised due to the prevalence of karst, it is recommended that water quality treatment be provided onsite vs. purchasing offsite credits.

Applicant's Response

"A full site plan will be submitted with all required (per Chapter 9) elements, including E&S.

We have already carried out the wetlands investigation. No work is proposed in wetlands or any streams.

The purchase of offsite stormwater treatment credits will be considered, although onsite stormwater management may still be required."

For Solar Panels Only: For Solar Panel development please see Chapter 6.3.1.5 of the latest version of the VA SWM Handbook: "Stormwater Site Design for Special Site and Climatic Conditions."

Applicant's Response

"This document will be referenced for preparation of the Site Plan."

Overlay Ordinance Considerations

This property lies outside of the Source Water Protection Overlay (SWPO), Airport Overlay District (APO), Floodplain Overlay (FPO) Ordinance and Urban Service Overlay Districts (USO).

Applicant's Response

"Understood."

Subdivision Ordinance Considerations

The proposed solar development lies outside of an urban service area and urban service overlay and is not required to have interconnectivity to surrounding parcels.

Applicant's Response

"Understood."

Natural Resources Recommendations from the Comprehensive Plan

Approximately 11.9 acres of the 75.45 acres are designated by NRCS as prime farmland with the designations of 10B2 and 40B2. Approximately 40.35 acres are designated by NRCS as farmland of statewide importance of the remaining 75.45 acres.

Applicant's Response
"Acknowledged."

The Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Agricultural Conservation Areas, a riparian buffer of 100 feet on either side of a stream or the limit of the floodplain (wider of the two) is encouraged, and stormwater should not be piped through in a manner to short-cut the buffer. Additionally, there should be no development or filling in floodplain areas and reforestation is encouraged.

Applicant's Response
"Acknowledged. We will accommodate these recommendations."

For Wetland areas, the Comprehensive Plan recommends provision of a 100-foot buffer from the edge of wetlands and enhanced water quality treatment for any water discharging to the wetlands.

Applicant's Response
"Acknowledged. We have provided a 100-foot buffer."

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends provision of open space amenities through development of layout and lot sizes, as well as maximizing continued use of active agricultural and forestry areas.

Applicant's Response
"Acknowledged. None of these features have been identified. There are no "lots", per se. Continued use of agriculture areas is expected."

ZONING ADMINISTRATOR COMMENTS

Installing solar panels on approximately twenty-six (26) acres of the 75.45-acre parcel could have a negative visual impact on the adjoining General Agriculture, and the Single Family Residential zoned properties.

Applicant's Response
"Acknowledged, although visual renderings should allay these concerns as very little of the solar array will remain visible following completion [of] the project and installation of screening measures."

A Special Use Permit meeting the ordinance requirements outlined in Section 25-70.4 is required prior to development of a small-scale energy project.

Applicant's Response
"Acknowledged."

The Zoning Ordinance requires a buffer yard to be provided and maintained and landscaped adjacent to any property line. A site plan meeting submittal requirements of Article LXVII "Site Plan Review" including supplemental plans shall be submitted for review prior to Special Use Permit approval.

Applicant's Response
"Acknowledged – this has been indicated."

COMPREHENSIVE PLAN CONSIDERATIONS

As part of this report, a detailed analysis of the Comprehensive Plan's nine (9) solar strategies/policies is provided below, along with justifications as to the project's compliance with each policy.

STRATEGY 6.3.A
Discourage the siting of solar projects in Urban Service Areas (USAs) and Community Development Areas (CDAs).

Preliminary Staff Analysis
CVE US VA Waynesboro 426 LLC is proposing to locate in an Agricultural Conservation Area and Rural Conservation Area, outside of the Urban Service and Community Development Areas.

Applicant's Response
"Acknowledged - This development is outside USAs and CDAs"

Final Staff Analysis
Staff find this project in compliance with this strategy.

STRATEGY 6.3.B
Consider existing and planned water and sewer infrastructure.

Preliminary Staff Analysis
Neither water nor sewer infrastructure is anticipated or planned to occur within Agricultural or Rural Conservation Areas during the lifespan of the Plan (2045). Because the project parcels are located in both an Agricultural Conservation Area and a Rural

Conservation Area, extension of water or sewer infrastructure onto the parcel is not anticipated during the lifespan of the project.

Applicant's Response

"Acknowledged - Neither water nor sewer infrastructure is anticipated or planned with this development."

Final Staff Analysis

Staff find this project in compliance with this strategy.

STRATEGY 6.3.C

Discourage solar project footprints where more than 10% of the fenced project area, including any supportive infrastructure outside of the fenced area, occupies prime farmland and/or where there is an adjacent Agricultural and Forestal District.

Preliminary Staff Analysis

Staff's analysis shows the proposed fenced project area for CVE US VA Waynesboro 426 LLC encompasses approximately 23.2% of prime farmland. The project is adjacent to an existing or planned Agricultural and Forestal District. TMP 058 71, which is located in the Crimora-Madrid Agricultural Forestal District, is adjacent to TMP 058 93B at the northwest corner of the parcel.

Applicant's Response

"Acknowledged - the proposed fenced project area for CVE US VA Waynesboro 426 LLC encompasses approximately 22.3% of prime farmland. A KMZ file has been provided to refine the expected impact area."

Final Staff Analysis

Staff find this project not in compliance with this strategy.

STRATEGY 6.3.D

Projects should protect the area's rural viewshed and make use of existing vegetation and be shielded or screened from view to minimize visual impacts on neighboring properties, developments, and public rights of way.

Preliminary Staff Analysis

The solar panels will likely be visible from neighboring properties in certain topographic scenarios; however, the applicant has submitted a site plan as part of the application that shows a vegetative buffer along the north and west boundaries, while using the currently present vegetation along the south and east boundaries, which would minimize the visual impacts on these properties.

The applicant provided various renderings depicting the viewshed from various points along the property boundary with their submitted responses to the preliminary staff report. Each of the 9 viewpoints showed the current conditions of the site, a rendering of the panels without the proposed screening, and a rendering of the panels with the proposed screening. Staff are satisfied that the buffering proposed would mitigate the majority of visual impacts on the rural viewshed.

Applicant's Response

"We have provided visual renderings indicating the degree to which the solar array might be visible, either from the roadways or from adjacent residences.

There is copious existing screening vegetation which naturally screens views of the array from existing residences. This screening vegetation will be supplemented where indicated to enhance the screening where necessary.

View of the solar array is only visible in one location from Rockfish Road and a rendering has been provided indicating how this view could be screened."

Final Staff Analysis

Staff find this project in compliance with this strategy.

STRATEGY 6.3.E

The County strongly discourages projects that are more than 200 acres within the fenced project area, including any supportive infrastructure outside the fenced area.

Preliminary Staff Analysis

The proposed fenced project area is approximately 22.18 acres.

Applicant's Response
"Acknowledged."

Final Staff Analysis
Staff find this project in compliance with this strategy.

STRATEGY 6.3.F
The County strongly discourages projects that are located in Source Water Protection Overlay (SWPO) districts.

Preliminary Staff Analysis
This property lies outside of the Source Water Protection Overlay (SWPO) district.

Applicant's Response
"Acknowledged – This property lies outside of the SWPO district."

Final Staff Analysis
Staff find this project in compliance with this strategy.

STRATEGY 6.3.G
Projects should be designed, sited, and constructed to protect and preserve the County's valuable resources, including streams, rivers, wetlands, habitats, native vegetation, forests, and historic and archaeological sites. Projects should enhance natural resource benefits by incorporating native vegetation and creating wildlife corridors. Projects are encouraged to actively create opportunities and partnerships for natural open spaces, greenways, and wildlife observation areas, especially when in close proximity to publicly accessible lands and rights-of-way.

Preliminary Staff Analysis
The applicant has performed a wetland delineation on the property, and the site plan demonstrates a 100-ft buffer from any wetlands. However, there was no other cultural

or historical resources report provided to indicate the effects, if any, the project would have on cultural and historic resources or archaeological sites.

Applicant's Response
"The Wetlands Report has been provided with this resubmission."

Final Staff Analysis
Staff find this project not in compliance with this strategy.

STRATEGY 6.3.H

Projects should be sites at least two (2) miles from existing or approved solar facilities and no less than 1,000 feet from a platted residential subdivision to avoid significantly altering the character of the community.

Preliminary Staff Analysis
The proposed site location for CVE US VA Waynesboro 426 LLC is not located within two (2) miles of an existing or approved solar energy system in the County. The subject parcels are located within one-thousand feet (1,000') from a platted residential subdivision (South River Terrace).

Applicant's Response
"Acknowledged - The proposed site location for CVE US VA Waynesboro 426 LLC is not located within two miles of an existing or approved solar energy system in the County.

Acknowledged - The subject parcels are located within 1,000' from a platted residential subdivision (South River Terrace)."

Final Staff Analysis
Staff find this project in partial compliance with this strategy.

STRATEGY 6.3.I

Projects should not be submitted in phases and are discouraged from being applied for incrementally. Future adjoining projects will be considered independently by staff and reviewed as separate requests.

Preliminary Staff Analysis

CVE US VA Waynesboro 426 LLC is a standalone project, and is being applied for in its entirety. However, staff recommend the applicant indicate whether or not a Battery Energy Storage System (BESS) is being considered on the remainder of the parcel pursuant to § 15.2-2316.10 of the Code of Virginia.

Applicant's Response

"The development is a stand-alone project, intended to be installed in one phase."

Final Staff Analysis

Staff find this project in compliance with this strategy.

COMPREHENSIVE PLAN COMPLIANCE MATRIX

Strategy	Subject Area	Compliance Status
6.3.A	Planning Policy Areas	Compliant
6.3.B	Water/Sewer Infrastructure	Compliant
6.3.C	Prime Farmland / AFD	Not Compliant
6.3.D	Rural Viewshed	Compliant
6.3.E	Project Area	Compliant
6.3.F	SWPO	Compliant
6.3.G	Natural Resources	Not Compliant
6.3.H	Site Location	Partially Compliant
6.3.I	Project Scope	Compliant

Based on staff's analysis of the nine (9) strategies involving solar in the Comprehensive Plan, staff recommend this project is in substantial accord with the Comprehensive Plan. Ultimate determination of substantial accord will be made by the Planning Commission following a public hearing and review of the sites and details included in the application and this report.

PLANNING COMMISSION SUBSTANTIAL ACCORD DETERMINATION

The Augusta County Planning Commission is tentatively scheduled to hold a public hearing to determine the project's compliance with the Comprehensive Plan pursuant to Section 15.2-2232 of the Code of Virginia on Tuesday, December 8, 2026.

SPECIAL USE PERMIT CONSIDERATIONS

If the Board of Zoning Appeals desires to approve the project, staff would recommend the following conditions:

PRE-CONDITIONS:

1. The applicant shall submit a site plan meeting the requirements of Section 25-673 "Site Plan Contents," Section 25-70.4.C "Standards applicable to small solar energy systems," and Section 25-70.5 "Applications and Procedures for Small Energy Systems" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. The solar energy system shall not commence commercial operations until final site plan approval is first obtained from the Zoning Administrator or his/her designee, and all pre-conditions of approval have been met.
3. In consultation with site plan review, wetlands shall be inventoried and delineated, and no construction of panels or access roads shall be permitted within 100 feet (100') of the delineated wetland. All operations and infrastructure of solar energy system shall additionally maintain a 100-foot (100') riparian buffer from all streams.
4. The solar energy system shall not obtain final site plan approval until evidence has been given to the County that the permittee has obtained an interconnection approval by a regional transmission organization or electric company.
5. Landscaping Plan. The Applicant shall submit a proposed landscaping plan for each perimeter of the solar energy system (outside all fenced areas) to the Zoning Administrator and/or his/her designee for review and approval as part of the full site plan, which shall be in general conformance with the landscaping plan submitted with the Concept Site Plan. The following conditions shall govern the installation of landscaping in accordance with the landscaping plan:
    a. All landscaping shown on the landscaping plan shall be installed at the heights specified on the Concept Site Plan and shall be in good condition prior to the commencement of commercial operations.
    b. In the event that the Applicant requires a minor deviation from the approved landscaping plan or full site plan, such deviation shall be provided on a revised plan sheet for review and approval by the Zoning Administrator and/or his/her designee. Minor deviations shall not include changes to the proposed install heights of landscaping.
    c. In areas where there is an existing timber buffer remaining on the solar energy system parcel that provides at least the equivalent buffer benefits as the buffer proposed on the Concept Site Plan, then the existing timber buffer shall be retained as the perimeter landscaping. Hand-clearing of trees within the existing timber buffer for purposes of safety or removal of dead trees is

permitted, so as long as the Applicant plants appropriate replacements in accordance with ordinance standards. All existing timber buffers, which may require supplementation with planted trees or shrubs if the existing buffer consists of a relatively thin block of trees or lacks significant understory, are subject to review and approval by the Zoning Administrator and/or his/her designee. The use of existing timber and natural screening is preferable.

d. In areas where sufficient existing timber does not remain, the landscaping requirements shall conform to the Concept Site Plan. The trees shall be planted during the appropriate time of year, subsequent to the completion of construction.

e. A surety agreement for landscape maintenance in a form acceptable to the County Attorney shall be submitted and approved prior to the issuance of any building permits. The amount of the surety shall be determined by an independent landscape architect selected and reasonably compensated by the Applicant but approved by the Zoning Administrator and/or his/her designee. The amount of the surety shall be equal to a reasonable estimate of the amount needed to establish, and following establishment, to maintain the landscaping required by the approved landscaping plan for two (2) years after initial installation. Once the landscaping has been successfully established, the surety amount will be reduced to that amount required for two (2) years of maintenance thereafter. The surety will be released only after decommissioning is complete.

f. All landscaping will be reviewed by the Zoning Administrator and/or his/her designee following installation, at one-year following installation, and as necessary thereafter to ensure the landscaping is being maintained.

g. The Applicant shall work with the County to identify the species that will provide the best aesthetic and environmental benefit, while also considering market availability.

h. The use of herbicides for perimeter landscaping shall be minimized to the greatest extent reasonably practicable.

6. Decommissioning Plan. Concurrent with the submittal of the final site plan, the owner of the solar energy system shall produce to the County a Decommissioning Plan as outlined in the Augusta County Code Section 25-70.10, as amended. Any structure or equipment associated with the solar energy system that is not operating for a continuous period of 12 consecutive months shall be subject to decommissioning, per Augusta County Code Section 25-70.10, as amended. Within 6 months of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy system and site restoration. This period may be extended at the request of the owner or operator, upon approval of the Board of Zoning Appeals. Periods during which the Site is not operational for maintenance, repair, or due to catastrophic events beyond the

control of the Applicant, during which the Applicant works diligently to return the Site to full operating status, shall not trigger the Decommissioning requirements herein. The Applicant must provide written notice and evidence of the above to the Zoning Administrator during the period in which the solar energy system is not fully operational. Such notice shall identify the last day on which the Site was fully operational. Regardless of the efforts of the Applicant to return the solar energy system to full operational capacity, if the solar energy system does not operate as a solar energy system collecting and transferring and distributing it to the Grid after the catastrophic event, for a period of two (2) years, the Special Use Permit shall be rendered void and the Applicant shall commence Decommissioning no later than the 730th day after the last day the Site was fully operational.

7. A letter of acceptance from a landfill or recycling facility shall be provided with the submittal of the Decommissioning Plan.

8. Decommissioning Estimate. Concurrent with the submittal of the final site plan, the owner of the solar energy system shall produce to the County an estimate of the decommissioning costs as outlined in the Augusta County Code Section 25-70.10, as amended, and/or detailed below (the more stringent shall apply), by line item and the surety guaranteeing the payment of those costs and the decommissioning work. The estimate shall be signed and sealed by a third-party engineer licensed in Virginia. The decommissioning cost estimate shall include, at least, the following delineated by line item:

    a. Total cost related to complying with all the decommissioning work required by this Special Use Permit.

    b. Costs related to creating, maintaining, and re-stabilizing any construction entrances identified on the Property, with a separate line item for each such construction entrance, unless written waiver to the Board of Zoning Appeals is requested by the landowner.

    c. Costs for mobilization.

    d. Costs for removal and disposal of all materials, line itemed by category of facility. For example, "cost to remove conduit," "cost to remove panels," "cost to remove panel support structure," cost to remove inverters," etc.

    e. Costs to de-compact soils and reestablish topsoil.

    f. Costs to stabilize land disturbed by the decommissioning work.

    g. Costs of trucking, hauling, and equipment use.

    h. Costs for removal of any landscaping in buffer zones, setback areas, or under panels.

    i. Costs of landfill fees associated with the disposal of commercial and industrial waste.

j. Costs of all labor and estimated man hours to perform the decommissioning work.

k. Costs must assume an increase in labor and equipment costs of two percent (2%) a year every year until the completion of decommissioning and must assume commencement of decommissioning after year thirty-five (35) of operation.

l. Costs must include a 25% contingency of the total estimate.

m. The certification of a third-party engineer licensed in Virginia affirming that the owner/operators' cost estimate is sufficient to satisfy the decommissioning required herein. The estimated amount for the salvaged materials shall not be part of the consideration in the decommissioning cost estimate.

n. Should the funds guaranteed for the Decommissioning Activities for any reason not be sufficient for the County to complete the Decommissioning Activities as allowed for herein and as set forth in the Decommissioning Plan, the Applicant shall be and shall remain liable to the County for the difference between the guaranteed funds and the amounts required to Decommission the solar energy system and shall pay the difference to the County upon demand. The County shall not be liable to any party in any way for the funds drawn pursuant to the conditions set out herein and expended in relation to Decommissioning.

9. Decommissioning Bonding. Prior to the issuance of final site plan approval for the solar energy system, the applicant shall submit a bond, irrevocable letter of Credit, or other appropriate surety acceptable to the County in accordance with Augusta County Code Section 25- 70.11, as amended.

10. Panel Specification and Composition. At the time of site plan review the Applicant shall provide to the Zoning Administrator, a written panel specification disclosure document that includes the composition, toxicological information, and the physical and chemical properties of all of the solar panels, including coatings, being utilized for the solar energy system. The Applicant shall utilize crystalline solar panels for the Project. The Applicant shall not utilize any panels that of the type known as thin-film panels, including but not limited to not utilizing panels manufactured with or coated using lead, the GenX chemical, amorphous silicon (a-Si), cadmium telluride (CdTe), copper indium gallium selenide (CIS/CIGS), organic photovoltaic cells (OPC) panels, and/or any other material prohibited by state or federal law for use in solar photovoltaic panels. Moreover, to the extent any panel utilized has a Safety Data Sheet associated therewith under 29 CFR 1910.1200(g) and its Appendix D, the Safety Data Sheet shall be disclosed, as well.

11. The solar energy system, including, but not limited to, all areas covered by photovoltaic panel, any and all landscape or fencing buffer areas, any and all setback areas, any and all support equipment, and any and all access roads, shall be removed from Land Use Assessment and therefore subject to a rollback tax

paid to the County for the difference between land use tax and the fair market value for each of the five most recent complete tax years. The remainder of the property not included in the solar energy system shall continue to meet current requirements for the County's Land Use Assessment program in order to remain included in the program, as determined by the Commissioner of the Revenue upon approval of the Special Use Permit.

12. The applicant shall disclose to the Augusta Water if corrosion control systems are part of the solar energy system.

13. Augusta Water Infrastructure.

    a. Ground surface elevations shall not be changed, and no water shall be impounded over any existing water/sewer infrastructure without written consent of Augusta Water.

    b. No panels and/or appurtenances, including fences and landscaping shall be installed within 20 feet each way of the centerline of any existing water or sewer main to ensure adequate space for future operations and maintenance.

    c. Where public water/sewer utilities are located on the same property as the solar energy system, Augusta Water shall have the right to utilize access roads constructed for the project or be provided with reasonable access to the utilities by truck.

    d. The Applicant must obtain site plan approval within 24 months of the issuance of the Special Use Permit and shall substantially complete construction within 36 months of the issuance of final site plan approval. Notwithstanding the foregoing, the Board of Zoning Appeals may approve an extension of any deadline herein for good cause.

OPERATING CONDITIONS:

1. This Special Use Permit ("Permit") is granted solely for the subject property for operation of a small solar energy system. This Permit shall be binding on _____, LLC and any successor-in-interest, including but not limited to any current or future owner, lessee, sub-lessee, and permitted assignee ("Applicant").

2. The Permit shall not be assignable by _____, LLC to a third party absent the written consent of the Board of Zoning Appeals of Augusta County.

3. Any document memorializing or relating to the establishment of any successor-in-interest, e.g., lessee, sub-lessee, future owner, permitted assignee, etc., between _____ LLC or business entity, shall include a recital as to the existence of the Permit, and the duties and obligations of the third party and now successor-in-interest thereunder the Permit, to ensure that successors-in-interest are on written notice of the Permit and its terms and conditions. A copy of these

conditions shall be recorded in the clerk's office of the Circuit Court for the County of Augusta, Virginia.

4. The solar energy system, including but not limited to, fence line boundary, access roads (unless otherwise required by VDOT), and setbacks (unless otherwise determined by the Board of Zoning Appeals), shall be constructed and operated in substantial conformance with the approved Site Plan prepared by ___, dated [Month Day, Year].

5. All bonding or posting of sureties for the project shall at all times be by and in the name of the owner of the solar energy system and its successors and assigns.

6. All non-operational, non-electrical site features along the perimeter of the solar energy system, such as landscaping and fencing, shall be properly maintained throughout the life of the Permit. Fencing shall be maintained in good repair and landscaping shall be maintained so as to provide the desired buffer benefits. Maintenance of such features shall be guaranteed by the surety agreement and surety as provided below. If the Zoning Administrator and/or his/her designee determines that site features identified are not being properly maintained, as described herein, then the Applicant shall be given a notice to remedy as is the standard zoning violation policy of Augusta County.

7. Setbacks, either as shown on the Concept Site Plan, or set by the Board of Zoning Appeals during their review, shall be measured from the property line and/or VDOT Right of Way to the fence line of the solar energy system.

8. The Applicant shall not add additional photovoltaic panel areas, change the entrance locations of access roads (unless otherwise required by VDOT in a written statement), or revise the height, placement, or design of landscaping buffer elements without prior approval by the Augusta County Board of Zoning Appeals.

9. The Zoning Administrator or any other parties designated by the Zoning Administrator shall be allowed to enter the property at any reasonable time to check for compliance with the provisions of this Permit, with at least 24 hours of advance notice and subject to the security, health and safety standards and regulations that apply to the solar energy system.

10. The Applicant shall preserve and maintain existing forest/vegetation where it serves to meet buffer standards or standards for alternative compliance as required by ordinance from adjacent property and public right of ways, and is not in conflict with the solar panels, as indicated on the Concept Site Plan. See 5.C and 5.D in the pre-conditions of this Special Use Permit.

11. All construction and decommissioning activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Saturday, and will be prohibited on Sundays. These conditions shall apply to noise generated during the construction of t the solar energy system and to any construction needed during replacement, repair, or maintenance activities during the ongoing operation of the solar energy system.

Replacement, repair, and maintenance activities conducted at nighttime and not involving construction shall comply with all applicable noise standards.

12. The solar energy system shall not be lit during ongoing operations, unless as required by the Uniform Statewide Building Code. Lighting used during construction shall be downward facing and shall be located at least 500 feet from any adjacent residential property.

13. All solar panels shall use anti-reflective coatings.

14. No topsoil shall be removed from the site.

15. Burning of woody debris is not permitted.

16. The Applicant shall implement the following additional measures during construction:

    a. Maintain all construction-related vehicles in good working order.

    b. Designate a specific individual and provide that individual's name and contact information to the Zoning Administrator and/or his /her designee, to which questions, complaints, or concerns during construction may be directed.

    c. Prior to the initiation of construction, mail a notice of construction activity to all property owners whose properties are adjacent to areas on which t the solar energy system will be constructed. The notice shall summarize upcoming construction activities, describe the areas in which construction will occur, including the main routes of delivery, and provide the name and contact information of the solar energy system representative to whom any complaints, concerns, or comments may be addressed.

    d. Provide adequate portable sanitation facilities that are located in a manner that facilitates ease of disposal but that are not within one hundred and fifty (150) feet of any property boundary of a parcel on which a home is located and whose owner is not participating in the solar energy system.

    e. Prohibit any personnel associated with the construction of the solar energy system from overnight lodging at the site.

17. The construction protocol will be designed to ensure that ground cover is expeditiously established, and appropriate site stabilization achieved throughout construction, and the approved construction phasing plan shall be implemented during construction.

18. Any electrical wiring used in the system shall be underground except where wiring is brought together for inter-connection to system components and/or at the project substation and switchyard for interconnection the local utility power grid. Electrical distribution lines between the inverters and the point of interconnection shall be underground except where crossing creeks, floodplains, wetlands, and at

the point of interconnection. Nothing in this condition shall prevent the ability to utilize underground boring technology.

19. This Permit shall be valid from the time of issuance and thereafter for a period of __ years from the start of commercial operations of the solar energy system, which shall be the date on which the solar energy system first delivers non-test energy to the high-voltage transmission system, or until this Permit is lawfully terminated or terminated as a matter of ordinance or other law prior to the natural expiration date, whichever is sooner. At the end of the __-year period, unless such period is otherwise extended by the Board, or unless decommissioning is required sooner pursuant to the conditions herein, the solar energy system shall be deemed to have reached the end of its lifespan and decommissioning shall begin pursuant to the conditions herein.

20. Solar Panels will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council and the National Fire Protection Association Fire Code, as provided in Va. Code 15.2-2286. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control.

21. Corporate Structure, Associations, and Information. Applicant and all successors-in-interest, including current and future owners, lessees, sub-lessees, and permitted assignees shall provide the Zoning Administrator, with a copy to the County Attorney, written notice of changes of ownership of the solar facility within thirty (30) days thereof.

22. Any substantial upgrades or changes made to the design or operation of the solar energy system that are planned shall be disclosed to the Zoning Administrator and/or his/ her designee at least ninety (90) days before the intended implementation of the upgrades or changes – except as provided herein. Any substantial upgrades and/or changes resulting solely from a bona fide emergency and force majeure event shall be disclosed no later than (sixty) 60 days thereafter.

23. Prior to the activation of the solar energy system _____, LLC, shall provide training to the Augusta County Fire Rescue and Augusta County Sheriff's Office. This training and education shall include documentation of onsite material and equipment, proper firefighting and lifesaving procedures, and material handling procedures.

24. Local Subscribers – Prior to beginning commercial operation of the utility-scale solar facility, the Applicant shall work in good faith and use its best efforts to identify residents of Augusta County, Virginia and its incorporated towns to voluntarily subscribe to its community solar program ("Local Subscribers"). Outreach efforts to Local Subscribers may include, among others, advertising in a local newspaper of record and hosting informational community meetings. The

Applicant will give notice of such informational community meetings to the County Administrator.

BE IT FINALLY RESOLVED that the Augusta County Board of Zoning Appeals' decision to approve this Permit is predicated on the Augusta County Board of Zoning Appeals' understanding that the above conditions the Augusta County Board of Zoning Appeals hereby imposes upon this Permit are valid, lawful, and shall apply to the approved use for the life of the use, provided, however, that if any provision of these conditions is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of these conditions and this Permit shall nonetheless remain in full force and effect.