

VIRGINIA LAND RECORD COVER SHEET

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM A – COVER SHEET CONTENT

Instrument Date: 11/3/2025

Instrument Type: ORD

Number of Parcels: 1 Number of Pages: 28

[] City [X] County KING GEORGE COUNTY COURT
CIRCUIT COURT

Tax Exempt? VIRGINIA/FEDERAL CODE SECTION

[] Grantor:

[] Grantee:

Business/Name

1 Grantor: KING GEORGE COUNTY BOARD OF SUPERVISORS

2 Grantor: STUART, RICHARD SR.

1 Grantee: CALEDON SOLAR LLC/TERRAFORM POWER

2 Grantee: KING GEORGE COUNTY BOARD OF SUPERVISORS

Grantee Address

Name: CALEDON SOLAR LLC/TERRAFORM POWER

Address: 107 5TH STREET SOUTHEAST

City: CHARLOTTESVILLE State: VA Zip Code: 22902

Consideration: \$0.00 Existing Debt: \$0.00 Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00 Fair Market Value Increase: \$0.00

Original Book No.: Original Page No.: Original Instrument No.:

Prior Recording At: [] City [X] County Percentage In This Jurisdiction: 100%

Book Number: Page Number: Instrument Number:

Parcel Identification Number/Tax Map Number: TAX MAP 8-1

Short Property Description:

Current Property Address:

City: KING GEORGE State: VA Zip Code: 22485

Instrument Prepared By: JACLYN M FISH Recording Paid By: KING GEORGE COUNTY

Recording Returned To: KING GEORGE COUNTY

Address: 10459 COURTHOUSE ROAD, SUITE 200

City: KING GEORGE State: VA Zip Code: 22485

FILED
KING GEORGE COUNTY, VA
Jessica M. Mattingly
CLERK OF CIRCUIT COURT

FILED Jan 02, 2026
AT 02:09 pm

INST. # 260000012
TOTAL PAGES 12

TEG

(Area Above Reserved For Deed Stamp Only)

VIRGINIA LAND RECORD COVER SHEET

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM B – ADDITIONAL GRANTORS/GRAANTEES

Instrument Date: 11/3/2025

Instrument Type: ORD

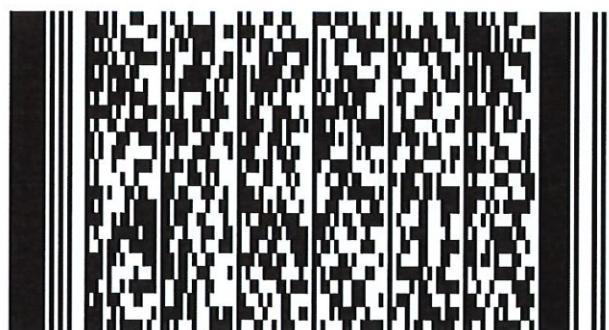
Number of Parcels: 1 Number of Pages: 28

[] City [X] County KING GEORGE COUNTY COURT
CIRCUIT COURT

Grantor Business/Name

(Area Above Reserved For Deed Stamp Only)

Grantee Business/Name



**BOARD OF SUPERVISORS
COUNTY OF KING GEORGE
VIRGINIA**

O-16-25

At the regular meeting of the Board of Supervisors of the County of King George, in the Boardroom of the Revercomb Building in King George, Virginia, on the 3rd day of November, 2025:

Present:	Vote:
Cathy Binder	Aye
Terrence "T.C." Collins	Aye
William S. Davis	Aye
Kenneth A. Stroud	Aye
David D. Sullins	Aye

Motion was made by Supervisor Sullins, to adopt the following Ordinance, contingent upon a siting agreement that is acceptable to the Board of Supervisors, and the Special Exception conditions contained herein, seconded by Supervisor Stroud. The motion carried 5-0.

**AN ORDINANCE TO APPROVE SPECIAL EXCEPTION
PERMIT APPLICATION Z-2024-00240, CALEDON
SOLAR LLC, TERRAFORM POWER, AND RICHARD
STUART, TO AUTHORIZE THE CONSTRUCTION OF
A UTILITY SCALE SOLAR FACILITY
ON A PORTION OF TAX PARCEL 8-1**

WHEREAS, Richard Stuart (property owner) and representatives from Caledon Solar LLC/Terraform Power (applicant) have submitted a "Special Exception Permit Application" dated November 7, 2024; and

WHEREAS, said application requests a special exception permit to establish a Utility Scale solar energy facility on a portion of a parcel identified on the King George County digital map as Tax Map 8-1; and

WHEREAS, said application was considered by the King George County Planning Commission in accordance with applicable procedures at a formal and duly advertised public hearing on September 9, 2025, where they carefully considered the public comment received and voted 4:1 to forward a recommendation of denial to the Board of Supervisors; and

WHEREAS, within the timeframes established by the Code of Virginia and King George County Code, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on November 3, 2025, and carefully considered the comments received, the application and conditions; and

WHEREAS, the Board of Supervisors has evaluated the application based on the current zoning of the parcel, which is A-1, the standards set forth in the Special Exception Permit Provisions of the Zoning Ordinance (Article III, Division 4 et seq.), and the proposed conditions contained herein; and

WHEREAS, the Board of Supervisors finds that approval of this application would address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County;

WHEREAS, the Board of Supervisors has determined that the general location or approximate location, character, and extent of the Utility Scale Solar energy facility is substantially in accord with the County's comprehensive plan per *Code of Virginia* § 15.2-2232.A.

NOW THEREFORE, BE IT ORDAINED that on this, the 3rd day of November, 2025, by the King George County Board of Supervisors, that Special Exception Permit Application Z-2024-00240, submitted by Richard Stuart (property owner) and representatives from Caledon Solar LLC/Terraform Power (applicant) be, and it hereby is, approved, subject to the following conditions:

CALEDON SOLAR LLC
SPECIAL EXCEPTION CONDITIONS
Special Exception Application Z-2024-00240
Approved 5-0

A Special Exception ("SE") has been granted to CALEDON SOLAR LLC, (the "Applicant") to construct, operate, and decommission a Utility-Scale Solar Energy Facility and associated substations (collectively the "Project" pursuant to the King George County Zoning and Subdivision Ordinance effective January 1, 2024 (the "Ordinance"). The following SE conditions (the "Conditions") shall apply to the Project. To the extent the Conditions are more restrictive than the Ordinance, the Conditions shall control. All terms and phrases used but not defined in the Conditions shall have the meanings ascribed to them in the Ordinance. The SE, including approved plans and the Conditions, shall run with the land and shall not be affected by a change in ownership of the Applicant or the Project, nor by any change in the Ordinance.

1. Scope of Special Exception. The Project authorized by this SE is a ground-mounted solar photovoltaic electric generating facility on 215 acres ("Special Exception Area") of a single parcel identified in the Special Exception Permit Application (the "Application") and shown on the Site Design submitted with the Application as Appendix C (the "Concept Plan").
2. Design.
 - a. Height. The project shall not exceed a maximum height of fifteen (15) feet for solar panels

and racking as allowed by Section 7-7-10(G)(1) of the Ordinance. Excluded from this height restriction are project components such as anemometer/weather stations which must functionally be taller than fifteen (15) feet.

b. Setbacks. In addition to the “base setbacks” required by Section 7-7-10(H) of the Ordinance, the Project shall adhere to the following minimum setbacks:

- i. Project components (panels and racking) will be set back a minimum of 200 feet from adjacent property boundaries.
- ii. Inverters shall be located a minimum of 500 feet from the property boundaries of all parcels that do not host part of the Project.

c. Parcel Size. Any parcel that will host any surface component of the Project shall be at least two (2) acres in size. Parcels hosting only buried infrastructure, such as buried electrical lines, may be less than two (2) acres.

d. Security Fencing. The fencing surrounding the surface components of the Project will be a woven-wire, agricultural-style fence that is a minimum of six (6) feet in height and topped with barbed wire as appropriate, meeting all National Electrical Code standards.

e. Lighting. Permanent lighting shall: (i) be installed only for safety and security; (ii) be limited to those areas requiring illumination; (iii) operate only when in use or with motion sensors; and (iv) be directed downwards or inwards towards the Project.

f. Ground Vegetation. Within the fences of the Project, the surface under and between the solar panels and in other areas not otherwise covered by roads or surface components shall use a seed mix that includes native pollinators that bloom in spring/summer, as recommended by the Virginia Department of Conservation and Recreation.

3. Submissions to Accompany Site Plan. Approval of a site plan complying with Article III, Division VI of the Ordinance (the “Site Plan”) is required prior to issuance of any building permits. The layout of the Project in the Site Plan will substantially conform to the Concept Plan. The Applicant shall construct the Project in accordance with the approved Site Plan. The Applicant shall provide the following to the County during the Site Plan review process.

a. Construction Traffic Management Plan. A construction traffic management plan prepared in accordance with applicable Virginia Department of Transportation (“VDOT”) standards shall be submitted and shall address the following:

- i. Vehicle traffic to minimize conflict with local traffic patterns, including designated routes for deliveries of equipment and materials on secondary roads providing ingress and egress to and from the Project;
- ii. Limitation on deliveries to and from the Project from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday, and no deliveries on Sunday;
- iii. Lane closures, flagging procedures, and directional and informational signage;
- iv. Delivery and parking areas;
- v. Dust control; and

- vi. Road repairs, including pre- and post-construction road evaluations and monthly route inspections, a VDOT Land Use Permit, and posting of surety for the estimated cost of any repairs to public roads within 500 feet of the entrance to the Project from public roads, based on an estimate reviewed and approved by the County and VDOT.
- b. Entrance. Project entrance from Caledon Road will meet all VDOT requirements.
- c. Right-of-Way Dedications. Prior to any final site plan approval for the solar facility, and pending approval from Virginia Department of Conservation and Recreation, the following shall be determined in compliance, and if not, shall be dedicated, free and unrestricted, to and for the benefit of King George County measured from the centerline of that part of the existing road immediately adjacent to the Property:
 - i. Seventy (70) feet of right-of-way from centerline of Caledon Road (Route 218)
- d. Landscaping Plan. A final landscaping plan ("Landscaping Plan") that updates and revises the draft version submitted with the Application shall be submitted, including the following:
 - i. A detailed depiction of the vegetative buffering for the Project, including buffering for offsite dwellings or structures as required by the Ordinance and including the use of existing and newly installed vegetation, which shall substantially conform with the draft landscaping plan submitted with the Application.
 - ii. A vegetative buffer 100-feet wide that shall be either maintained or established within the setback area and out of and behind any VDOT right of way. The buffer shall consist of existing vegetation or newly installed native plants, and the newly installed buffer shall feature specimens not listed on the Department of Conservation and Recreation Invasive Plant List as set forth in Section 7-7-10(J) of the Ordinance.
 - iii. New vegetation shall be planted prior to or contemporaneously with the establishment of perimeter erosion and sediment controls for the Project. Such new vegetation shall comply with Section 7-7-10(J)(3) of the Ordinance. Areas of new vegetation that do not survive or are damaged or are otherwise in need of replacement shall be replanted during the following growing season.
 - iv. Existing vegetation may be retained in lieu of planting new vegetation as depicted in the Concept Plan. Existing vegetation may be supplemented with additional plantings where necessary as set out in the Site Plan. A viewshed analysis will be submitted with the application for Site Plan approval, analyzing the areas of existing vegetation to be retained and identifying areas where new vegetation will be established in order to obscure the view of the Project, which shall be reviewed and approved by the Zoning

Administrator. In areas where existing vegetation is used as the vegetative buffer, damage or death that diminishes or compromises its buffering effect will be remedied by planting additional replacement vegetation during the following growing season.

- e. Information about Wildlife. Comments received by the Applicant from the Department of Wildlife Resources resulting from the state review process, including any information about the planned wildlife corridors, shall be provided to the County.
- f. Information about Historic Resources. Comments received by the Applicant from the Department of Historic Resources resulting from the state review process shall be provided to the County.
- g. Archaeological Study. Applicant shall conduct a Phase 1 Archaeological study and submit the results to the County.
- h. Perennial Flow Determination. A Perennial Flow Determination for all streams and resource protection areas located on the project areas on which there will be any surface disturbance shall be provided to the County.
- i. Information about Erosion and Sediment Control and Stormwater Management. The final design for erosion and sediment control shall be prepared in accordance with the Virginia Stormwater Management Handbook and reflected in the Site Plan. Stormwater management designs shall be approved by DEQ and/or King George County, as applicable, with the approved designs reflected in the Site Plan. For informational purposes, the Applicant shall submit DEQ and/or King George County's approval of the Project's stormwater management plans with the Site Plan. The final plans for erosion and sediment control for the Project shall comply with the Chesapeake Bay Preservation Act.
- j. Herbicide Land Application Plan. In order to implement Section 7-7-10(BB) of the Ordinance, a herbicide land application plan ("Herbicide Plan") shall be submitted.
- k. Decommissioning and Reclamation Plan. A final decommissioning and reclamation plan (the "Decommissioning Plan") that updates the draft version submitted with the Application shall be submitted, including:
 - i. Provisions that satisfy each requirement of Section 7-7-10(DD) of the Ordinance;
 - ii. Procedures for removal of the Project at the end of its useful life, including provisions for the maintenance and preservation of topsoil;
 - iii. An estimate of the useful life of the Project, an estimated cost of decommissioning in current dollars (the "Decommissioning Cost"), and the methodologies for calculating those estimates. In accordance with the Ordinance, the Decommissioning Plan shall provide that the Decommissioning Cost be updated every five (5) years;

- iv. Terms specifying that if the Project stops generating electricity for more than twelve (12) consecutive months, except as a result of a force majeure event as provided in the Siting Agreement, the Project shall be decommissioned in accordance with the Decommissioning Plan within the twelve (12) months following receipt of all permits and approvals necessary for decommissioning, unless the Project is returned to operation within that time, subject to applicable extensions granted by the Board of Supervisors. If the Project is not decommissioned as required, the County may enter the Project without the Applicant's consent to decommission the Project. As co-applicants for the SE, by allowing the Project to be constructed on their property, the landowners hosting the Project are deemed to agree to and acknowledge that the County may enter their property to decommission the Project.
- v. Surety securing the Decommissioning Cost shall be provided in the form of certified funds, cash escrow, bond, letter of credit, parent guaranty, or other means as provided by Va. Code 15.2-2241.2 in a form acceptable to the County Attorney. Each landowner hosting the Project shall be listed as an additional insured party in the surety. If the Project is acquired by a public service corporation as defined in Va. Code § 56-1, a parent guaranty will be sufficient and no other form of security is required for decommissioning, provided that such parent guaranty is in a form acceptable to the County Attorney. If a bond or letter of credit is used to secure the Decommissioning Cost, it shall provide for automatic notification of the County at least thirty (30) days in advance of the expiration of the bond or letter of credit.

- l. Emergency Response Plan. An emergency response plan developed in coordination with the King George County Fire, Rescue and Emergency Services ("KGFRES") shall be submitted. This plan shall be updated as necessary during the operation of the Project at the request of the Zoning Administrator, but no less than every three (3) years.
- m. Liability Insurance. Proof of adequate liability insurance shall be submitted prior to the issuance of building permits and updated annually during operations. If the Project is acquired by a public service corporation as defined in Va. Code § 56-1, it may self-insure and no proof of liability insurance is required.
- n. Solar Panel Specifications. The Applicant shall submit documentation that the solar panels to be used for the Project qualify (i) as "Tier 1" modules under the most recent "PV Module Tier 1 List" issued by BloombergNEF or a similar third-party analysis widely accepted in the solar industry, and (ii) as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (for example, the test known as the "toxicity characteristic leaching procedure" or "TCLP").

4. Construction

- a. Public Liaison. The Applicant shall designate a person to act as a point of contact between citizens and construction crews. The contact information for the point of contact shall be posted at each construction access and provided to the Zoning Administrator.
- b. Construction Hours. All construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.

- c. Topsoil Preservation. Topsoil shall not be removed from the Project as part of the construction, operation, or decommissioning of the Project. The following best management practices for topsoil management and minimization of compaction shall be implemented during construction:
 - i. Prior to starting grading in a particular location, topsoil shall be set aside and stockpiled separately from subsoil.
 - ii. No stockpiles shall be located in or near drainageways, and stockpiles shall be stabilized in accordance with the applicable requirements for erosion and sediment control and stormwater management.
 - iii. Topsoil shall not be re-applied to the surface in excessively wet/moist conditions.
 - iv. For cut-and-fill activities, a profile of the depth and density of the topsoil and subsoil for each area prior to the start of the activity shall be established using representative sampling locations, and a similar profile shall be re-established upon completion of the activity. Topsoil shall be set aside from the area for which the activity is to be performed and separately stockpiled, the subsoil shall be excavated and redistributed as needed, the subsoil shall be de-compacted, and then the topsoil shall be redistributed over the subsoil.
 - v. Grassed waterways shall be preserved to the extent practicable. If a grassed waterway is to be significantly altered, the Applicant shall conduct an analysis confirming that the alteration will not adversely affect drainage of either the Project or any downstream parcel.
 - vi. The Applicant shall instruct construction workers operating heavy vehicles to operate them on laydown yards and roads constructed for the Project, not open land, whenever practicable and to limit operation of such vehicles off-road during excessively wet conditions.
- d. Wetlands, Waterways, Resource Protection Areas, and Floodplains. No surface components of the Project may be constructed in any wetlands, waterways, Resource Protection Areas, or floodplains. Roads and electrical lines may cross these features, but only to the extent necessary to access or connect surface components. For any such crossing, the surface disturbance shall be minimized to the extent practicable and shall comply with any applicable local, federal or state regulations and be authorized by any required local, federal or state permits, copies of which shall be provided to the County.

- e. Installation of Piling. Piling that support racking for solar panels shall be installed without the use of concrete footers, except in limited applications as needed to meet safety regulations.
- f. Installation of Erosion and Sediment Control Measures. Erosion and Sediment Control ("ESC") measures shall be installed as a first step in any land-disturbing activity area and shall be made functional before upslope land disturbance takes place.
- g. Delivery Routes. The Applicant shall provide a construction routing plan depicting construction traffic volumes, access and circulation on off-site public and private roads that is consistent with the traffic plan submitted to VDOT. The routing plan should also show the designated roads on-site that will be utilized throughout construction.
- h. Permit Fees. Applicant or their authorized agent shall pay all applicable permitting and plan review fees associated with the design review, construction and operation of the Project as assessed by the County (including, but not limited to Site Plan Application Review Fees, Building and Electrical Permit Fees, etc., collectively referred to herein as "Permit Fees").

5. Operation

- a. Soil Testing. In order to implement Section 7-7-10(O) of the Ordinance, the Applicant shall implement a program for the collection of baseline data establishing pre-construction soil conditions on the Property. The program shall establish the relevant characteristics of the topsoil. The baseline data shall be derived from field and laboratory testing of soil conditions, including depth, density and quality from representative locations. Laboratory testing shall be conducted by an accredited laboratory. Parameters for assessing soil quality may include the following: infiltration rate, bulk density, water holding capacity, pH, percent organic matter, cation exchange capacity, Phosphorous/Phosphate (P), Nitrogen (N), and Potassium/Potash (K). Every 5 years following the start of commercial operation, soil conditions shall be determined for the same sampling locations using the same parameters and the results used to plan soil restoration activities. After equipment is removed as part of decommissioning, soil conditions shall be determined for the same sampling locations using the same parameters. Soil restoration activities shall be performed as necessary during operations or decommissioning to return soil conditions to at least baseline conditions. The County shall be provided with data of soil conditions within 30 days after the receipt of results.
- b. Disposal of Solar Panels. All solar panels that are removed from service shall be stored onsite in a dry waste container until they are removed from the Project. After removal, the solar panels shall be reused, recycled or disposed of in accordance with applicable federal and state regulations.
- c. Emergency Services Training. In order to implement Section 7-7-10(K) of the Ordinance, prior to the start of operations, the Applicant shall provide materials, education and/or training regarding safe responses to potential on-site emergencies to emergency services

personnel in coordination with KGFRES. The Applicant shall provide refresher training upon request of KGFRES, up to once per calendar year.

6. Decommissioning.

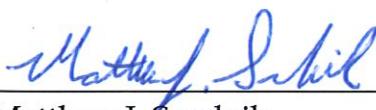
- a. Implementation of Decommissioning Plan. When the requirement to decommission the Project is triggered, the Applicant shall implement the most recent version of the Decommissioning Plan.

7. Administrative

- a. Building Permit Deadline. The deadline for obtaining building permits for the Project is five (5) years after the date of approval of the SE unless extended by written agreement between the County and the Applicant.
- b. Violations, Notice and Remediation. Any material violation of these Conditions or the Ordinance that continues for more than 60 days after the date a written notice of violation ("NOV") is delivered by certified mail, return receipt requested, to the Applicant's designated point of contact as provided in writing to the Zoning Administrator may result in the initiation of proceedings by the County to revoke the SE. No such proceeding may be initiated, however, as long as the Applicant has submitted in writing to the Zoning Administrator a plan to remediate the issues raised by the NOV. The NOV may result in revocation of this SE only if the Applicant has failed to submit in writing a plan to address the violations cited in the NOV within the 60 days following Applicant's receipt of the NOV.
- c. Binding Effect. These Conditions are binding on the Applicant and any successors and assigns of the Project.
- d. This Special Exception permit will expire in accordance with Section 3-4-4 of the King George County Code.

BE IT FURTHER ORDAINED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Ordinance recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

Attest:



Matthew J. Smolnik
County Administrator



William S. Davis
Chairman

Approved as to form:



Charlie Clark
Special Counsel

INSTRUMENT # 260000012
RECORDED KING GEORGE CO CIRCUIT COURT CLERK'S OFFICE
Jan 02, 2026 AT 02:09 pm
Jessica M. Mattingly, CLERK by TEG

King George County, Virginia

JESSICA M. MATTINGLY CLERK
AND
GENERAL RECEIVER



PHONE: 540-775-3322

Clerk's Office
KING GEORGE COUNTY CIRCUIT COURT
9483 Kings Highway, Suite 3
King George, VA 22485

Cashier : TEG

Instrument Type : ORD	Receipt # : 2026-029415	
Instrument # : 260000012	Date : 01/02/2026 02:09pm	
Pages : 12	Document : 1 of 1	
1st Grantor : KING GEORGE COUNTY BOARD OF SUPERVISORS	Grantor Ex : N	
1st Grantee : CALEDON SOLAR LLC	Grantee Ex : N	
Description: ORD TO APPROV SPEC EXCEPT PERMIT APP Z-2024-00240, CALEDON SOLAR LLC, TERRAFORM POWER, AND RICHARD STUART, TO AUTH CONSTRUCT F UTIL SCALE SOLAR FACILITY ON PORTION OF TAX PARCEL 8-1		
Consideration: 0.00	Value: 0.00	Pct : 100.00000000%
		1st City: Y

Item #	Description	Qty	Unit Cost	Extended
1301	No Fee Land	1	0.00	0.00
Document 1				0.00
Grand Total				0.00
Balance				0.00