



C3's Recommendations and Feedback for the Albemarle County Draft Solar Ordinance

Dear Albemarle County Board of Supervisors, Director of Planning Michael Barnes, Development Process Manager Bill Fritz, and County Climate Protection Team --

Thank you all for your leadership so far on the Albemarle County solar ordinance. At C3, we believe that deploying solar energy rapidly, responsibly, and equitably is a critical part of meeting Albemarle's climate goals and addressing the climate crisis. All community members should be able to participate in these processes and benefit from clean energy projects.

The County's draft solar ordinance provides a holistic understanding of the environmental, socioeconomic, and bureaucratic implications of solar development. It addresses the importance of minimizing environmental harm and engages with the nuances of a changing economic landscape in the County. However, in its well-intentioned desire to address these issues, it establishes lengthy regulatory and approval requirements for almost all solar projects being built. Solar ordinances have the potential to address community concerns and set fair regulations *without* discouraging development. To meet our local climate goals, the County must strike a balance between the two.

This ordinance will help define Albemarle County's clean energy future and we *must* get it right. With that in mind, we urge you to consider the following recommendations and feedback:

1. Streamline Small-Scale Projects

The draft ordinance proposes holding small-scale solar projects of less than 1MW to the same special-use permit (SUP) requirements as large/utility-scale solar facilities. 'Soft costs' like this one represent, on average, 8% of the costs of implementing solar development, and the Department of Energy has further [found](#) that "soft costs are driven up when processes for going solar are slow or inefficient". These time-consuming and costly permitting requirements in the draft solar ordinance will hinder the growth of small solar facilities, which are crucial for achieving climate goals. C3's recommendations are:

- a. **Small-Scale Approval:** Eliminate the requirement for a Special Use Permit for small-scale distributed solar facilities, defined as those generating less than 5 MW (instead of the 1 MW limit proposed by the ordinance draft).
- b. **Accessory Solar:** Permit by right across all zoning districts, particularly those over originally impervious surfaces.
- c. **Simplifying Bureaucratic Processes:** Establish a tiered permitting system that allows smaller facilities to undergo a simplified application process with fewer documentation requirements.

2. Clarify and Mitigate Impacts on Solar Development of Architectural Review Board (ARB) Entrance Corridor Design Guidelines

The draft ordinance does not specify how ARB Entrance Corridor Guidelines will affect solar development in the County; this lack of clarity has the potential for delays in the permitting process, an increase in "soft costs", and confusion over design requirements. Measures must be put in place to ensure the County balances architectural and aesthetic requirements with increasing clean energy infrastructure. C3's recommendations are:

- a. **Level of Influence:** Outline how ARB Entrance Corridor Design Guidelines affect the feasibility, timeline, and permitting process of solar projects.
- b. **Reasonable Design Requests:** Limit ARB design recommendations to upgrades that do not inhibit solar projects. For instance, recommendations should not increase a project's costs by over a specified percentage (e.g., 5%), nor should it significantly delay project permitting approval.
- c. **County-wide Certificate of Appropriateness:** Establish a COA for Accessory and Small-Scale solar projects, and/or provide suggestions for solar developers regarding design requirements.

3. Define Metrics for Visual Impact and Cultural Integrity

While maintaining the historical and cultural integrity of the County is important, the County should seriously consider and identify whose histories, cultures, and viewsheds are being prioritized in these conversations, and how much power those specific perspectives should have during the approval process. Establishing a metrics and/or weighting system is essential to ensure that diverse community perspectives on cultural and historical integrity are represented. C3's recommendations are:

- a. **Metrics Definition:** Define precise metrics and set thresholds for assessing visual impact and cultural integrity, especially regarding Points 5.9.3.1 (Factors to be Considered) and 5.9.4.5 (Visual Impact Analysis). These definitions should provide more clarity in answering:
 - How "detrimental" could a solar facility be to historical/cultural integrity?
 - Who decides the "overall character" of the area?
 - What constitutes a minimization of impact on a viewshed and the methodology for assessing such impacts?

4. Define Priorities for Land Use Changes

Land use change is an unavoidable component of the transformative energy future sought by Albemarle County. This must be underpinned by a strong set of well-defined and equitable priorities, and should be informed by the principles of just transition. C3's recommendations are:

- a. **Just Transition Principles:** Prioritize transition principles in land use changes, emphasizing positive impacts on local communities and workforces.

- b. **Criteria for Tradeoffs:** Determine existing criteria for acceptable tradeoffs between current enterprises and new solar development.
- c. **Consequences of a Project's Denial:** Evaluate the impacts of denying applications, considering effects on landowners and their property rights, missed opportunities for increasing tax revenue to support equity-oriented policies, and the potential perpetuation of current land use if projects are denied.
- d. **Access Rights to Site Information: Recognize** that developers do not have an implicit right to the economic history of a site, and farmers/landowners may be protective of their privacy. This requirement will be challenging to fulfill.

5. Expand Public Engagement and Accessibility

Albemarle County should continue to invest and expand its public engagement outreach efforts on solar-related issues. To fairly assess the impacts of solar projects on community well-being, all community members - regardless of background, access needs, and language - should have the ability to participate in all feedback processes. C3's recommendations are:

- a. **Robust Public Engagement:** Implement an inclusive public engagement process involving multiple channels such as public hearings, webinars, and workshops to foster community buy-in and address concerns related to solar development.
- b. **Accessibility Measures:** Improve accessibility to public processes by offering amenities such as childcare and meals during meetings and hearings.
- c. **Culturally and Linguistically Appropriate Communication:** Provide information in culturally and language-sensitive ways to ensure all potential stakeholders can make informed decisions and participate voluntarily in the process.
- d. **Investing in Energy Justice:** Include provisions to fund energy efficiency programs in lower-income households and other energy justice projects with direct or indirect funding from solar developments.

6. Align Solar Development with Albemarle County's Climate Goals and Plan

In recent years, through its climate goals and Climate Action Plan, Albemarle County has committed to promote and invest in renewable energy infrastructure, addressing climate change head-on. Additionally, since 2022, Albemarle's Climate Protection team has worked on putting together a set of climate SMART goals for the County (pending official adoption) to place Albemarle on the right path for achieving its climate goals and plan. This Solar ordinance must be informed by these processes to effectively become a meaningful and useful tool for guiding solar development in the County. C3's recommendations are:

- a. **Solar Generation Needs:** Conduct a comprehensive evaluation to determine Albemarle's solar generation realistic potential and requirements for meeting its 2030 and 2050 climate goals. Plan for timely project development accordingly.
- b. **Inclusion in County Comprehensive Plan:** Approve Albemarle's Climate Protection team has developed climate SMART goals for solar adoption, which



should be officially voted, on and adopted before moving forward with this solar ordinance to effectively inform and guide its content.

7. Improve Guidance for Community Impact Assessment

The ordinance's suggested Community Impact Assessment (CIA) process does provide a holistic understanding of how solar development can affect an area. However, there needs to be better clarification and flexibility on certain requirements, seeing as all SUP projects are currently required to meet these standards. If the County intends to keep CIA requirements as they are, it should more clearly explain why each requirement is relevant to projects of every size or type, and proactively consider issues that may arise. C3's recommendations are:

- a. **Small-Scale Requirements:** Provide consideration as to whether and to what scale CIAs should be required for different sizes and types of solar projects.
- b. **Measuring Immediate Impact:** Clarify language around and explain the rationale of what areas are included in "impacts (...) on the *immediate vicinity*."
 - Clarify if this means the primary property, the bordering or directly adjacent properties, etc.
 - Ensure that solar projects are not held to different and/or double standards based on what is determined as "immediate."

By submitting these recommendations, C3 calls on the County to build a solar ordinance that reflects the concerns of all community members and moves Albemarle towards a more sustainable future. Thank you for your consideration and the work you do.

Sincerely,

The Community Climate Collaborative
March 2024

