

AMENDMENT REGARDING DEVELOPMENT STANDARDS FOR GROUND-MOUNTED SOLAR POWER ENERGY SYSTEMS “SOLAR FARMS” IN THE AGRICULTURAL SUPPORT ENTERPRISES CONDITIONAL ZONING DISTRICT

Whereas, the Granville County Board of Commissioners found it necessary to adopt the Granville County Land Development Code on July 12, 1999, to provide for the orderly, planned, and efficient growth of Granville County; and,

Whereas, the need to amend and/or change this same code from time to time exist to provide for its efficient administration and enforcement or to address changing conditions of the growth and development of the County; and,

Whereas, the Granville County Planning Board held a public hearing on the proposed amendment on May 18, 2017 and a continued public hearing on the proposed amendment on June 15, 2017, and after a study of evidence presented, made a favorable recommendation on the adoption of the proposed amendment with additional clarifying language; and,

Whereas, a notice of public hearing has been given as provided in North Carolina General Statute 153A-323 and the Granville County Land Development Code for a Text Amendment and a public hearing was held by the Board of Commissioners on July 10, 2017, at which, evidence was presented at the public hearing.

Whereas, the Granville County Board of Commissioners hereby adopts the following Plan Consistency Statement:

GRANVILLE COUNTY BOARD OF COMMISSIONERS’ PLAN CONSISTENCY STATEMENT:

Page V-5 of the Granville County Comprehensive Land Use Plan (the Plan) was amended by the Granville County Board of Commissioners on January 5, 2015 to state as an implementation strategy for preserving and enhancing Granville County’s land use form that “conditional zoning districts are encouraged to balance neighboring residential and non-residential land uses in agricultural-residential areas. Conditional zoning provides residents an option for developing their property for non-residential land uses in agricultural-residential areas, and provides decision-makers with a legislative process when considering proposed development plans.” Further, page V-14 of the Plan was amended by the Granville County Board of Commissioners on January 5, 2015 to state as an implementation strategy for improving Granville County’s review process for deliberation of rezoning requests that “conditional zoning districts allow decision-makers to consider one or more uses within a conditional zoning district

application. Conditional zoning districts allow for the submittal of a site plan, and agreed-upon conditions of development in a legislative process.”

NOW THEREFORE, BE IT ORDAINED BY THE GRANVILLE COUNTY BOARD OF COMMISSIONERS THAT:

SECTION 1. Amend Section 32-144 of the Granville County Land Development Code (LDC) by amending the following language (**bold** denotes added language and ~~strike-through~~ denotes deleted language):

Sec. 32-144. - Agricultural support enterprises conditional zoning district (ASE-CZ).

TABLE 03.110D
TABLE OF PERMITTED LAND USES—AGRICULTURAL SUPPORT ENTERPRISES
CONDITIONAL ZONING DISTRICT (ASE-CZ)

Use	ASE-CZ	Other Standards
Ground-Mounted Solar Power Energy System "Solar Farm" (NAICS 221119)	Y	A 25' existing or planted natural vegetative buffer and/or a berm shall be required around the entire solar farm that meets the buffer standards in Section 32-264. Any plantings of bushes, shrubs, and/or trees in two rows of coverage as set out in Section 32-264 shall reach a height at maturity of at least 10 feet and shall reach maturity in a reasonable amount of time. Either the buffer or berm shall be installed in such a manner that the solar farm shall not be visible from any adjacent property. In addition, the setback from all residential zones shall be 100 feet inclusive of the buffer and the setback from all non-residential zones shall be 50 feet inclusive of the buffer. The maximum height of the structures shall be 215' 15' . A fence shall be required around the perimeter of the entire solar farm which fence shall be at least ten feet in height. The fence shall be a chain link fence with dark green slats intended to blend into the natural environment and which are intended to screen direct viewing of the solar farm through the fence. Other fencing materials may be approved during the rezoning process that provide at least as much screening and safety as the chain link fence with slats.

		Additional development standards include:
		(1) A preparation site that is adequate to handle the parking of employees, contractors, site equipment and shipping and receiving operations that is located in the solar farm site and off the public road and public road right-of-way;
		(2) Adequate road preparation that will allow two way traffic in and out of the property and to the job site that is properly graveled to prevent the tracking of mud and debris out of the site onto the public road;
		(3) An adequate entrance way to the site that is wide enough to handle tractor trailer traffic and does not impede the flow of water in the state right-of-way drainage system. The entrance way should be adequately marked to ensure safe entry by all traffic to and from the site;
		(4) A requirement that no night time site work take place unless proper lighting is provided for the safety of the workers in accordance with all state and federal laws, rules, and regulations;
		(5) No unloading or loading of equipment in the public road or public road right-of-way that will be used in the site preparation or solar unit construction;
		(6) A certificate of insurance must be provided to Granville County prior to any labor or materials being provided on or to the site that lists specific coverage and dollar amounts, not limited to but including: General liability, workers compensation insurance to cover all employees, leased employees and subcontractors, and umbrella coverage in an amount of at least 10 million dollars for coverage on the project and any damages suffered by others due to the negligent actions of any person providing labor or materials on or to the site;
		(7 6) Following a continuous period of six months in which no electricity is generated, the owner of the solar farm, or in the solar farm owner's absence, the owner of the real property upon which it is located, shall decommission the solar farm by removing within

		<p>six months all solar panels, buildings, cabling, electrical components, and any other improvements and must return the property to a natural state with plantings approved by the planning director. Prior to the issuance of a zoning compliance certificate, the county must receive a performance guarantee in favor of the county in an amount equal to 1.25 times the estimated decommissioning cost as determined by a North Carolina licensed engineer. The performance guaranty must be satisfactory to the county manager and may include a performance bond, irrevocable letter of credit, cash deposit or other surety approved by the county manager; and</p>
		<p>(8 7) All employees working on the site, leased employees and subcontractors must properly have completed an I-9 form and have successfully passed a nine panel drug test prior to working on the site and with 30 days of working on the site if required to do so by other applicable law.</p> <p>The solar farm shall not allow the site to be overgrown with grass or other vegetation.</p>

SECTION 2. Should any provision of this Ordinance amendment be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall have no effect to the validity of the Granville County, North Carolina Land Development Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3. This Ordinance shall take effect and be in force upon the date and time of adoption.

SECTION 4. This Ordinance duly adopted by the Board of Commissioners of the County of Granville, North Carolina, this the 7th day of August, 2017.

Timothy J. Karan, Chairman
Board of Commissioners of Granville County, North
Carolina

Attest:

Debra Weary, Clerk to the Board of Commissioners of Granville County, North Carolina