



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Proposal: SP202400008 Crown Orchard Solar	Staff: Rebecca Ragsdale, Planning Manager
Planning Commission Public Hearing: June 25, 2024	Board of Supervisors Hearing: To be scheduled
Owner: Crown Orchard Company	Applicant: Crown Orchard Company, Paradise Energy Solutions
Acreage: 346.48, total parcel acreage	Special Use Permit for: 10.2.2.58, Solar energy system
TMP: 09700-00-00-00100 Location: 2859 Crown Orchard Road, off Stillhouse Creek Road	Zoning/by-right use: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Samuel Miller	Conditions: Yes EC: No
School Districts: Brownsville (Elementary), Henley (Middle), Western Albemarle (High)	
Proposal: A solar energy facility of approximately 1.5 acres to support agricultural operations.	Requested # of Dwelling Units: N/A
DA: RA: X	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).
Character of Property: Primarily orchard, with orchard operation buildings, and heavily wooded around the perimeter of the property.	Use of Surrounding Properties: Primarily wooded or adjacent orchard properties, with some rural residential located nearby to the north of the proposed facility.
Positive Aspects: 1. The proposed solar facility is accessory to an agricultural operation, consistent with Rural Area goals of the comprehensive plan. 2. The facility provides a source of renewable power generation.	Concerns: No concerns have been identified.
RECOMMENDATION: Staff recommends approval of SP202400008 subject to conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Planning Manager
June 25, 2024
To be scheduled

PETITION

PROJECT: SP202400008 Crown Orchard Solar
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL(S): 09700-00-00-00100
LOCATION: 2859 Crown Orchard Road, off Stillhouse Creek Road, approx. 2 miles south of Batesville
PROPOSAL: Solar energy facility of approximately 1.5 acres on a 346-acre property to provide energy to an existing orchard operation and cold storage facility
PETITION: 10.2.2.58, Solar energy systems. No new dwelling units proposed
ZONING: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): None
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)

CHARACTER OF SURROUNDING AREA

The property is primarily orchard, with orchard operation buildings, and heavily wooded areas around the perimeter of the property. Adjoining properties are large primarily wooded or adjacent orchard properties, with some rural residential located nearby to the north of the proposed facility. (Attachment 1-Location Map)

PLANNING AND ZONING HISTORY

B202400243GSE- A building permit was submitted for the proposed solar facility but is pending special use permit approval.

DETAILS OF THE PROPOSAL

An approximate 1.5-acre solar facility is proposed within an orchard and adjacent to orchard operations/cold storage, located at the end of Crown Orchard Road. The facility will be accessed by an existing entrance. The zoning ordinance requires facilities of one-half acre or more to obtain a special use permit, regardless if they are accessory to an agricultural operation. (Attachment 2- Project Narrative)

COMMUNITY MEETING

Given the limited scale of the proposed solar facility, and lack of visibility, a community meeting was not held for this request.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.8 of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined. This request must be considered in the context of all criteria applicable to special use permits, not just water consumption.

No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

Impacts on adjacent lots are not anticipated. Noise generated by the site will be minimal and is less than what could be generated from by-right agricultural uses of the property. The location of the facility is well buffered and setback (200 feet+) from adjacent property lines.

Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The existing character of the property is primarily orchard and wooded. Adjacent properties are also orchard or wooded, with some residential in the vicinity. Given the size and location of the facility, with visibility mitigated, no change in character to the area is expected.

Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter.

Section 10.1 states in part:

“This district (hereafter referred to as RA) is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:

- Preservation of agricultural and forestal lands and activities;
- Water supply protection;
- Limited service delivery to the rural areas; and
- Conservation of natural, scenic, and historic resources.

The intent of the RA district, Section 10.1, also states in part “Residential development not related to bona fide agricultural/forestal use shall be encouraged to locate in the urban area, communities and villages as designated in the comprehensive plan where services and utilities are available and where such development will not conflict with the agricultural/forestal or other rural objective.”

The special use permit is in harmony with the purpose and intent of the RA zoning district as it is small-scale and solely designed to support a longstanding orchard operation.

...with the uses permitted by right in the district

The proposed uses will not affect the by right use of this or any adjacent properties.

...with the regulations provided in section 5 as applicable.

There are no regulations in Section 5 applicable to the proposed solar use.

...and with the public health, safety and general welfare.

Special use permit requests are reviewed by VDOT, Fire Rescue, Engineering, and Health Department to ensure applicable health and safety measures are met. There have been no objections or concerns from reviewers.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject parcel for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also, to allow secondary residential uses at a density of up to 0.5 acres per dwelling unit.

Objective 1: Support a strong agricultural and forestal economy.

While solar energy systems are not identified as a policy priority for the Rural Areas, it helps the County to meet other Comprehensive Plan goals related to renewable-energy production. This proposal is directly supportive of an orchard operation, supportive of this objective of the comprehensive plan.

Mountain Protection Area

The property is included in the Mountain Resource Protection Area of the Comprehensive Plan, which includes the following strategy:

Strategy 5a: Continue to protect mountain resources identified for protection in the Mountain Contour List.

The proposed solar facility would be located on an already cleared hillside, that does not contain critical slopes according to Albemarle County GIS. The location of the panels will be along contours between approximately 1040 feet- 1880 feet, below higher wooded ridgelines. Staff believes the proposal will not adversely affect mountain resources.

Background (Page 1.6)

Promote the conservation and efficient use of energy resources.

This project would provide for efficient production and use of energy.

Natural Resources (Page 4.45) the Comprehensive Plan states:

In 2010, members of the community and representatives of the County, the City, and UVA began a local planning process to find ways to lower the community's energy consumption and, thus, greenhouse gas emissions. The Committee, known as the Local Climate Action Planning Process (LCAPP) Steering Committee, recommended that the City, County, and UVA:

- Continue to demonstrate leadership in energy and carbon reductions at the local level;
- Build on existing synergies by continued collaboration of City, County, UVA, and community partners;
- Integrate the role of energy and carbon emissions in projects and planning;
- Equip the community at all levels to make informed decisions about the impacts of carbon emissions and energy; and
- Identify and promote actions that enable the community to reap the health, economic and environmental benefits that accompany sound energy-based decisions.

Review for Compliance with the Comprehensive Plan

As a solar facility, this proposal is subject to a Compliance with the Comprehensive Plan Review as required by the Code of Virginia (§15.2-2232). A compliance review considers whether the general location, character, and extent of a proposed public facility are in substantial accord with the adopted Comprehensive Plan. It is reviewed by the Planning Commission, and the Commission's findings are forwarded to the Board of Supervisors for their information. No additional action is required of the Board.

For the reasons discussed above staff finds that this proposal is consistent with the Comprehensive Plan.

SUMMARY

Staff finds the following positive aspects to this request:

1. The proposed solar facility is accessory to an agricultural operation, consistent with Rural Area goals of the comprehensive plan.
2. The facility provides a source of renewable power generation.

Staff has no concerns regarding the proposed special use permit.

RECOMMENDED ACTION

Based on the findings contained in this staff report, and with the conditions proposed below, staff recommends approval:

1. Development and use shall be in general accord with the plan titled "CROWN ORCHARD-AFTON 491.7kW SOLAR PROJECT" dated May 22, 2024, included as Attachment C, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements as shown on the Concept Plan:
 - a. Location of solar development envelope,
 - b. Retention of wooded vegetation

Minor modifications, with the approval of the Zoning Administrator and the Director of Planning, to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance, and State or Federal laws.

2. All solar panels shall be set back at least two hundred (200) feet from property lines and one hundred (100) feet from Crown Orchard Road.
3. The applicant shall submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application that shall include the following items:
 - a. A description of any (e.g. lease) with the landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being utilized at the site;
 - d. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;

- e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade or down to bedrock, whichever is less; and
 - f. An estimate of all costs associated with rehabilitation of the site.
 - g. Provisions to recycle materials to the maximum extent possible.
- 4. Prior to issuance of a building permit, the Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
 - a. The Decommissioning Plan and estimated costs shall be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan shall be recorded in the office of the Circuit Court of the County of Albemarle.
 - b. The Zoning Administrator shall be notified in writing within 30 days of the abandonment or discontinuance of the use,
 - c. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, shall be removed entirely, and the site shall be rehabilitated as described in the Decommissioning Plan, within 180 days of the abandonment or discontinuance of the use. In the event that a piece of an underground component breaks off or is otherwise unrecoverable from the surface, that piece shall be excavated to a depth of at least 36 inches below the ground surface.
- 5. The facility shall meet the requirements contained in Chapter 18, Section 4.14 of the County Code.
- 6. Products used to clean panels are limited to water, and biodegradable cleaning products.
- 7. No above ground wires except for those associated with the panels and attached to the panel support structure and those associated with tying into the existing overhead transmission wires.
- 8. Prior to activation of the site the applicant shall provide training to Albemarle County Fire/Rescue. This training shall include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures and material handling procedures.

MOTION:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:

I move to recommend approval of SP202400008 Crown Orchard Solar with the conditions outlined in the staff report.

- B. Should the Planning Commission **choose to recommend denial** of this special use permit:

I move to recommend denial of SP202400008 Crown Orchard Solar. *Should a commissioner motion to recommend denial, state the reason(s) for recommending denial.*

ATTACHMENTS

- Attach 1 – [SP2024-08 Crown Orchard Solar - Location Map](#)
- Attach 2 – [SP2024-08 Crown Orchard Solar - Project Narrative](#)
- Attach 3 – [SP2024-08 Crown Orchard Solar - Concept Plan](#)