

WILD ROSE SOLAR PROJECT, LLC
PROPOSED CONDITIONS

SUP #
Proposed _____, 2024

Wild Rose Solar Project, LLC (the “Applicant”) has applied (the “Application”) for a Special Use Permit (“SUP”) from Nelson County, Virginia (the “County”) to construct a large solar energy system as defined and permitted by Article 22A of the Zoning Ordinance for Nelson County, Virginia (the “Ordinance”).

Pursuant to the Application, the Applicant proposes the following Special Use Permit conditions (the “Conditions”) which are in concert with and supplementary to the Ordinance. Upon approval of the Special Use Permit, the Conditions shall be in full force and effect and binding on any successor or assign of (i) the Applicant and (ii) owners of the Project Parcels (defined below). All terms and phrases used and not otherwise defined herein shall have the meanings ascribed to them in the Ordinance.

1. Limitation of Use of the Site for the Project. The use of the Project Site, as defined herein, shall be limited to a 90-megawatt alternating current (MWac) ground-mounted solar photovoltaic electric generating facility (the “Project”). The project site (the “Project Site”) shall consist of portions of six (6) parcels of land identified as Nelson County Tax Map Parcels 96-A-1, 97-1, 97-1-9, 97-A-2, 97-A-28, and 97-A-29 (the “Project Parcels”) consisting of approximately 2,470 acres zoned A-1 Agricultural will be utilized for the Project. Areas of the Project Parcels outside the Project Site may continue to be used for agricultural and silvicultural purposes if designated in the final site plan (the “Final Site Plan”). The Project will be developed in substantial conformity with the Preliminary Site Plan as revised and dated [REDACTED], 2023 (the “Preliminary Site Plan”). The Project Site shall include the areas shown on Preliminary Site Plan and as may be shown on the Final Site Plan containing racking, panels, inverters, transformers, cabling, substation, switchyard, and supporting infrastructure (collectively, the “Solar Facilities” or the “Solar Facility”), including all stormwater management areas.
2. Duration of Use and Permit. The Solar Facilities shall constitute the use approved pursuant to the SUP. The SUP shall run with the land and bind all owners of the Project Parcels and their successors, heirs, and assigns. References to the Applicant in this SUP shall also include the owners of the Project Parcels, and their successors, heirs, and assigns. The SUP shall expire if the Project fails to obtain building permits within five (5) years from the approval of this SUP unless extended by written agreement between the County and the Applicant.
3. Studies and Plans. Prior to or concurrent with the submission of the Final Site Plan, the Applicant will submit to the County the studies and plans as set forth in this Section 3, which shall be submitted in accordance with the requirements of the appropriate authority.

- a. Construction Management Plan (the “Construction Management Plan”). Applicant will submit the Construction Management Plan, including the following items:
 - i. Proposed construction schedule and hours of operation;
 - ii. Project access planning for each entry to the Project and any required road improvements;
 - iii. Project security measures to be implemented prior to the commencement of construction of the Solar Facilities;
 - iv. Dust mitigation and any burning operations; and
 - v. Handling of construction complaints via a project liaison (the “Liaison”).

- b. Construction Traffic Management Plan/Traffic Mitigation Plan (the “CTMP”) and Road Repair Plan (the “Road Repair Plan”). The Applicant shall:
 - i. Develop the CTMP in consultation with the County Planning Staff, the Virginia Department of Transportation (“VDOT”), the Nelson County Sheriff’s Office, and the Virginia State Police to identify and expeditiously resolve or mitigate traffic issues that arise during the construction or decommissioning of the Solar Facilities, including but not limited to (A) lane closures, (B) signage, and (C) flagging procedures. Employee and delivery traffic shall be scheduled and managed so as to minimize conflicts with local traffic. Permanent access roads and parking areas will be stabilized with gravel, asphalt or concrete to minimize dust and impacts to adjacent properties. Traffic control methods shall be coordinated with VDOT prior to initiation of construction. The CTMP will identify on-site areas suitable for parking for construction workers and for trucks to be unloaded and to turn around without having to back onto public roadways during construction and decommissioning.

 - ii. Develop the Road Repair Plan in consultation with VDOT to provide for repair of damage to public roads occurring within five hundred (500) feet of any entrance to the Project. The Road Repair Plan shall provide that such repair to the roads be at least comparable to their conditions before the commencement of construction or decommissioning.

- c. Landscaping Plan (the “Landscaping Plan”). The Applicant shall submit the Landscaping Plan showing the Solar Facilities and the Project, including the security fence, screened from public rights-of-way and adjacent residential properties with existing or proposed vegetation, including the vegetative buffer. The vegetative buffer provided in the Landscaping Plan shall conform to the following requirements:
 - i. Existing vegetation will be maintained where possible and supplemented, as necessary; The vegetative buffer will be regularly inspected and supplemented with additional plantings as necessary to replace dead trees and shrubs.

 - ii. The Applicant shall submit renderings along with the Final Site Plan describing the buffer areas, specifically delineating the areas where existing vegetation is

to be maintained or supplemented and areas where the vegetative buffer will be established;

- d. Erosion and Sediment Control Plan. The Applicant shall construct, maintain and operate the Project in compliance with the approved plan, posting an Erosion and Sediment Control bond (or other security) for the construction portion of the Project as required by the County or DEQ, as applicable.
- e. Stormwater Management Plan. The Applicant shall construct, maintain and operate the Project in compliance with the approved stormwater management plan as approved by DEQ.
- f. Emergency Management Plan. Prior to final approval of the Final Site Plan, an Emergency Management Plan (the “EMP”) shall be prepared to address situations that may require response from Nelson County or local volunteer public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
 - i. Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan;
 - ii. Provide a mutually agreed upon schedule of communication and training sessions for Nelson County and local volunteer public safety personnel relative to possible emergency response situations at the Project Site.
 - iii. Provide emergency contact information of the operators of the Project Site to County safety personnel; and
 - iv. Provide that all emergency contact information pursuant to (iii) will be posted on all Project Site access gates.
- g. Ocular Impact Study. The Applicant shall submit an ocular impact study addressing the impact to public roads and structures within sight of the Project. The analysis shall be performed using FAA Solar Glare Hazard Analysis Tool (SGHAT) to demonstrate compliance with FAA standards for measuring ocular impact.
- h. Payment for Third Party Experts and Consultants. Upon submission of an application for Final Site Plan Approval, Applicant agrees to pay the County Twenty-Five Thousand Dollars (\$25,000) to defray costs associated with the provision and/or employment of outside experts and consultants necessary to review specific technical issues related to the Project outside the County’s expertise or for which the County has inadequate full-time staff.
- i. Third Party Inspections. Applicant agrees to procure necessary third party building, electrical, erosion and sediment control, and stormwater management inspection services during the construction, operation and decommissioning of the Project, at Applicant’s expense. The County Building Official will approve the selected inspectors. All third party inspections will reviewed and approved by the County Building Official.

4. Limited Access to the Project. The Project will be accessed from public roads and rights of ways at those points shown may have the access as shown on the Final Site Plan. All access points from public roads will be reviewed and approved by VDOT pursuant to the CTMP.
5. Lighting. During construction of the Solar Facilities, any temporary construction lighting shall be positioned downward, inward, and shielded to minimize glare from all adjacent properties. Emergency and safety lighting shall be exempt from this construction lighting condition. Any onsite lighting provided for the operational phase of the Project shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
6. Access and Inspections. The Applicant will allow designated County representatives or employees access to the facility at any time for inspection purposes, with at least forty-eight (48) hours advance notice to the Owner or Operator of the Project and subject to reasonable site safety and security requirements to ensure safe inspection by the County. The Project may be inspected by the County Building Official on an annual basis to ensure compliance with applicable State Building and Electrical Codes. Additional inspections shall be conducted if desired by County officials or as necessary in the event of complaints and shall not replace the inspections specified in this section.
7. Compliance. The Project shall be designed, constructed, and tested to meet all relevant local, state, and federal standards as applicable.
8. Solar Hands-on Instructional Network of Excellence (“SHINE”). Through the Applicant’s partnership with the SHINE organization, SHINE will provide its solar installation training program on-site.
9. Project Components and Design. The Solar Facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and associated technologies for solar photovoltaic projects. The solar panels shall be made of or coated with anti-reflective materials to prevent glare. The Project shall be constructed in compliance with the requirements of the most current Virginia Building and Electrical Codes in effect upon issuance of the building permit. The total height of the Solar Facilities shall not exceed 15 feet above the ground when orientated at maximum tilt. This height limitation shall not apply to the power poles, transformers, substation equipment and the connections to the existing transmission lines on the Property. In the construction and installation of a large solar energy system, the owner or operator shall install all electrical wires associated with the large solar energy system underground unless otherwise depicted in the Preliminary Site Plan attached as **Exhibit X**, the approximate location of which is approved by issuance of this SUP.
10. Decommissioning and Decommissioning Plan. The Applicant has submitted a preliminary decommissioning plan (the “Preliminary Decommissioning Plan”) to the County along with this SUP application, including a the form of a written agreement that details the

method, and estimated cost for the performance of decommissioning. The final decommissioning plan (“Final Decommissioning Plan”), prepared by a Virginia Licensed Professional Engineer shall be submitted with the Final Site Plan Application and must in the form of a written agreement acceptable to the County Attorney and in compliance with Virginia Code Section 15.2-2241.2, as amended, and the Zoning Ordinance, and shall set forth the joint and several responsibilities of the Applicant and all the successors and assigns of the Applicant. The purpose of the Decommissioning Plan is to specify the procedure by which the Applicant would remove the Solar Facility after the end of its useful life and restore the property for agricultural and silvicultural uses or other permitted uses as desired by the landowner, except in no case shall any electrical components, support structures, poles, racking, panels, inverters, transformers, or collector stations of the Project remain on the Property. The Applicant shall update the Decommissioning Plan and associated estimate of cost of decommissioning every five (5) years from the original Commercial Operation Date.

- a. Deactivation of Facility Due to Technical Failure. In the event any technical or physical failure of the Project or any component thereof causes the Project to cease commercial operation, Applicant shall notify the Zoning Administrator of such failure and provide a written report of available details on the Project’s anticipated return to commercial operation. In the event that more than twelve (12) months are required to return the Project to commercial operation as required by the Zoning Ordinance, upon request of the Applicant, the Zoning Administrator shall approve an extension of the Applicant’s obligation to decommission the Project. In no case shall such extension be granted for a period where the Project would be inoperable for greater than twenty-four (24) consecutive months.
 - b. Disposal of Project Components. All components of the Project which are removed from service due to damage during construction and operation will be collected and stored onsite in dry waste containers and either recycled or disposed of offsite in accordance with applicable manufacturer and the local, state and federal solid waste regulations.
 - c. Partial Decommissioning. If decommissioning is triggered for a portion of the Solar Facilities, then the Applicant or its successor or assigns shall commence and complete decommissioning, in accordance with the Decommissioning Plan, for the applicable portion of the Solar Facilities; the remaining portion of the Solar Facilities would continue to be subject to the Decommissioning Plan. In the event of a partial decommissioning, the Decommissioning Security shall be reduced in direct proportion to the proportion of the Project being decommissioned. Any reference to decommissioning the Solar Facilities shall include the obligation to decommission all or a portion of the Solar Facilities whichever is applicable with respect to a particular situation.
11. Project Liaison. The Applicant will designate at least one public liaison (the “Liaison”), will publicize a toll-free phone number and email address for communication with the Liaison during construction, and will post such information on a temporary sign at each

major access point to the Solar Facilities and provide such contact information to the Zoning Administrator. The Liaison shall act as a point of contact between citizens and construction crews. The Liaison shall be available by phone and email during active construction hours and shall respond to any questions related to the Solar Facilities or the Project within 72 hours. The Liaison role shall commence at the start of construction.

12. Insurance. Prior to commencement of construction of the Project, Applicant shall provide the County with proof of adequate liability insurance.
13. Agricultural use within Project Site. The Applicant will deploy agricultural uses within the Project Site (i.e. Agrivoltaics). The Applicant will develop and submit as part of the Final Site Plan review process a Farming Plan for such agricultural uses.
14. Compliance with Laws. All operations pursuant to this special use permit shall be conducted in compliance with the SUP and all applicable federal, state and local laws, regulations and ordinances. In the event of a conflict between the Nelson County Zoning Ordinance and the SUP Conditions, the SUP Conditions shall control.
15. Violations and Revocation.
 - a. Stop Work Orders. A violation of any type of the Nelson County Zoning Ordinance, this SUP, any Studies or Plans required by this SUP or any Solar Facility Siting Agreement may result in a Stop Work Order. Stop Work Orders may be issued 72 hours after delivery of a written notice of violation (“Pending Stop Work Order Notice”) by the Zoning Administrator to Applicant via email or written notice to the Liaison. Upon issuance of a Stop Work Order or Pending Stop Work Order Notice, Applicant shall meet and/or communicate with the County and determine a process for remedying the violation. Implementation of the remedial process to the County’s satisfaction shall result in revocation of the Pending Stop Work Order Notice or the Stop Work Order, as applicable.
 - b. Extended Violations, SUP Revocation. Any violation of any type of the Nelson County Zoning Ordinance, this SUP, any Studies or Plans required by this SUP or any Solar Facility Siting Agreement continuing for 60 days from the date a written notice of violation (“NOV”) is mailed to the Applicant’s point of contact, as set forth in the notice provision of the Siting Agreement, may result in revocation of this SUP if the Operator has (i) failed to correct the violation cited in the NOV; (ii) failed to meet with the Zoning Administrator and submit a plan to address the violations cited in the NOV; or (iii) has failed to comply with such a plan. With respect to any road repairs necessitated by the Operator’s use of the roads during construction, any such repairs shall be made within a reasonable period of time after obtaining approval from VDOT. Failure to comply with any and all conditions as approved by the Board of Supervisors may result in this SUP being revoked after a public hearing by the Board.

16. Successors and Assigns. The SUP and the Conditions shall apply to the Applicant and any successors or assigns of the Applicant. The County shall be noticed if Wild Rose Solar Project, LLC assigns its responsibilities under this SUP to any other entity.