

**Attachment B – COUNTY APPROVAL**

February 14, 2018

Office of the City Clerk  
306 Cedar Road  
Chesapeake, Virginia 23322  
email: council@cityofchesapeake.net  
(757) 382-6151  
Fax (757) 382-6678

Mr. Ken Niemann  
North Ridge Resources, LLC  
2701 Farm Road  
Alexandria, VA 22302

RE: PLN-USE-2017-003 Hickory Solar Farm

Dear Mr. Niemann:

The application for the above referenced conditional use permit was considered and approved with stipulations; additional stipulations #13 and #14, along with modified stipulation #2, dated January 22, 2018, by City Council at its meeting on February 13, 2018. Enclosed are the appropriate papers that have been processed in this regard.

The Chesapeake Zoning Ordinance establishes an initial time period of three (3) years for approved Use Permits unless a shorter time is established by City Council at the time of issuance. During the three (3) years, or specified time period, the authorized use must commence as explained in Section 17-110 of the Zoning Ordinance or the Use Permit will automatically expire. The Zoning Ordinance provides for an additional one (1) year extension for a Use Permit, if a written application is physically received by the Planning Department not less than two (2) weeks prior to the date of the permit expiration. Specific questions concerning these time limitations, and procedures for extending the time limitation should be directed to the Zoning Administrator. The telephone number is 382-8454 or 382-6262.

As a reminder, the sign posted on this property for the purpose of advertising this proposed action must be removed from the property within five (5) days following the action taken by Council (Chapter 16, Section 105(A)(6) of the City of Chesapeake Zoning Ordinance). Failure to do so is in violation of the City's Zoning Ordinance. Also, a final construction plan may be required prior to the issuance of a building permit. Please contact the Chesapeake Planning Department if you have any questions or need assistance with this matter.

Sincerely,



Sandy M. Madison, MMC  
City Clerk

**Enclosures**

cc: Jan Proctor, City Attorney  
Jay Tate, Development and Permits  
Jaleh Shea, Planning  
Eric Martin, Public Works  
David Jurgens, Public Utilities  
Darlene Shelton, Real Estate Assessor's Office  
John King, Zoning



## SUMMARY ACTION

PLN-USE-2017-003 Hickory Solar Farm *(continued)*

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.

## SUMMARY ACTION

### PLN-USE-2017-003 Hickory Solar Farm (continued)

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.

### Applicant Offered Additional Stipulations 13 and 14:

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.

## SUMMARY ACTION

PLN-USE-2017-003 Hickory Solar Farm (continued)

### Applicant Modified Stipulation 2:

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.



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Karen E. Shaffer, AICP, Assistant Planning  
Director/Recording Secretary

**SUMMARY ACTION**

**PLN-USE-2017-003 Hickory Solar Farm** *(continued)*

**CITY COUNCIL ACTION:**

DATE OF PUBLIC HEARING: \_\_\_\_\_ **June 20, 2017**

ACTION: **Continued to the September 19, 2017 City Council meeting.**

DATE OF PUBLIC HEARING: \_\_\_\_\_ **September 19, 2017**

ACTION: **Continued to the December 19, 2017 City Council meeting.**

DATE OF PUBLIC HEARING: \_\_\_\_\_ **December 19, 2017**

ACTION: **Continued to the January 23, 2018 City Council meeting.**

DATE OF PUBLIC HEARING: \_\_\_\_\_ **January 23, 2018**

ACTION: **Continued to the February 13, 2018 City Council meeting.**

DATE OF PUBLIC HEARING: \_\_\_\_\_ **February 13, 2018**

ACTION: **APPROVED WITH STIPULATIONS; ADDITIONAL STIPULATIONS #13  
AND #14 , ALONG WITH MODIFIED STIPULATION #2, DATED JANUARY 22, 2018**

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Sandy M. Madison, City Clerk

Board Of Zoning Appeals  
Mrs. Erin Evans Bedois, Chairman  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328  
Tel. (757) 382-8454  
Fax. (757) 382-8448

April 27, 2018

Ken Niemann  
North Ridge Resources LLC/New Energy Ventures Inc.  
2701 Farm Road  
Alexandria, VA 22302

RE: Board of Zoning Appeals Variance Application # ZON-BZA-2018-00009

Dear Mr. Niemann:

This notification is to inform you that on April 26, 2018 the Board of Zoning Appeals voted to approve your variance request by a vote of 7-0-0.

Application # ZON-BZA-2018-00009

**New Energy Ventures, Inc., POA for Newbern Farms LLC, property owner, 700 Ballentine Road, requesting a variance of 4 feet for the height of the security fence to be in excess of 6 feet surrounding the proposed Hickory Solar Farm on Ballentine Road as required by modified stipulation #2 of PLN-USE-2017-003 approved by City Council on February 13, 2018 to a maximum height of 10 feet. The property is further identified NR HICKORY 145 AC; Real Estate Parcel No. 0970000000660, Zoning A-1, agricultural**

Please be advised that In accordance with Section 20-801 of the Chesapeake Zoning Ordinance, any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or any aggrieved taxpayer or any officer, department, board or bureau of the city aggrieved by such decision may present a petition appealing the Board's decision to the Chesapeake Circuit Court specifying the grounds on which such person is or persons are aggrieved. Any such appeal must be filed within thirty (30) days from the date of the Board's decision. Please bring a copy of this letter with you when applying for any required permits so as to expedite the permitting process. If you have any questions, please feel free to contact me.

Sincerely,



Allison Harper  
Secretary, Chesapeake Board of Zoning Appeals