

**AN ORDINANCE**

**ENTITLED**

**EVANS COUNTY SOLAR COLLECTION FACILITY ORDINANCE TO ESTABLISH  
RULES AND REGULATIONS FOR SOLAR ENERGY FACILITIES AND REPEALING  
PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.**

WHEREAS, it is in the best interest of Evans County, Georgia, that an ordinance regulating Solar Energy Facilities be enacted; and

WHEREAS, the Evans County Board of Commissioners has the authority to establish by ordinance or resolution such local rules and regulations, not in conflict with existing state or federal law, relating to the health, safety, and welfare of the citizens of Evans County; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Evans County, Georgia, (hereinafter, "the Board") and it is hereby ordained by authority of same that the following rules and regulations are hereby adopted and shall apply to all unincorporated land located within the boundaries of Evans County, Georgia.

**SECTION 1.1 - PURPOSE**

The following standards are to guide development of Solar Energy Facilities in order to facilitate the construction, installation and operation of solar energy systems in Evans County in a manner that protects the public health, safety and welfare and avoids significant impacts on resources and adjacent uses.

This ordinance establishes parameters for the siting of Solar Energy Facilities. By enacting this ordinance it is the intent of Evans County, Georgia, to:

1. Encourage the location of Solar Energy Facilities, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
2. Minimize the potential adverse effects associated with the construction of Solar Energy Facilities through the implementation of reasonable design, landscaping, and construction practices;
3. Encourage development of Solar Energy Facilities outside of urban areas in order to encourage the further utilization of established public infrastructure in more densely developed areas.
4. To promote the creation of Solar Energy Facilities by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such systems that address public safety and minimize impacts on a scenic, natural and cultural/historic resources.

## **SECTION 1.2 - DEFINITIONS**

*Solar Energy Facility:* The area of land devoted to solar energy system installation. The principal use of a solar energy facility is as an interconnection with the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture. Includes the term “solar farm.”

*Solar Farm:* A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

## **SECTION 1.3 - APPLICABILITY**

1. Solar Energy Facilities constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
2. Solar Energy Facilities constructed after the effective date of this ordinance shall be required to meet the requirements of this ordinance.
3. Any upgrade, modification, or structural change that materially alters the size or placement of an existing Solar Energy Facility shall comply with the provisions of this ordinance.

## **SECTION 2.1 - APPLICATION REQUIREMENTS**

An application for a Solar Energy Facility shall be submitted to the Board and include the following:

1. The applicant must submit a descriptive site plan/design, including setbacks, panel sizes, location of property lines, buildings, and road rights-of-way.
2. The applicant shall submit a decommissioning plan for approval together with the application.
3. An affidavit or other documentation of agreement between the property owner and the facility's owner or operator confirming that the owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the Solar Energy Facility.
4. Application fees as established by the Board.

The Board shall approve the application, deny the application, or approve the application with conditions.

## **SECTION 2.2 - APPLICATION REVIEW CRITERIA**

In reviewing the application, the Board shall consider the following criteria:

1. The effect of the proposed activity on traffic flow along adjoining streets. Will it adversely impact flow on adjoining streets?
2. The amount and location of open space. Is open space adequate to preserve the character of the area and to reduce environmental impacts?
3. Protective screening. Is screening adequate to protect the adjacent uses from any negative impacts of this use?
4. Ingress and egress to the property. Does it reduce negative impacts and/or does it enhance safety?
5. Compatibility with surrounding land use. Is the use compatible with adjacent uses; does it have any negative impacts?
6. Is it consistent with the Comprehensive Plan?
7. Such other factors as the Board may determine is necessary to consider to provide adequate protection for the health, safety and welfare of its citizens.

### **SECTION 3 - SOLAR ENERGY FACILITY REQUIREMENTS**

1. **Minimum Lot Size:** The minimum lot size for Solar Energy Facility (Solar Farm) is 10 acres.
2. **Setbacks:** Solar Energy Facilities shall have a minimum setback of fifty (50) feet from all property lines.
3. **Height of collector:** Height of ground mounted collectors and mounts shall not exceed twenty (20) feet in height when oriented to maximum tilt.
4. **Airports:** Any Solar Energy Facility proposed within a two (2) mile radius of an airport shall present evidence that they have gone through a review process with the Federal Aviation Administration (FAA). This review from the FAA shall indicate that the proposed facility shall not interfere with normal operation of aircraft in the area.
5. **Fencing:** A security fence at a minimum height of eight (8) feet (6 feet of chain link fencing with 2 additional feet of barbed wire strand fencing) together with a gate and locking mechanism shall enclose the perimeter of the Solar Energy Facility to deny access to any individuals not authorized to be on the property and for public safety.
6. **Buffer:** Areas that abut residential uses or public rights-of-way shall be buffered by one of the following:

(A) On-site mature vegetation existing at a minimum of twenty (20) feet and a depth of seventy-five (75) feet between the on-site security fence and adjacent properties or right-of-way.

(B) Absent mature vegetation, a double row of off-set evergreens, installed at a height of five (5) feet achieving opacity and a minimum height of 10 feet in five (5) years.

#### **SECTION 4 - ELECTRICAL DISCONNECT**

The electrical disconnect switch shall be clearly identified and accessible at all times to emergency personnel. The owner/operator must file a detailed map of the facility with the Evans County Emergency Management Agency depicting the disconnect switch location and shall supply all emergency contact information to Evans County Emergency Management Agency.

#### **SECTION 5 - COMPLIANCE**

The operator/owner shall at all times construct and operate the facility in compliance with local, state, and federal requirements as to soil erosion and sedimentation, storm water management, and all other environmental, cultural, and historic resources regulations. The owner/operator shall operate the facility in compliance with all rules and regulations of public utilities or public utility regulatory agencies.

#### **SECTION 6 - FAILURE TO PROCEED AND ABANDONMENT**

In the event the operator/owner ceases operation of the Solar Energy Facility, or begins but does not complete construction of the project, the operator/owner shall restore the site to as natural a condition as possible within six (6) months of the removal. Any solar collection device or combination of devices that is not operated for a continuous period of twelve (12) months and for which there are no applications pending for permitted use of the structure at the end of such a 12-month period shall be considered abandoned, whether or not the owner or operator intends to make use of the device(s). The operator/owner of an abandoned solar collection device shall be under a duty to remove such a device under the decommissioning plan. If such device( s) is not removed within a reasonable amount of time, not to exceed three months after receipt of written notice from the county notifying the operator/owner of such abandonment, the county may, at its discretion, pursue all legal remedies available to it to ensure that the abandoned device(s) is removed. Delay by the county in taking action shall not in any way waive the county's right to take action.

#### **SECTION 7 - DECOMMISSIONING**

(A) Solar Energy Facilities which have not been in continuous service for a period of at least twelve (12) months, excluding periods of force major (acts of God, storms, etc.) or when a system is under repair or maintenance, shall be removed at the facility owner's expense in accordance with applicable laws (environmental, health, safety, etc.) and the decommission plan submitted by the operator/owner to the county.

- (B) The site shall be restored to as natural a condition as possible within six (6) months of the removal.
- (C) Disposal of any solid or hazardous waste must be performed by the facilities' owner at their expense and in accordance with local, state, and federal waste disposal regulations.
- (D) Documentation of any and all disposal of materials will be provided to Evans County upon completion of the restoration.

#### **SECTION 8 - ENFORCEMENT**

The sheriff of the county, the deputies thereof, constables, code enforcement officers, and all other law enforcement officers shall be authorized to issue citations to violators of any provisions of this Ordinance. Such citation shall state the time and place at which the accused is to appear for trial; shall identify the offense with which the accused is charged; shall have an identifying number by which it shall be filed with the court; shall indicate the identity of the accused and the date of service; and shall be signed by the officer who completes and serves it. In addition to or in lieu of the foregoing, the governing authority may, whether by legal process or otherwise, seek to enjoin, correct, and/or abate any violations of this Ordinance.

#### **SECTION 9 - PENALTY AND COURT PROCEEDINGS**

- (A) Any person violating this Ordinance, or any provision hereof, upon conviction, shall be punished by imposition of a fine not to exceed \$1,000.00, by imprisonment for up to 12 months, or by such other penalties as are provided by state law.
- (B) Each day any violation of this Ordinance shall continue shall constitute a separate offense. Each violation of this Ordinance shall constitute a separate offense.

#### **SECTION 10 - INTERPRETATION**

The regulations expressed in this ordinance shall be considered as the minimum provisions for the protection of the health, safety, economy, appearance, convenience, and welfare of the general public.

#### **SECTION 11 - CONFLICT WITH OTHER LAWS, ORDINANCES, AND REGULATIONS**

Whenever the requirements made under the authority of this Ordinance impose higher standards than are required in any other statute or local ordinance or regulation, unless preempted by state or federal law, the provisions of this ordinance shall govern.

#### **SECTION 12 - SEPARABILITY**

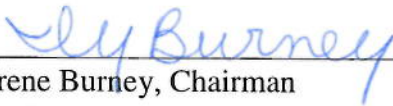
Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such a declaration shall not affect the Ordinance as a whole, or any other part thereof other than the part so declared to be unconstitutional or invalid.


**SECTION 13 - EFFECTIVE DATE**

This Ordinance shall take effect and be in full force on and after the date that it is enacted by the governing authority.

Adopted, approved and enacted this 2<sup>nd</sup> day of September, 2020, at the Regular Meeting of the Board of Commissioners of Evans County.

**EVANS COUNTY BOARD OF COMMISSIONERS**

  
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Irene Burney, Chairman

  
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Leah Edwards, County Clerk

(SEAL)