

## IREDELL COUNTY PLANNING & DEVELOPMENT

### PLANNING STAFF REPORT

#### ***Proposed Text Amendment – Require Conditional District Rezoning for Solar Farm Use and update decommissioning process within Performance Requirements: R65 Solar Farms***



### EXPLANATION OF THE REQUEST

Staff is proposing amendments to Chapters 2 and 3, of the Iredell County Land Development Code, concerning Solar Farms. Major amendments include updating use terminology to Solar Energy Systems, calling for a Conditional District Rezoning process vs. Special Use Permit (BOA), and more stringent bonding and decommissioning requirements. The following text amendments to the Land Development Code are being presented for recommendation at this time.

Existing text that is ~~bold and with strike through~~ is text to be removed. Text in **red and underlined** is new text to be added and was reviewed at the May 1<sup>st</sup> Planning Board meeting. Text in **blue** is revised while text that is ~~strike-through~~ is proposed to be removed since the last meeting.

### STAFF COMMENTS

Chapter 3 deals with specific land uses and provides additional requirements for those uses above the basic standards of the code.

With interest in solar energy facilities continuing to grow, the Iredell County Board of Commissioners discussed the current solar farm requirements per the Land Development Code at their Fall Retreat, and requested that Planning Staff research plausible updates. These type solar farm facilities are currently allowed in the AC and RA residential districts through the Special Use Permit process, as well as by right in the M-1 and M-2 manufacturing districts. Currently, we have had six applications for such facilities throughout the County: 1 was denied (~400 ac.), 5 have been permitted but never built (ranging from 5 to 250 ac.), with only 1 built and operating (~39 ac.).

Staff is recommending a more contemporary name change, from "Solar Farm" use to "Solar Energy System" that require a conditional rezoning in the AC and RA residential districts, with both Planning Board and Board of Commissioner hearings. Plus, performance requirements in the M-1 and M-2 districts, as amended for Section R65 Solar Energy Systems. Conditional rezoning hearings and revised Section R65 performance requirements will provide for more County and public input involvement regarding the placement and long-term maintenance of such sites, as well as allowing for additional site-specific conditions. The official definition of the use, per Chapter 16, will not change.

Above all, in order to safeguard against neglect and/or abandonment of such facilities, it was felt that the code needed to further address provisions for decommissioning and/or the restoration of such sites upon reaching the end of their intended life span.

“Decommissioning” refers to removing solar components and restoring the project site to prior conditions when the solar farm stops operating. Staff compared county regulations across the State and noted standard requirements for solar farm decommissioning plans that include a monetary bonding/ performance guarantee for a value determined by a licensed engineer or a licensed contractor, as well as periodic re-evaluation of these values into the future. It was also found that officially recording decommissioning plans, with the Register of Deeds as part of the land record, is common practice.

## TEXT AMENDMENTS

### **Performance Requirements (Chapter 3)**

#### **R65 Solar Energy Systems**

**Solar Energy Systems shall meet the following criteria. In the AC and RA zoning districts a Conditional District Zoning is required. Solar collection devices attached to rooftops or buildings are allowed in all zoning districts and are exempt from these requirements.**

**A. The applicant must include a site plan drawn to scale that meets the requirements of Section 9.2.1 and the requirements below.**

**A.B.** Solar collection devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.

**B C. Solar farms Solar Energy Systems** shall not be located within an airport primary approach zone as described in Section 4.6.1.

**C.D. All related equipment** must be enclosed by a fence at least six (6) feet in height and must have clearly visible warning signage concerning voltage.

**D.E.** An emergency shut-off mechanism is required and notice of its location should be submitted to Iredell County Emergency Management. The mechanism shall be clearly identified and unobstructed and shall be noted clearly on the site plan.

**E.F.** No business signs, billboards, or other advertising shall be installed on a solar device.

**F.G. Removal of Solar Energy System equipment and site restoration:**

1. The property owner or responsible party shall have six (6) months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of twelve (12) months, unless the responsible party provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of the facility. ~~A project is properly~~

~~decommissioned when all structures and equipment are removed and the site is re-vegetated.~~

~~—Applicant must submit decommissioning plans that describe the anticipated life of the solar project, the party responsible for decommissioning, the estimated decommissioning costs in current dollars, and the method for ensuring that funds will be available for decommissioning and restoration.~~

2. A decommissioning plan shall be required as part of the Conditional District Zoning application. This plan shall be prepared by a third party engineer and must be signed off by the party responsible for decommissioning. The following items are required to be addressed or included:

a.) The identification of the party currently responsible for decommissioning.

b.) All costs for the removal of solar panels, buildings, cabling, electrical components, roads, fencing, and any other associated facilities down to 36 inches below grade.

c.) All costs associated with provisions to restore the land to a condition reasonably similar to its condition before development; including but not limited to: ~~for stabilizing the soil, restoring the ground cover, and disposal of all materials per good management practices that are in effect at the time of decommissioning.~~

3. Prior to the issuance of the building permit, the decommissioning plan shall be recorded by the applicant in the Iredell County Register of Deeds.

4. The decommissioning plan and estimated cost of removal shall be updated every five (5) years or upon change of ownership of either the property or the project's owner. Any changes or updates to the plan shall be recorded in the County's Register of Deeds.

5. The owner of the solar energy system shall provide a bond, cash escrow, or irrevocable letter of credit in favor of the County in an amount equal to 1.25 times the estimated decommissioning cost prior to the issuing of a zoning permit.

6. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.

7. The landowner or tenant must notify the county when the site is abandoned.

**G.H.** The applicant shall be required to provide a written affidavit ~~documentation~~ stating that the facility is in compliance with all applicable Federal and State regulations.

**H.I.** Setbacks

1. ~~A solar device~~ **All related equipment** within a solar farm **solar energy system** may not be closer than 500 feet to any existing residential dwelling, excluding any dwellings on the same parcel of land as the device.
2. ~~Solar collection devices~~ **All related equipment** must be set back fifty (50) feet from any **existing residentially zoned** property **line or perennial stream, and ten (10) feet from any existing commercial or industrially zoned property at time of application.**

~~I. Solar collection devices attached to rooftops or buildings are exempt from requirements C and H above.~~

J. This section does not pertain to solar devices generating energy solely for on-site use, **or rooftop mounted systems.**

K. Screening requirements may be added to address site specific and neighbor concerns as part of the Conditional Rezoning Process.

L. The Planning Director shall examine the progress made toward developing the property per Section 11.6 (K).

## Zoning Districts (Chapter 2)

### Section 2.21.5 Public Works Facilities, Utilities, & Infrastructure Uses

USES	AC	RA	RUR	RR	R20	R12	R8	RO	OI	NB	HB	GB	M1	M2	R
<u>Solar Energy System</u>	<u>Rezoning to a Conditional District required in these districts; See R #</u>												<u>R</u>	<u>R</u>	<u>65</u>

## Definitions (Chapter 16)

### Section 16.4 Definitions

**Solar Energy System.** An array of solar collection devices **(including all related equipment)** to generate **solar** energy for **collection and distribution**, predominantly off-site use.

**ACTION NEEDED:**

**TO APPROVE:** Motion to recommend approval the zoning text amendments and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because it aims to mitigate future development concerns, and addresses changes in the alternative-energy industry within a developing county.

**TO DENY:** Motion deny the zoning text amendments and to make a finding that though the denial is inconsistent with the adopted 2030 Horizon Plan, said denial is reasonable and in the public interest and does not further the goals of the 2030 Horizon Plan because....