



MEMORANDUM

TO: Honorable Mayor and Members of City Council
VIA: James E. Baker, City Manager 
FROM: Jaleh M. Shea, AICP, Planning Director 
DATE: January 22, 2018
SUBJECT: **Public Hearing Date: January 23, 2018**
City Council Agenda Item: B
PLN-USE-2017-003 – Hickory Solar Farm

The above referenced application was continued from the December 18, 2017, City Council Agenda at the request of the applicant.

In order to promote and preserve agricultural lands, the applicant has offered the following additional stipulations 13 and 14. The applicant also requested to modify stipulation 2 to increase the height of the security fence from 6 feet up to a maximum of 10 feet to fully screen the solar panels when they tilt at the maximum height of 7 feet and 2½ inches.

Additional Stipulations:

13. In light of tax exemptions afforded to solar facilities in Virginia and in an effort to promote and preserve agricultural lands, the applicant/owner agrees to make an annual contribution of fifty thousand dollars (\$50,000.00) to the City of Chesapeake's Open Space and Agricultural Preservation Program or similar program as approved by the Director of Planning or designee. The first contribution shall be paid prior to the issuance of a certificate of occupancy for this use and each annual contribution shall be paid every twelve (12) months thereafter.
14. The applicant/owner agrees to manage the vegetation on site without the use of herbicides, unless the treatment is approved by the City's Landscape Coordinator.

Modified Stipulation:

2. The applicant/owner shall submit a Landscape Plan pursuant to the Chesapeake Zoning Ordinance prior to final construction plan approval. Said plan shall be subject to the review and approval of the City's Landscape Coordinator. Said plan shall consist of the following: a modified Buffer Yard E along the entirety of the property line, consisting of small and medium canopy trees that are at least 6 feet in height,

shrubs that are in a minimum industry standard 3 gallon container at planting, and a solid evergreen buffer along the entirety of the property line adjacent to the residential properties to screen the use. The solid evergreen buffer shall include trees that are at least 8 feet in height at time of planting, and shrubs that are in a minimum industry standard 3 gallon container at time of planting. All plant materials shall be subject to the review and approval of the City's Landscape Coordinator and shall be installed prior to the issuance of a Certificate of Occupancy for the use. The applicant/owner shall also install and maintain a 6-foot security fence around the entire perimeter of the solar farm prior to the issuance of a Certificate of Occupancy for the use. Said fence shall be between six (6) to ten (10) feet in height. The fence shall not exceed six (6) feet in height unless the applicant/owner receives the approval of a variance from the Board of Zoning Appeals. In no case shall the solar panels exceed the height of the security fence.

Section 14-205 of the Chesapeake Zoning Ordinance allows fences for public facility installations to be installed up to a maximum of ten (10) feet with an approved variance. Staff has reviewed the proposed additional and modified stipulations and has no objections. This application is scheduled for City Council's consideration on January 23, 2018.

A list of all the current stipulations is attached for reference. Please let us know if additional information is required or if you have any questions.

JMS/HND/TH

cc: Sandy Madison, MMC, City Clerk
Jan L. Proctor, City Attorney
Catherine H. Lindley, Assistant City Attorney
Tim Howlett, Current Planning Administrator
Hoa N. Dao, Senior Planner
Kathryn Berning, Office Coordinator
Ken Niemann, Applicant

STAFF RECOMMENDATION:

Based on the findings contained in this staff report, Staff recommends that **PLN-USE-2017-003** be **APPROVED** with the following stipulations:

1. The applicant/owner shall construct a City Standard Commercial Entrance, CG-11A to access the site prior to issuance of a Certificate of Occupancy. The entrance shall be constructed at the intersection of Battlefield Boulevard South and Ballentine Road and shall be depicted on the final site construction plan which is subject to review and approval of the Director of Development and Permits, or designee. In addition, a closure and restoration plan shall be a required component of the final site construction plan.
2. The applicant/owner shall submit a Landscape Plan pursuant to the Chesapeake Zoning Ordinance prior to final construction plan approval. Said plan shall be subject to the review and approval of the City's Landscape Coordinator. Said plan shall consist of the following: a modified Buffer Yard E along the entirety of the property line, consisting of small and medium canopy trees that are at least 6 feet in height, shrubs that are in a minimum industry standard 3 gallon container at planting, and a solid evergreen buffer along the entirety of the property line adjacent to the residential properties to screen the use. The solid evergreen buffer shall include trees that are at least 8 feet in height at time of planting, and shrubs that are in a minimum industry standard 3 gallon container at time of planting. All plant materials shall be subject to the review and approval of the City's Landscape Coordinator and shall be installed prior to the issuance of a Certificate of Occupancy for the use. The applicant/owner shall also install and maintain a 6 foot security fence around the entire perimeter of the solar farm prior to the issuance of a Certificate of Occupancy for the use.
3. The applicant/owner shall obtain a valid Run-Off Control Permit from the Department of Public Utilities prior to the approval of construction plans.
4. The applicant/owner shall obtain all required permits and approvals from the Department of Development and Permits prior to the installation of the security fence and storage shed.
5. The applicant/owner agrees that all power lines transferring the power generated from the property to the existing Dominion Virginia Power distribution system on Battlefield Boulevard South, which are both on-site and off-site, shall be placed underground unless the applicant/owner provides written correspondence from Dominion Virginia Power which requires the lines to be placed above ground to the Zoning Administrator.
6. The applicant/owner agrees that the proposed use shall utilize SMA 2200-EV-US, SMA 2500-EV-US or an alternative solar panel inverter approved by the Navy and in compliance with the Navy's Electromagnetic Interference (EMS) assessment.
7. The approval of this Conditional Use Permit is limited to the applicant only.

8. The applicant/owner shall provide written notice to the Director of Development and Permits or designee at least 30 days in advance of the cessation or abandonment of this use. Within 180 days of the cessation or abandonment of this use, the applicant/owner shall remove all photovoltaic systems (including but not limited to inverters, modules/solar panels, solar trackers) and all other structural elements related to the photovoltaic system use. The applicant/owner shall also restore the property to its pre-use grade, as approved by the Director of Development and Permits or designee, within the referenced 180 days.
9. Prior to receiving a certificate of occupancy, an Emergency Management Plan (EMP) will be provided to, and subject to the approval of, the Director of Development and Permits for the solar energy facility. The goal of this EMP is to provide safety guidelines and procedures for potential emergency-related incidents during all phases of the life of the facility (construction, operation, and decommissioning). The EMP shall cover at minimum emergency communications and training, theft and vandalism, inclement weather, high voltage equipment, and fire safety and prevention.
10. The applicant/owner shall maintain insurance for the duration of the use. The applicant/owner shall provide to the City Attorney a certificate of insurance providing General Liability Insurance which shall include at least the following information: (i) the name of the insurance company, policy number and expiration date; and (ii) the coverage and limits on coverage and including the amount of deductibles or self-insured retentions with a minimum limit of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate, combined single limit, for bodily injury (including death) or property damage and Environmental Impairment insurance with minimum limits of \$1,000,000 per occurrence. The certificate of insurance shall be provided to the City Attorney prior to the issuance of a certificate of occupancy.
11. The applicant/owner agrees that the solar array shall be designed to withstand 120 mph wind speeds, as depicted on the approved final site plan.
12. The applicant/owner agrees that the proposed solar energy facility shall only use mono-crystalline or poly-crystalline photovoltaic (PV) technology. This stipulation shall be included as a condition on the final site plan.