

**SECTION 7.02**  
**NOTE 12.**  
**SOLAR FARMS**

a) Definitions.

- 1) Abandonment – if a Solar Farm generates no electricity for a continuous six (6) month period, or if any Solar Energy System falls into a state of disrepair for such period, then in either event, such Solar Farm shall be deemed abandoned.
- 2) Solar Collector – any component, device, structure or any portions thereof for which the primary purpose is the transformation of solar radiant energy into thermal, mechanical, chemical or electrical energy.
- 3) Solar Energy System – the Solar Collector components and all subsystems thereof including without limitation all equipment, conduits, and all accessory supporting structures or buildings required to convert solar radiant energy into thermal, mechanical, chemical, or electrical energy.
- 4) Solar Farm – any use of land where a series of one or more Solar Energy Systems or Solar Collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power, and collectively has a generation capacity of at least fifteen (15) kilowatts (kW) direct current (DC) or more when operating at maximum efficiency. The term Solar Farm is also sometimes referred to as a solar power plant or solar photovoltaic farm.

b) General Regulations.

- 1) Solar Farms are allowed as a use by right in the I – 1 (Industrial) zoning district and by Special Use Permit approval in the A – 1 (Agricultural) zoning district (see the Chart of Permitted Uses).
- 2) Any Special Use Permit approved is supplemental to, and shall not supersede any other applicable local, state, or federal rules, regulations, or laws, including any more restrictive provisions related to Special Use Permits or to Solar Farms.
- 3) A valid Special Use Permit, if applicable, Technical Review approval, Building Permit, Electrical Permit, U. S. Army Corp of Engineers approval, any other state or federal permit, and any ongoing compliance with this Ordinance is a mandatory requirement for all Solar Farms.

c) Permit Requirements and Procedures

- 1) Any Solar Farm wishing to locate in the A -1 zoning district of Gates County must apply for and obtain a Special Use Permit from the Gates County Board of Adjustment.

- 2) Once a Special Use Permit is obtained, the applicant is required to gain Technical Review Committee approval before applying for any additional Building Permits. This process is subject to Emergency Management, Soil and Water Review, U. S. Army Corp of Engineers, and any other additional reviews the department feel appropriate.
- 3) Solar panel material and UL listed are required as part of the Building Permit and/or Electrical Permit application. Documentation of compliance shall be provided with the seal and signature of a design professional licensed in North Carolina.

d) Special Use Application Requirements

- 1) All applications and plans shall include the following:
  - A. Name of the project, names and addresses of the owners(s), and the engineers and surveyors.
  - B. Date, scale and accurate North arrow.
  - C. Boundaries and actual dimensions and shape of parcel, including total acreage, with bearings and distances from any proposed solar farm facility or structure to the surrounding property lines.
  - D. Site plan showing streets, circulations, driveways, service buildings, easements, arrangement of solar panels and streets; also fencing, gates and vegetative buffers.
  - E. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of solar panels and system on the property.
  - F. Copy of deed, land purchase agreement, and/or land lease agreement.
  - G. Vicinity map showing the location and surrounding land use.
  - H. Other features and designs as deemed reasonably necessary from time to time by the Gates County Board of Adjustment and/or the Gates County Technical Review Committee.
  - I. A Decommissioning Plan that is in compliance with or exceeds this section.
  - J. Performance Guarantee:
    - a. A surety or performance bond that renews automatically, includes a minimum sixty (60) day notice to the county prior to cancellation, is approved by the Planning Director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the planning department each year verifying the bond has been properly renewed.
    - b. The amount of the guarantee shall be one and a quarter times the estimated decommissioning cost, or \$50,000.00, whichever is greater. The guarantee shall not be reduced by the salvage value. A review will be done each year and adjusted based upon the Consumer Price Index (CPI). In the event the CPI has a negative value

during the annual adjustment, the decommissioning fund shall not be adjusted downward.

- c. Estimates for decommissioning the site shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the county with the certified cost estimate by an independent engineer or contractor.
  - d. A certified check deposited with the county finance director, as escrow agent, who will deposit the check in an interest – bearing account of the county, with all interest accruing to the applicant. Funds deposited with the county finance director will be returned when the solar farm is decommissioned and any necessary site restoration is completed.
  - e. The full amount of the bond or certified check must remain in full effect until the solar farm is decommissioned and any necessary site restoration is complete.
- e) Technical Review Application Review
- A. All information stated above plus the below additional information:
  - B. Elevation certificate, if necessary.
  - C. Land contours.
  - D. Other State and/or Federal Permits.

f) Lot Size and Setbacks

- 1) The minimum lot size for a Solar Farm locating in Gates County shall be ten (10) or more acres.
- 2) A minimum setback distance of one hundred (100) feet from all property boundary lines shall be required on all solar collector in any zoning district.

The fence, which encloses all solar panels and is required by electrical code, shall meet the minimum setback distance of two hundred (200) feet from all property boundary lines in any zoning district.

- 3) If wetlands are found on any proposed Solar Farm property, a buffer of one hundred fifty feet (150') shall be required in all directions from the closest point of the designated wetland on the proposed site.
- 4) In addition, if a Solar Farm is locating on a property adjacent to a property that identifies at the time or during review as having wetlands, then a buffer of one hundred fifty feet (150') shall be required at the closest point to the wetlands.

- 5) Solar Farms located within a projected future transportation corridor shall reserve right – of – way for said corridor as deemed appropriate by the North Carolina Department of Transportation.
- 6) Power inverters and other sound producing equipment shall not be sited less than one hundred and fifty (150) feet from any dwelling unit at the time of construction/installation.

g) Screening

- 1) A fence constructed of chain link no less than six (6) feet in height shall enclose the entire area of solar collectors and shall be required of any Solar Farm, such fence shall have a locked gate, be posted with both “No Trespassing” and “High Voltage” signs located every one hundred (100) feet along all fence sides, include the name, contact information, and emergency contact information of the operating entity in charge of the site affixed to the fence at the entrance to the site.
- 2) The entire area of the solar farm, outside the fence area, shall be enclosed with an evergreen vegetative planting strip whenever natural forest vegetation does not otherwise continuously obscure the perimeters from adjacent parcels or public road.
  - A) Unless buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of a vegetative buffer, a continuous evergreen vegetative buffer shall be installed and maintained. Failure to continually maintain screening shall constitute a violation for which the Special Use Permit may be revoked.
  - B) The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at planting shall be a minimum of four (4) feet in height. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart, from the base of the plant to the base of the next plant. A minimum of six (6) feet distance shall be maintained between the planting strip and the fence line. At maturity, required vegetative screening shall be no less than fifteen (15) feet tall and touching, regardless of line – of – sight.

h) Technical Review Committee Submittal

- 1) All Solar Farms regardless of zoning district are required to submit a Development Plan to the Planning and Zoning Department for Technical Review Committee review.
- 2) A Special Use Permit Solar Farm Development shall comply with this ordinance and any additional conditions identified during the application process.
- 3) No development or land clearing shall occur until the project receives all state and/or federal permits and has full Technical Review Committee approval.
- 4) No Building Permit or Electrical Permit shall be issued until the project receives full Technical Review Committee approval.

i) Decommissioning, Abandonment, Hazard Abatement

- 1) A signed and notarized Decommissioning Plan shall be submitted to the Planning Department as part of every Special Use Permit application and shall be in a form suitable to be recorded with the Register of Deeds. The Decommissioning Plan shall include at a minimum all the following provisions and requirements:

- A. Following a six month period in which no electricity is generated, the permit holder will have six (6) months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, support columns, buildings, cabling, electrical components, and any other associated facilities down to seventy-two (72) inches below grade;
  - B. Any additional conditions which may be defined or established by the Gates County Planning Department upon which decommissioning will be initiated (i.e., end of lease, condition of a potential public safety hazard, etc.);
  - C. Disturbed earth shall be graded and reseeded, unless the landowner request in writing that access roads or other land surface areas are not to be restored;
  - D. Removal or repair of any structures that become of ill repair whether due to neglect, man – made or natural causes;
  - E. The timeframe for completion of removal and decommissioning activities shall be from one hundred eighty (180) days to twelve (12) months unless otherwise extended by the Gates County Board of Adjustment after an extension application is received; and,
  - F. A signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility.
- j) Transfer of Ownership.
- 1) Any solar farm permitted under the rules and regulations identified in this section that is sold or transferred to another entity is still bound to the rules and regulations as stated in this section, any state and federal regulations, as well as any additional regulations imposed during the Special Use Permit process, Technical Review Committee process, or the Building Permit process.