

Docket No. SP-11723, Sub 0

EXHIBIT A

to Rebuttal Testimony of Cullen Morris

2018 SOLAR ORDINANCE

**Sec. 12-160. - Solar electric power generation.**

The following development standards shall apply to the construction of any solar facility designed to generate electricity for a commercial purpose. Any solar facility on properties less than ten (10) acres shall be prohibited:

- (a) A site plan shall be prepared in accordance with section 12-33. The site plan does not require a boundary survey as described in subsection 12-33(a)(1). The site plan shall show the location of any structures within one hundred (100) feet of the property line, and also demonstrate compliance with the other standards in this section.
- (b) Opaque (Type A) screening shall be installed between the security fence and adjacent non-participating property and the road right-of-way, prior to the operation of any solar equipment.
- (c) Security fencing shall be installed around the perimeter of the solar farm. The fencing shall be a minimum of six (6) feet in height, chain link, and equipped with a gate and locking mechanism.
- (d) Setbacks shall be measured from the security fencing:
  - (1) Fifty (50) feet from any non-participating property;
  - (2) One hundred (100) feet from any habitable dwelling or commercial structure;
  - (3) One thousand (1,000) feet from the right-of-way of a NCDOT Scenic Byway.
- (e) Landscape screening, fencing, gates and warning signs shall be maintained in good condition until the facility is decommissioned.
- (f) *Decommission plan.*
  - (1) The owner/operator of the solar facility shall submit a decommissioning plan prior to the issuance of a zoning permit or conditional use permit (example provided following this section); however, nothing about the issuance of this permit relieves the landowner of the obligation to remove the equipment as outlined in the conditional use or zoning permit.
  - (2) If the owner/operator of the solar facility fails to ensure the removal of the equipment within six (6) months after power production ceases for a period of twelve (12) continuous months, the landowner shall be in violation of the conditional use or zoning permit, and be subject to the penalties set forth in section 12-94.
  - (3) Each day that the violation continues after notification to the landowner by the administrator, shall be considered a separate offense for purposes of penalties and remedies.

(g) *Enforcement by injunction, abatement and liens.*

- (1) If a violation continues under section 12-94, the violation may be enforced by an order of abatement issued by the general court of justice for failure of the landowner to correct the unlawful condition of the property. Upon issuance of an abatement order by the general court of justice, a landowner must comply with the order within the time limit specified. If the landowner fails to do so, the county may take steps necessary to correct the condition of the property. The cost to correct the condition shall be a lien on the property in the nature of a mechanic or material man lien.
- (2) The equipment which remains shall be deemed abandoned and salvaged for the cost of decommissioning.
- (3) Should the salvage value exceed the cost of decommissioning, the balance shall be placed with the office of the clerk of court for abandoned funds.

(Ord. of 4-5-16(1))

**Example of the Decommissioning Plan**

Decommission Plan for Big Bright Solar ("Facility"), located at \_\_\_\_\_.

Prepared and Submitted by \_\_\_\_\_, the owner of Big Bright Solar

This decommissioning plan is presented as required by Subsection 12-160(f) of the Cleveland County Code.

Decommissioning will occur as a result of any of the following conditions:

1. The land lease ends
2. The system does not produce power for 12 months
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, will do the following as a minimum to decommission the project.

1. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.

2. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
3. Restore the land to a condition reasonably similar to its condition before SES development, including replacement of top soil removed or eroded.
4. Re-vegetate any cleared areas with warm season grasses that are native to the Piedmont region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.

All said removal and decommissioning shall occur within 12 months of the facility ceasing to produce power for sale.

The Facility Owner, currently \_\_\_\_\_, is responsible for this decommissioning. Nothing in this plan relieves any obligation that the real estate property owner may have to remove the facility as outlined in the Conditional Use Permit in the event the operator of the facility does not fulfill this obligation.

The owner of the Facility will provide the Cleveland County Planning Department and the Register of Deeds with an updated signed decommissioning plan within 30 days of change in the Facility Owner.

This plan may be modified from time to time and a copy of any modified plans will be provided to the planning staff and filed with the Register of Deeds by the party responsible for decommissioning.

Facility Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Landowner (if different) Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

(Ord. of 4-5-16(1))

Secs. 12-161—12-170. - Reserved.