

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 17th day of December, 2019:

<u>Present</u>	<u>Vote</u>
Thomas G. Shepperd, Jr., Chairman	Yea
W. Chad Green, Vice Chairman	Yea
Walter C. Zaremba	Yea
Sheila S. Noll	Yea
Jeffrey D. Wassmer	Yea

On motion of Mrs. Noll, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE
A SOLAR ENERGY FACILITY ON PROPERTY LOCATED AT 1801
PENNIMAN ROAD

WHEREAS, KDC Solar Kings Creek, LLC has submitted Application No. UP-942-19 requesting a Special Use Permit, pursuant to Section 24.1-306 (category 17, no. 2b) of the York County Zoning Ordinance, to authorize a solar energy facility on an approximately 380-acre portion of a 430-acre parcel located at 1801 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 12-3 (GPIN I14b-4290-3622); and

WHEREAS, said application has been transmitted to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of December, 2019, that Application No. UP-942-19 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-306 (category 17, no. 2b) of the York County Zoning Ordinance, to authorize the establishment of a solar energy facility on an approximately 380-acre portion of a 430-

acre parcel located at 1801 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 12-3 (GPIN I14b-4290-3622), subject to the following conditions:

1. This use permit shall authorize the establishment of a solar energy facility on an approximately 380-acre portion of a 430-acre parcel located at 1801 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 12-3 (GPIN I14b-4290-3622).
2. A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or construction activities on the subject property. Said site plan shall be in substantial conformance with the sketch plan titled "Concept Plan: Kings Creek Solar 26MW-DC Solar Plant" prepared by KDC Solar and dated September 27, 2019, supplemented by the project narrative "Re: Kings Creek Solar Farm Special Use Permit Application: Tax Parcel 12-00-00-03 Area=395+/- Acres" prepared by KDC Solar, dated September 12, 2019.
3. The most recent environmental protection study of the property shall be submitted for review as part of the site plan submittal.
4. The site plan shall indicate the locations of all existing underground fuel storage tanks, buildings, access tunnels, and associated utilities that are currently located on the site and identify the location of any new access roads in relation to the existing underground storage tanks and/or access tunnels.
5. All access roads shall have a minimum width of twenty feet (20').
6. A sign shall be posted at the main entrance providing the address, emergency contact name(s), and phone number(s) for the facility.
7. Any solar panel and/or equipment that is to be disposed of shall be recycled.
8. In the event the solar energy facility ceases to operate for a continuous period of one year, then upon request by the Zoning Administrator or designee the owner or lessee of the property shall, within 30 days:
 - a. Provide evidence that the system has been and remains in operation; or
 - b. Provide documentation of the reasons for the operational difficulty and the corrective measures being taken or proposed to be taken to restore operability.

In the event the facility is not operational and will not be restored to operation, the Zoning Administrator may issue an order to the owner or lessee requiring that the equipment be dismantled and removed from the site within 180 days, and the property decommissioned as such term is defined in section 15.2-2241.2 of the Code of Virginia, and the owner or lessee shall comply.

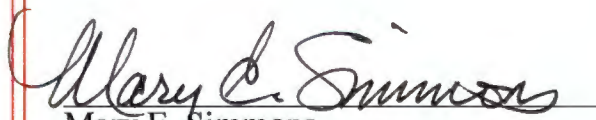
In the event the owner or lessee provides a plan for correcting operational issues, the Zoning Administrator may issue an order to the owner or lessee requiring the corrective measures to be completed within a specific period of time and, if not, for the facility to be dismantled and removed from the site.

The requirement to remove the solar facility equipment and other appurtenances set forth in the preceding section, and to decommission the property, shall be ensured by the owner or lessee through a maintenance agreement, approved as to form by the County Attorney, whereby the owner or lessee shall covenant to perform the required removal of any solar facility equipment or other described appurtenances and to decommission the site within 180 days of notice by the County and grant authority to the County to perform such work at the owner's or lessee's cost if the owner or lessee should default on his obligations. The owner shall provide financial assurance of such performance to the County in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth engaged by the applicant with experience in preparing decommissioning estimates and approved by the locality. Such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities or devices, plus a reasonable allowance for estimated administrative costs to be incurred by the County, plus an annual inflation factor. The owner or lessee shall cause such agreement to be recorded by the Clerk of the Circuit Court and provide evidence of such recordation to the Zoning Administrator prior to issuance of any building permits for the proposed development.

9. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for a building permit.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

A Copy Teste:


Mary E. Simmons
Deputy Clerk