



Anson County Solar Energy Ordinance

Definitions

Solar Energy Facility (public utilities scale solar application) – a solar photovoltaic facility whose primary purpose is to generate power to sell for commercial gain and is primarily sold to energy companies rather than end users. Private solar facilities for individual residential use does not apply to this ordinance.

Private solar facilities for more than one residence, government and/or commercial use will require a Conditional/Special Use Permit in all areas zoned and unzoned and will be required to meet the buffering standards set forth in this ordinance.

Permit Fee: A fee of \$2,500.00 must be submitted with an application for a permit for a proposed solar energy facility or an expansion of an existing facility.

Solar Energy Facility Requirements

A. All structures (including solar panels) must meet a 100-foot setback on front, side and rear setbacks measured from the edge of the right-of-way, or property line. A distance of 500 feet must be maintained from all existing residential dwellings. Security fencing may be placed 1' off the property lines or along setback lines.

B. A landscape buffer/screen within property limits and along all exterior property lines will consist of:

Front, Side & Rear Setback Buffer:

1. On-site existing/mature vegetation consisting of a minimum depth of 75 feet and a height of 10 feet, with understory growth, located between the security fence and adjacent property including right-of-ways; or
2. Absent mature vegetation, a double row of off-set evergreens, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or
3. Absent mature vegetation, an earthen berm constructed to a minimum of 5 feet in height with 50% having a height of 10 feet combined with,
 - a. A single row of evergreen vegetation, installed at a height of 5 feet achieving opaqueness and a

minimum height of 10 feet in 5 years, or

4. Where the public visibility of a solar energy facility is increased due to topography, the landscape buffer/screen must be planted on-site in an area that lessens the view of the solar energy facility. Where visibility of the solar farm is decreased due to topography, the landscape buffer/screen may be reduced.

All improvements (including solar panels) must meet a 100 foot front setback measured from the edge of the right-of-way, or property line, and a 100 foot side and rear setback, measured from the property line. Security fencing may be placed 1' off of the property line or along setback lines.

Suitability of a reduction in setbacks or buffer shall be determined by the Planning Board.

D. All solar panels must be constructed not to interfere with traffic or create a safety hazard.

D-1. All solar energy facilities located within the AHO – Airport Hazard Overlay District must meet the guidelines in that district and have approval from the FAA and the NCDOT - Division of Aviation.

D-2. Stationary and moving panels that are not stationary must have a sun glare study conducted covering the full range of movement and it must be determined they are of no hazard to aircraft or the functioning of the airport.

E. Applicant must secure a 911 address, must secure all necessary approvals and/or permits from NCDOT for the access points for project entrances, or any off site impact areas, The applicant must obtain a letter from NCDENR (North Carolina Department of Environmental and Natural Resources) stating they have been reviewed by NCDENR and they have met their approval for construction, they must show an approved study from the Army Core of Engineers for wetlands, watershed and flood plains, must provide survey (must meet GS 47-30) and a copy of the lease if leased or a purchase agreement, commitment letter / contract from the company purchasing electricity and a decommissioning plan with the county signed by the leasee and the landowner/s.

E 1. Applicant must provide site plan showing streets, circulations, driveways, service buildings, easements, arrangement of solar panels, also fencing, gates and landscaping buffers.

F. All construction parking must be located outside of NCDOT right-of-ways.

G. Erosion control measures must be installed at construction entrances in order to minimize off-site soil damage. Existing grass/ground cover must be maintained in perpetuity sufficient to prevent erosion.

H. The applicant must provide written authorization/approval from the utility company acknowledging and approving connection to the utility company's electrical grid.

I. A warning sign concerning voltage must be placed at the gate to include the name of the solar operator, a local phone number for the solar energy facility operator in case of an emergency. "No Trespassing" and "High Voltage" signs located every 100 feet along all fence lines with contact information.

J. Power transmission lines must be located underground to the extent practical.

K. A chain link security fence no less than 6 feet in height equipped with barbed wire, a gate and a locking mechanism must be installed along all exterior sides of the solar energy facility.

L. Landscape buffers/screens, ground cover, security fences, gates and warning signs must be maintained in good condition until solar energy facility is dismantled and removed from the site.

M. All restrictions and conditions transfer with the property and may not be voided, reduced or otherwise changed in the transfer. The Conditional/Special Use Permit is subject to revocation if the Planning Director is not notified in writing when the solar energy company holding the permit sells/transfers the property or its interest to another entity or individual.

N. Where the owner of the solar energy facility deems it necessary to install security lighting, the lights will be installed so that light does not spill over onto or shine into residential properties.

O. Removal of solar farm equipment and site restoration:

1. The applicant must include a decommissioning plan with their application. These plans must include the following: anticipated life of the solar farm, criteria for determination of decommissioning, estimate of decommissioning cost in current dollars, the method for ensuring that funds will be available for decommissioning, and the anticipated manner that the site will be decommissioned and the expected level of restoration the site will be returned to.

2. Solar energy facilities out of service for more than 90 consecutive days are considered abandoned/out of service and they meet the criteria for decommissioning, the permit holder will be given 6-12 months to complete the decommissioning of the solar energy facility. Decommissioning includes removal of all facilities above and below ground, must state this in the decommissioning plan.

3. On facilities over 10 acres in size the conditions of the Conditional /Special Use may include the requirement of a performance guarantee, prior to the issuance of a Conditional/Special Use Permit.

3. Decommissioning and reclamation: recycling requirements: financial assurance requirements.

a. The applicant for a permit or a permit holder for a solar energy facility shall be responsible for proper decommissioning of the facility and all equipment upon cessation of activities; and reclamation of the property to its condition prior to commencement of activities on the site, no later than one year

following completion of the operations. Decommissioning shall include the complete removal, including any subterranean portions, all buildings, foundations, cables, electrical components, panels and any other associated facilities or structures. Upon decommissioning, the applicant for a permit or a permit holder for a solar energy facility shall be responsible for properly recycling each piece of equipment used in the facility.

b. The applicant or permit holder for a solar energy facility shall establish financial assurance that will ensure that sufficient funds are available for decommissioning of the facility and reclamation of the property to its condition prior to commencement of activities on the site, even if the applicant or permit holder becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the State. To establish sufficient availability of funds under this section, the applicant for a permit or a permit holder for a solar energy facility shall provide to the county a bond, secured with sufficient surety as approved by the County Commissioners, in an amount not less than fifteen percent (15%) of the assessed value of the real property occupied by the solar facility and the total cost of the solar energy facility.

c. In order to continue to hold a permit a permit holder must maintain financial responsibility and must provide any information requested by the county to establish that the permit holder continues to maintain financial responsibility. A permit holder shall notify the county of any significant change in the (i) identity of any person or structure of the business entity that holds the permit for the facility, (ii) identity of any person or structure of business entity that owns or operates the facility, or (iii) assets of the permit holder, owner, or operator of the facility. The permit holder shall notify the county within 30 days of a significant change. A change shall be considered significant if it has the potential to affect the financial responsibility of the permit holder, owner, or operator, or if it would result in a change in the identity of the permit holder, owner, or operator for purposes of either financial responsibility or an environmental compliance review. Based on its review of the changes, the county may require the permit holder to reestablish financial responsibility and may modify or revoke a permit or require issuance of a new permit.

d. Should the county incur any expenses due to the failure of the permit holder to comply or maintain this agreement the cost shall become a lien on the real estate.

4. Liability for damage caused.

a. Any person who owns, operates, or controls a solar energy facility shall be strictly liable, without regard to fault, for damages to person or property, public or private, caused by the construction, maintenance, operation, decommissioning, disassembly, or the demolition of the facility.

b. In order to provide maximum protection for the public interest, any actions brought pursuant to subsection (a) of this section may be brought against any one or more of the persons having control over the solar energy facility or the activity that caused or contributed to the damages. All such persons shall be jointly and severally liable, but ultimate liability as between the parties may be determined by common-law principals.

c. There shall be no liability under this section for a person otherwise liable who can establish by a preponderance of the evidence that the damage was caused by any of the following:

(1) An act of God.

- (2) An act of war or sabotage.
 - (3) An act or omission by the United States government or the State of North Carolina or its political subdivisions.
 - (4) An act or omission by or at the direction of a law enforcement officer or fireman.
 - (5) An act or omission by a third party who is not an agent, employee, contractor or subcontractor of the person who is liable under this section.
- d. Nothing in this section shall deprive a claimant from electing to pursue any other cause of action for damages or injunctive relief under statutory or common-law.

Adopted this 4th day of October, 2016.



 Ross Streater, Vice Chairman
 Anson County Board of Commissioners

Attest: Bonnie M. Huntley

 Bonnie M. Huntley, NCCCC
 Clerk to the Board



Company Name _____ Date _____
 Title _____
 Signature _____

Property Owner _____ Date _____
