

**ORDINANCE REGULATING**  
**THE OPERATION AND MAINTENANCE OF**  
**SOLAR ENERGY FACILITIES**  
**IN**  
**MOUNT OLIVE, NC.**

**ADOPTED September 12, 2016**

**ABANDONMENT AND DECOMMISSIONING PLAN**

**A. Abandonment:**

A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Director or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF.

1. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within three hundred and sixty (360) days of notice by the Planning Director or his designee.
2. If the responsible party (or parties) fails to comply, the Planning Director or his designee may remove the SEF, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a nonhazardous pre-development condition.

**B. Decommissioning:**

- a. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit.
  - I. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)
  - ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
  - iii. Restoration of property to condition prior to development of the SEF.
  - iv. The timeframe for completion of decommissioning activities.
  - v. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
  - vi. The party currently responsible for decommissioning.
  - vii. Plans for updating this decommissioning plan.

## AVIATION NOTIFICATION

- A. For consideration of potential impacts to Mount Olive Yeager Field Municipal Airport flying operations, notification of intent to construct an SEF shall be sent to the Mount Olive Fixed Base Operator (FBO) or designated official 30 days before the regularly scheduled Planning Board meeting. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application.
- B. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of North Carolina. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
- C. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport not listed in the National Plan of Integrated Airport Systems, except military airports, notification of intent to construct an SEF shall be sent to the airport manager or designated official. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
- D. After receiving notification of intent to construct an SEF as described in Section Ten, B and C; if requested, the proponent of the SEF shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user's manual to evaluate the solar glare aviation hazard, as indicated in D (i) and D (ii). The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days prior to site plan approval. Proof of delivery of notification and date of delivery shall be submitted with permit application.
  - i. Airport operations at an airport in the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of a proposed SEF: provide required SGHAT analysis information to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of North Carolina.
  - ii. Airport operations at airport *not* in the NPIAS, except military airports, as defined in Section Ten, subsection C, within 5 nautical miles of the center of proposed SEF: provide required SGHAT analysis information to the management of the airport for non-military airports.
- E. Proposed SEFs within the Mount Olive Yeager Field Municipal Airport Control Surfaces Area as defined in the 2011 Air Installation Compatible Use Zones (AICUZ) or subsequent AICUZ reports will be evaluated for potential impacts to Mount Olive Yeager Field Municipal Airport flying operations as described below.
  - i. After receiving notification of intent to construct as SEF as described in Section Ten, subsection D. (to include all SGHAT PV parameters), the Mount Olive Fixed Base Operator (FBO) or designated official will notify the designated Mount Olive Town official if the SGHAT needs to be utilized by the SEF proponent or not.
  - ii. If the SGHAT does not need to be utilized, the Mount Olive Fixed Base Operator (FBO) or designated official will respond to the designated Mount Olive Town official.
  - iii. If the SGHAT does need to be utilized, the SEF proponent shall contact the Mount Olive Fixed Base Operator (FBO) or designated official to receive the data needed for the SGHAT (e.g., locations, increments, and elevations of observation points, as well as air



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Kaye H. Anderson.  
Town Clerk