

AN ORDINANCE TO AMEND THE  
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,

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**BY AMENDING CHAPTER 22, ZONING  
ARTICLE IV, DISTRICT REGULATIONS  
BY ADDING, DIVISION 18. UTILITY SCALE SOLAR ENERGY DISTRICT (SED)**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

*(1) That Chapter 22 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language:*

**DIVISION 18 – UTILITY SCALE SOLAR ENERGY DISTRICT (SED)**

**Sec. 22-234.50 – Statement of Intent and Purpose.**

The purpose of this ordinance is to outline the process and requirements for the construction, installation, and operation of solar energy projects in Dinwiddie County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. This ordinance is not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

**Sec. 22-234.51 – Definitions.**

For the purposes of this Division, the following terms shall have the following meanings:

**Applicant.** Any developer(s), owner(s), and/or operator(s) who submit an application to the locality for a permit to install a solar energy project under this ordinance.

**Disturbance zone.** The area within the site directly impacted by construction and operation of the solar energy project, plus an additional 100 feet.

**Operator.** Any person responsible for the overall operation and management of a solar energy project.

**Owner.** Any person who owns all or a portion of a solar energy project.

Rated capacity. The maximum capacity of a solar energy project based on the sum total of each photovoltaic system's nameplate capacity.

Site. The area containing a solar energy project that is under common ownership or operating control. Electrical infrastructure and other appurtenant structures up to the interconnection point shall be considered within the site.

Solar energy project, project or solar energy farm. A renewable energy project that either:

(a) generates electricity from sunlight, consisting of one or more photovoltaic (PV) systems and other appurtenant structures and facilities within the boundaries of the site,

or

(b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar generated energy,

and

(c) does not meet any of the following criteria: has a disturbance zone equal to or less than two acres, is mounted on or over a building or parking lot or other previously-disturbed area, or utilizes integrated photovoltaics that blends into the outer surfaces of buildings, roadways and vehicles.

Solar collector. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Sec. 22-234.52 - Project Description and Preapplication Meeting.

The Applicant shall submit a A narrative identifying the applicant, owner and operator, and describing the proposed solar energy project, including an overview of the project and its location; approximate rated capacity of the solar energy project; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities if applicable. It is required for the applicant to meet with planning staff a minimum of 30 days before submitting an application.

Sec. 22-234.53 - Site Plan.

The site plan shall conform to the preparation and submittal requirements of the Dinwiddie County Code, including supplemental plans and submissions, and shall include the following information:

1. Property lines, ~~and~~ setbacks and vegetative buffers.
2. Existing and proposed buildings and structures, including preliminary locations of the proposed solar equipment.

3. Existing and proposed access roads, drives, turnout locations, and parking.
4. Location of substations, electrical cabling from the solar systems to the substations, ancillary equipment, building, and structures, including those within any applicable setbacks.
5. Fencing.
6. Community Impact Assessment.

Additional information may be required, as determined by the planning director, such as a historic resource impact analysis, an environmental resource impact analysis, a traffic impact analysis, a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the planning director to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

7. Technical review/fees. Applications for utility scale solar energy projects may require a technical review that will be conducted by a consultant selected by the county. Any fees associated with performance of this review will be paid by the applicant.

#### Sec. 22-234.54 – Community Impact Assessment.

An assessment of the impact on the immediate vicinity of the proposed solar project as well as the greater Dinwiddie County community shall be prepared and submitted to the county with zoning map amendment request and/or site plan approval request. The report shall be prepared by a professional acting within his or her competency, shall be presented in written form and shall analyze in specific terms the probable impact of the project on the vicinity and community over time. Specific attention, as may be appropriate to the individual proposal, should be given but not be limited to the following elements:

1. Anticipated direct revenues to the county from real estate and personal property taxes.
2. An assessment of employment opportunities to be created by the proposed development.
3. An assessment of the short and long term economic impact of the proposed development.
4. If the development is replacing an existing enterprise, including agriculture and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise.
5. Fire, rescue, and law enforcement requirements as compared to existing capacities and facilities.
6. Water, sewer and stormwater management needs as compared to existing capacities and facilities to address:
  - a. Adequacy of existing utilities, water, sewer, public services and public facilities in the vicinity of the development.
  - b. Public and private improvements both offsite and onsite that are proposed for construction and a cost estimate for providing these improvements.

7. Other public and quasi-public facility and service impacts including refuse collection and disposal systems intended to serve the development.
8. Socioeconomic changes and impacts to result from the proposed development.
9. The costs in both capital and operating funds of providing services to the proposed development.
10. What efforts, if any, are proposed to mitigate the service demands or costs to the county.

The planning director may waive certain elements of the community impact assessment where the nature of the proposed development makes such elements inapplicable.

Sec. 22-234.55 - Approved Solar Components.

Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).

Building and electrical plans for the solar farm shall be submitted to the Building Official for review and approval to ensure compliance with all applicable building and electrical codes.

Sec. 22-234.56 - Documentation of right to use property.

Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.

Sec. 22-234.57 - Liability Insurance.

The applicant shall provide proof of adequate liability insurance for a solar energy project prior to the issuance of a building permit.

Sec. 22-234.58 - Criteria for Solar Energy Projects.

A. All solar energy projects shall comply with the following requirements:

1. The site shall comply with the following general standards:

- a. All floodplains, wetlands, and steep slopes shall be protected from clearing, grading, filling, or construction, except as may be approved by the planning director for essential infrastructure.
- b. The layout shall be designed to preserve and maintain existing tree lines between fields, pastures, meadows and mature woodlands.
- c. The layout shall be designed to minimize development on open fields and pastures, and building sites shall be preferably located on the least productive agricultural lands that do not contain prime farmland soils or soils of statewide importance.
- d. Existing views from public thoroughfares shall be preserved by setbacks and vegetative buffering.
- e. The layout shall be designed to avoid important historic, archaeological or cultural sites and viewsheds.

2. All solar energy projects located in an agricultural field or pasture, shall meet the following additional criteria:
  - a. That the property has not been in the Agricultural Use Value program pursuant to Section 58.1-3230 and 58.1-3231 of the Code of Virginia during the past five years, or if the property has been in such a program, all penalties and interest payments that may be due to the County have been paid or will be paid by the owner/applicant in accordance with the county code.
  - b. The layout shall meet at least one of the following criteria:
    - i. A majority of the ~~land-area~~ Site does not contain prime farmland soils or soils of statewide importance; or
    - ii. That land of equal area and quality has been or will be cleared and placed in use on the same farm prior to issuance of an occupancy permit; or
    - iii. That no reasonable alternatives exist for placement of a solar energy project on the property in question, either because of physical conditions of the property or the size and dimensions of the property.
- B. In the event the planning director denies an application based upon any of the criteria above, the applicant may appeal the decision to the Board of Zoning Appeals in accordance with the procedures of an administrative appeal as described in Section 22-40 of this code.

#### Sec. 22-234.59 – Visual Impact

The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of features including but not limited to schools, churches, structures with documented historic significance, a scenic landscape, State scenic river, State rural historic district, scenic vista, or scenic corridor as identified in the comprehensive plan.

#### Sec. 22-234.60 – Signage.

Warning signage shall be placed on solar equipment to the extent appropriate or legally required. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal agency; (d) signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and benefits of renewable energy may be allowed as provided in the local sign ordinance.

#### Sec. 22-234.61– Noise.

Noise requirements for solar energy projects shall be no more stringent than noise requirements for other types of development in a commercial zoning category.

Sec. 22-234.62 – Setbacks.

All aspects and components of a solar farm shall meet the minimum zoning setbacks for the most restrictive zoning district of the properties surrounding the ~~project~~ Site or as required by conditional use permit requirements for buffering.

Sec. 22-234.63 – Security.

All solar farms shall be fenced at a minimum around the exterior of the solar collector areas with a fence which shall be at least 6 feet in height. The planning director may require fencing to be placed on the solar energy farm in a manner as to allow wildlife corridors through and around the project site.

All fencing shall be constructed so as to substantially lessen the likelihood of entry into a solar farm by unauthorized individuals.

The fencing required hereunder shall be maintained in good condition. Failure to maintain the fencing required hereunder shall constitute a violation of this ordinance.

The fencing requirements specified hereunder shall continue notwithstanding the fact that a solar farm is no longer operational and/or falls into disuse unless and until the solar farm is dismantled and removed from the parcel or parcels of land upon which it was constructed.

Sec. 22-234.64 – Height.

The maximum height for all solar collector equipment shall be eighteen (18) feet.

Sec. 22-234.65 – Buffers and Landscaping.

A continuous vegetative buffer shall be present and maintained at all times around the perimeter of the exterior of the fencing ~~and gates~~ which ~~are~~ is required around the perimeter of the solar farms. ~~The continuous vegetative buffer shall not block reasonable access to a solar farm.~~ Layout of the vegetative buffer shall be depicted on the Site Plan.

The vegetative buffer shall be composed of trees or shrubs of a type which at planting shall be a minimum of 4 feet in height and which shall be maintained at maturity at a height of not less than 6 feet in height and ~~shield~~ screen the project site from surrounding properties during all seasons.

The trees or shrubs shall be spaced no more than ten feet apart (from the base of tree or shrub to the base of tree or shrub). The vegetative buffer shall be carefully planted and shall be maintained in good condition. Failure to maintain the vegetative buffer shall constitute a violation of this ordinance. Existing vegetation may be used as a vegetative buffer where adequate to screen the project and may be supplemented with plantings as described in this

section. Existing vegetation used as a vegetative buffer shall be depicted and labeled on the Site Plan.

The vegetative buffer requirements specified here shall continue notwithstanding the fact that a solar farm is no longer operational and/or falls into disuse unless and until such solar farm is dismantled and removed from the parcel or parcels of land upon which it was constructed.

Sec. 22-234.66 – Transmission Lines.

Any new electrical transmission lines associated with a solar farm may be located either above or below ground in a manner to be least intrusive and mitigate their impact to surrounding properties.

Sec. 22-234.67 – Ground Water Monitoring.

Ground water monitoring to assess the level of groundwater contamination shall take place prior to, and upon completion of construction of the project throughout the area of the solar farm. Ground water monitoring shall take place every five (5) years of the operation of the project, and upon completion of decommissioning. Results from said monitoring shall be delivered to the Dinwiddie County Planning Department.

Sec. 22-234.68 – Decommissioning.

The owner or operator of a solar farm shall completely decommission the solar farm within twelve (12) months if the solar farm ceases to generate electricity for a continuous period of twelve (12) months. This period may be extended by the Board of Supervisors if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.

If a solar energy project has been determined to be unsafe or a nuisance by Dinwiddie County, the solar energy project shall be required to be repaired or removed by the owner or operator to meet federal, state, and local safety standards, or be removed by the owner or operator within the time period allowed by Dinwiddie County. If the owner or operator fails to remove or repair unsafe solar energy project, Dinwiddie County may pursue a legal action to have the project removed at the owner's or operator's expense.

Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing, and any other associated equipment, facilities and structures to a depth of at least 36 inches.

Disturbed earth shall be graded and re-seeded.

To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of any solar farm by natural or man-made causes, Dinwiddie County requires financial assurance of decommissioning, in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, in a form

~~acceptable to the County Attorney, and in accordance with Va. Code §15.2-2241.2. the placement of a surety/performance bond or certified check meeting certain terms and in certain amounts as determined by the Dinwiddie County Planning Department to ensure that such decommissioning or removal is completed expeditiously, and at no cost to the landowner.~~

Sec. 22-234.69 – Solar collectors not associated with a solar energy project.

Roof-mounted or ground-mounted solar collectors shall not exceed the square footage of the principal structure or electrical usage of the principal structure and shall meet the following requirements:

- 1) Solar collectors shall be configured to avoid glare and heat transference to adjacent properties.
- 2) Ground-mounted solar collectors shall not be located within fifteen (15) feet of any side or rear lot line.
- 3) Ground-mounted solar collectors located within a front yard shall meet the minimum setback required for the principal structure or use in the applicable zoning district where located and shall be sited as far back as the principal structure or use.
- 4) The maximum height of a ground-mounted solar collector shall be 15 feet as measured from the grade or base of the collector to its highest point and shall not exceed the height of the principal structure or use.
- 5) Roof-mounted solar collectors shall not extend beyond the exterior perimeter of the building or structure on which mounted or built and shall not exceed the maximum height for the applicable zoning district where the building or structure is located.

Sec. 22-234.70 – Allowable Zoning Districts, Conditional Use Permits, Comprehensive Plan, Revenue Share, Siting Agreements, Applicable Codes and Inspections.

A. Allowable Zoning Districts

Solar collectors not associated with a solar energy project shall be permitted in any zoning district, provided they conform to the standards outlined in Sec. 22-234.69 and other standards in the county code.

B. Conditional Use Permits

A Solar energy project with a disturbance zone in excess of five acres, requires a conditional use permit. The applicant may offer and the county may accept conditions reasonably related to the project in accordance with Va. Code § 15.2-2288.8.

C. Comprehensive Plan

The county waives the requirement that solar energy projects be reviewed for substantial accord with the comprehensive plan in accordance with Va. Code § 15.2-2232 (H).

D. Solar Energy Project Taxation

The County shall assess Solar energy project systems in accordance with Va. Code §58.1-3660, Va. Code § 58.1-2636, or as otherwise allowed by law.

E. Siting Agreements

- Code                    a. Siting agreements will be considered by the county in accordance with Va. §§15.2-2316.6 et seq.
- solar                    b. An applicant shall give the county a written notice of their intent to locate a energy project ~~in an opportunity zone located~~ in the county.
- c. The applicant and the county shall meet, discuss, and negotiate a siting agreement.
- of                         d. If the applicant and the county agree upon the terms and conditions of a siting agreement, the county shall schedule a public hearing in which the board of supervisors shall consider the siting agreement.

F. Applicable Codes

All solar energy projects shall be in compliance with the requirements of the most current State of Virginia Building and Electrical Codes.

G. Inspections

- a. All active solar farms shall be inspected by the Dinwiddie County Building Inspector on an annual basis to ensure compliance with applicable State Building and Electrical Codes.
- b. Each solar farm shall be required to have the facility inspected annually for three (3) years by the planning director or his/her designee following the issuance of the zoning permit or development permit to verify continued compliance with the zoning ordinance as applicable.
- c. Additional inspections shall be conducted as necessary in the event of complaints and shall not replace the noted inspections outlined in this section.

Sec. 22-234.71 – Procedure for Solar Farm Development Approval.

After the effective date of this ordinance, no proposed solar farm as defined in this ordinance and within Dinwiddie County jurisdiction shall proceed with construction until it has been submitted to and approved by the planning director or his/her designee as evidenced by an approved site plan in accordance with the provisions of the zoning ordinance.

Sec. 22-234.72 – Penalties for Violations.

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the jurisdiction of this ordinance, who proceeds with development of a solar farm prior to being approved under the terms of this ordinance shall be subjected to fines and penalties as stipulated in the Dinwiddie County Zoning Ordinance.

Sec. 22-234.73 – Abrogation.

It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any existing easement, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

*(2) This ordinance adopted by the Board of Supervisors of Dinwiddie County, Virginia, on April 20, 2021 shall become effective immediately upon adoption.*

