

**STATE OF GEORGIA
COUNTY OF OGLETHORPE**

**AN ORDINANCE TO AMEND THE TEXT OF THE ZONING
ORDINANCE OF OGLETHORPE COUNTY, GEORGIA**

The Board of Commissioners of Oglethorpe County hereby ordains that Section 712 of The Unified Development Code of Oglethorpe County, Georgia is deleted in its entirety and replaced with the following:

“Section 712. SOLAR ENERGY SYSTEMS (SES)

Sec. 712.01. Applicability.

- (a) This article applies to the siting, construction, installation, and decommissioning of any SES facility approved by the Board of Commissioners to be constructed or installed after the effective date of this article in unincorporated Oglethorpe County.
- (b) An SES facility shall comply with all applicable federal, state, and local laws, including, but not limited to, the requirements of the Oglethorpe County zoning code and applicable building, fire, electric, and plumbing codes. If a provision in this article directly conflicts with a requirement of the Oglethorpe County zoning code, this article shall control.
- (c) This article shall not be applicable to roof-top solar installations located upon residences or commercial buildings in the unincorporated area of Oglethorpe County where such installations are owned, leased, or lease-purchased by the property owner from a solar developer or solar business in order to provide electric service to the owner's property, as long as such installations are installed and operated in compliance with applicable law and regulations.
- (d) *Utility Notification.* No Small or Large Scale Solar Farm shall be approved as a conditional use unless written evidence has been submitted to the Planning Department demonstrating that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (e) *Definitions.* As set forth herein, the term ‘Large Scale Solar Farms’ refers to ground-mounted solar photovoltaic installations with 5 megawatts (‘MW’) or larger of rated nameplate capacity. The term ‘Small Scale Solar Farms’ refers to ground-mounted solar photovoltaic installations with less than 5 MW of capacity. The term “off-grid system” shall mean any electrical system. An off-grid solar system is a solar panel system that generates electricity, stores that power in solar batteries, and runs independently. The term “interconnected customer-owned generator” shall mean the process by which the SES operator applies for and receives permission from the utility company and connects to the utility grid.
- (f) Large Scale Solar Farms shall be allowed as conditional use in the A-1 and A-2 zoning districts; Small Scale Solar Farms shall be allowed as a conditional use in the A-1, A-2, and AR zoning districts. Said conditional uses shall be subject to the approval of the Oglethorpe County Board of Commissioners and the applicable requirements set forth in this Section.

Sec. 712.02. General requirements for all ground mounted solar energy systems.

The following requirements apply to all ground mounted SES facilities, in addition to the specific requirements in this article which apply specifically to Small Scale and large scale SESs respectively.

- (1) *Solar access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring a ground mounted SES adequate exposure to sunlight.
- (2) *Impervious surface.* Ground mounted structures and components of the ground mounted SES facility, including transformers and foundations, shall be considered 80% impervious, to meet the requirements of section 605 of this Unified Development Code and to reduce runoff and flooding. With respect to the location of solar panels on the land surface, the following shall apply:
 - a. Arrangement of solar panels on mild slopes (less than ten percent) is encouraged. If the ground slope is steeper than five percent, adding level spreaders in the ground at each dripline will slow the movement of water and maintain sheet flow.
 - b. Use structures/foundations for the solar energy system that occupy minimal space (no more than five percent of total site area).
 - c. Include a sufficient distance between rows of panels to allow for capture of rainfall and growth of vegetation beneath and between. This disconnection distance between rows of panels should be greater than the width of a single solar panel.
 - d. Limit the lowest vertical clearance of the panels to no greater than 10 feet to avoid erosion at the dripline.
- (3) *Lighting.* To reduce light pollution, lighting of a ground mounted SES facility shall:
 - a. Be limited to the minimum reasonably necessary for its safe operation:
 - b. Be directed downward where reasonably feasible;
 - c. Incorporate full cut-off fixtures; and
 - d. Reasonably utilize motion sensors.
- (4) *Tree removal.* The removal of trees or natural vegetation for a ground mounted SES shall be avoided to the extent reasonably practicable and such removal shall comply with the requirements of the Oglethorpe County Zoning Ordinance.
 - a. *Restriction on development approval of recently cleared land.* Except for properties with activities consistent with paragraph (a) of this section (bona fide agricultural activity), no development or land disturbance permit will be issued by Oglethorpe County if any portion of the property has been cleared of trees within five (5) years prior to such permit application. This restriction may be waived by the Board of Commissioners upon a finding that: the tree removal occurred as a bona fide agricultural activity; and a minimum basal area of at least fifty (50) square feet per acre, distributed evenly throughout the property, is retained on the property at the time of tree removal, as certified by a qualified arborist or forester.
 - b. If a Ground Mounted SES is built on a lot with more than 50% tree coverage, then no more than 50% of the existing tree coverage may be removed.
 - c. No more than 50 acres for each individual permittee (i.e., primary, secondary, or tertiary permittees) may be cleared at any one time.
 - i. The Planning and Zoning Department will approve or disapprove such requests within 35 days of receipt. Failure of the Planning and Zoning Department to act within 35 days shall be considered an approval of such requests.
 - ii. No additional clearing of land may occur unless and until the Planning and Zoning Department has inspected the property and determined that the SES has complied with its sediment and erosion control plan.
- (5) *Decommissioning.* Unless otherwise approved by the Oglethorpe County Board of Commissioners, decommissioning shall begin no later than 6 months (180 calendar days) after a ground mounted SES has ceased to generate electricity or thermal energy and shall be finally completed no later than 6 months (180 calendar days) after commencement of such decommissioning. Such decommissioning shall be undertaken and completed by the owner or operator of the SES facility at the time of such decommissioning. Such decommissioning shall be accomplished in accord with the following:
 - a. For a ground mounted SES facility allowed with a permit, the SES facility shall be decommissioned

in accordance with the most recent decommissioning plan approved by the Oglethorpe County Board of Commissioners.

- b. All sizes of ground mounted SES facilities shall be removed from the premises, and such removal shall include, but shall not be limited to, all materials installed or associated with the facilities, including above ground and below ground materials, and such removed materials shall be either deposited in an appropriate public licensed landfill site, recycled, or otherwise reused in another facility
- c. The real property where the SES facility was located shall be returned to its original condition which existed at the time of approval of the conditional use allowing construction of the SES facility by Oglethorpe County.
- d. For SES facility sites which were forested sites at the time of approval of the construction of the SES facility by Oglethorpe County, the replanting of the solar site after decommissioning with the same number and species of trees shall be accomplished during the decommissioning process. Replanting with non-native trees or only planting with one type does not capture the same habitat and carbon sink gains that the site originally produced and is not authorized.
- e. A decommissioning plan shall be submitted with each application for the location and construction of an SES facility and must be approved by the Oglethorpe County Board of Commissioners as part of the SES facility approval process.
- f. In order to facilitate the decommissioning process, and notwithstanding any other provision of this article, the owner or operator of a proposed SES facility shall submit to Oglethorpe County pictures, including aerial photographs (including Google Maps' aerial photographs) of the proposed SES facility site as part of the application process for approval and permitting of a SES facility.
- g. A surety bond in an amount sufficient, in the determination of the Board of Commissioners, to guaranty the proper, complete, and timely implementation of the approved decommissioning plan, to include the complete removal of the solar farm and the restoration of the site, shall be submitted with the conditional use application. The surety bond shall be issued by a surety that is authorized by law to conduct surety business in Georgia and is listed in the most recent edition of the U.S. Department of the Treasury Circular 570 as being approved as a surety in an amount no less than the amount of the surety bond required hereunder. The surety bond shall remain in place as long as the solar farm exists, regardless of whether it is actively operating. The surety bond shall be released if all work required under the decommissioning plan is properly and timely executed. If the work required under the decommissioning plan is not properly or timely executed, then the County may call or forfeit said surety bond and use the proceeds therefrom to execute the decommissioning plan.

Sec. 712.03-712.04. Specific requirements for Small and Large Scale Solar Energy Systems.

The following requirements apply to small and large scale SESs, in addition to the general requirements in this article that apply to all ground mounted SES.

1. *Undisturbed vegetative buffers.*
 - a. Small and Large scale SES facilities shall have a year-round visual buffer of natural trees, vegetation, plantings, or earth berms which provide a visual and lighting screen to restrict the view of the SES facility from adjacent public or private property (including those lots located across a public right-of-way).
 - b. Any such vegetative buffer shall be not less than 150 feet in width.
 - c. Such required visual and lighting buffer may include existing natural tree growth and natural land berms located:
 - i. along the perimeter of the SES facility footprint;
 - ii. along the perimeter of the real property owned or leased by the solar developer for the solar project, or

- iii. partly along the perimeter of the SES facility and partly along the perimeter of the real property owned or leased by the solar developer for the solar project if such a natural buffer is approved by the Oglethorpe County Planning Department as being in compliance with this article.

Such natural tree growth and natural land berms shall be preserved by the solar developer or its successor when practicable.

- d. If an approved natural buffer located either along the perimeter of the SES facility footprint, along the perimeter of the real property owned or leased by the solar developer for the solar project, or partly along the perimeter of the SES facility and partly along the perimeter of the real property owned or leased by the solar developer for the solar project does not exist, dies, or is destroyed, or does not provide a visual and lighting screen to restrict the view of the SES facility as required by this chapter, then the solar developer shall establish and maintain such a buffer of the required width in the area where such buffer does not exist, dies, or is destroyed in the manner provided in this subsection.
 - e. Any such visual and lighting buffer shall be located
 - i. along the perimeter of the SES facility footprint,
 - ii. along the perimeter of the real property owned or leased by the solar developer for the solar project, or
 - iii. partly along the perimeter of the SES facility and partly along the perimeter of the real property owned or leased by the solar developer for the solar project. Such vegetative buffer planted or established by the solar developer may consist of planted trees, hedges, and similar plantings and vegetation established and maintained by the solar developer or its successor as a year-round visual and lighting buffer as required by this subsection in accordance with the most recent visual and lighting buffer plan approved by the Oglethorpe County Board of Commissioners, and as further described in the conditional use provisions of this article.
 - f. The undisturbed vegetative buffer shall be of a size and thickness sufficient to provide a visual and lighting barrier within 24 months from the beginning of land disturbance for the SES. All Visual Buffers shall be in place at the time the SES commences operation. If such buffer does not reasonably, as determined by the Planning Department, provide a visual and lighting buffer within the 24 month term aforementioned, as determined by the Planning Department, the Ground Mounted SES shall cease operations until such time that a plan is approved by the Planning and Zoning Department to adequately provide a visual and lighting buffer.
 - g. A Small or Large Scale SES shall incorporate **any** of the following that achieves a reasonable visual and lighting barrier:
 - i. A minimum double row of off-set evergreens absent mature vegetation, installed at a height of five (5) feet achieving opaqueness and a minimum height of 10 feet in two (2) years
 - ii. Existing on-site mature vegetation with a minimum height of ten (10) feet and a depth of one hundred fifty (150) feet between the on-site security fence and adjacent properties or right-of-way.
 - iii. A single row of evergreens in combination with mature vegetation installed at a height of five (5) feet achieving opaqueness and a minimum height often (10) feet in two (2) years.
 - iv. A vegetated (10) foot high earthen berm.
2. *Setbacks.* Small and large scale SES shall comply with the following setback requirements:
- a. The SES shall be located no closer than 50 feet from any undisturbed vegetative buffer line,
 - b. The SES shall be located no closer than 300 feet from any residential dwelling unit on an adjacent lot.
3. *Mitigation of impacts.* The applicant shall submit a mitigation plan that contains the following:
- a. A plan for the prevention and mitigation of storm water runoff and soil erosion;
 - b. A plan for maintaining natural soil and vegetative ground cover in good condition underneath the panels, rather than cement, gravel, or bare dirt. Such vegetative ground cover should include: (i) a meadow condition with native grasses that are low growing, low maintenance, and have deeper roots which help decrease soil compaction; (ii) planting pollinator friendly habitat (native plant species, such as shrubs, grasses, and wildflowers) between, below, and alongside

solar panels, thus, helping restore pollinator population through dual land uses.

- c. If the SES is located on prime farmland or farmland of statewide importance (as defined by Natural Resource Conservation Service), a plan to mitigate damage to the soil quality;
 - d. If the installation of the SES will result in potentially adverse changes to any wildlife, including but not limited to state or federally endangered, threatened, or candidate species habitat, a mitigation plan, that includes:
 - (i) a process for minimizing changes to the species habitat, including but not limited to habitat corridors,
 - (ii) a plan to relocate and monitor any impacted species, and
 - (iii) a plan to restore the original species habitat after the system is decommissioned.
 - e. The results of an environmental review conducted by Georgia Department of Natural Resources, Wildlife Resources Division will be required
 - f. All Large Scale SES shall include at least one wildlife through corridor at least one hundred (100) feet in width for each 500 acres, i.e., a Large Scale SES site up to 500 acres will be required to have one wildlife through corridor; a Large Scale SES site between 500 and 1000 acres will be required to have two wildlife through corridors; and a Large Scale SES site between 1000 and 1500 acres will be required to have three wildlife through corridors. Wetlands and waters of Georgia, as defined in section 201 of the county Unified Development Code, which have been excluded from fencing, shall not be considered wildlife corridors for purposes of this section.
4. *Fencing.* A security fence for all ground mounted systems shall be constructed at a minimum height of eight (8) feet with a gate and locking mechanism but shall not enclose the visual buffer or any wetlands or waters of the state as defined in section 201 of the Oglethorpe County Unified Development Code.
 5. *Damage to Oglethorpe County infrastructure.* The owners and operators of any Small or Large Scale SES shall be jointly and severally responsible for reimbursing the county for any damage to county infrastructure resulting from traffic to and from the SES during construction, as determined by the Oglethorpe County Code Enforcement Officer.
 6. *Signage.* A small or large scale SES:
 - a. Shall display signs (a) stating the risks that may result from contact with an SES facility, (b) identifying the owner or operator of the Small Scale SES, and (c) providing a 24-hour emergency contact phone number;
 - b. Shall comply with the requirements of the applicable zoning district and local sign ordinances; and
 - c. May have signs that contain educational information about the SES facility as long as such signs comply with requirements of the applicable zoning district and local sign ordinances.
 7. No conditional use permit shall be issued to any SES project until the owner thereof agrees in writing that the owner, and the owner's successors and assigns, shall comply with the provisions of section 712.04 for the period of time that the SES remains in operation.

Secs. 712.05-712.06. Reserved.

Sec. 712.07. Conditional use application.

In addition to the general requirements for a conditional use application set forth in the Oglethorpe County Zoning Ordinance (section 1402.03), the following shall be contained in any conditional use application for a Small Scale or Large Scale SES facilities:

- (1) *Basic information.* The applicant shall submit a document that lists the following:

- a. The address of the property on which the SES will be located;
 - b. The applicant's name, address, telephone number, and email address;
 - c. The property owner's name, address, telephone number, and email address;
 - d. If known, the SES operator's name, address, telephone number, and email address;
 - e. If known, the installation company's name, address, telephone number, email address, and license number; and
 - f. Evidence of the applicant's control of the property, such as a deed, lease, or option agreement with the landowner.
- (2) *Planning.* The applicant shall submit the following, based on the most current and accurate information reasonably available:
- a. A site plan of the property that depicts the locations of all existing and proposed structures (including solar arrays, inverters, transformers, electrical substations, and buildings), property lines, rights-of-way, roads, required setbacks, and visual buffers;
 - b. A stormwater management plan which complies with Section 605.206 requirements for a stormwater permit, and which shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of Section 605.07, including the performance criteria set forth in that article;
 - c. A topographic map that depicts vegetative cover, watersheds, or wetlands on the property;
 - d. A visual buffer plan that demonstrates that any visual buffer (a) minimizes impacts of the SES on adjacent residential dwelling units, as required by this article, (b) preserves natural tree growth and natural landforms along the SES perimeter, as required by this article, and (c) complies with any additional visual buffer requirements of the Oglethorpe County zoning code that may further minimize impacts of the SES on the community character;
 - e. A list that identifies (a) federal or state endangered, or threatened, species that may be present on the property or within 1,000 feet of the property, and (b) critical habitat on the property or within 1,000 feet of the property;
 - f. A map that identifies prime farmland and farmland of statewide importance, if any, on the property; and
 - g. A decommissioning plan that contains the following:
 - i. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
 - ii. Statement of conditions that require the decommissioning plan to be implemented; As part of decommissioning, a removal plan that identifies all structures, components, and non-utility owned equipment that shall be removed;
 - iii. As part of decommissioning, a plan for recycling or otherwise reusing all materials to the extent reasonably practicable;
 - iv. As part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use after the SES is removed, including a tree restoration plan to restore the original tree cover with similar tree types and numbers after the system is decommissioned; and
 - v. A timeline to complete decommissioning consistent with this article.
 - h. A surety bond, as required by Section 712.02(5)(g) hereof to guarantee execution of the decommissioning plan, which shall be subject to the approval of the Board of Commissioners.

Certifications. The applicant shall submit an affidavit that provides, to the best of the applicant's knowledge:

- a. That construction and operation of the SES will comply with all applicable federal, state, and local statutes, rules, regulations, and ordinances, including, but not limited to, the requirements of the Oglethorpe County Unified Development Ordinance; and
 - b. That commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the SES of at least \$10,000,000.00, and the SES operator shall provide written proof of the existence of such insurance within 30 calendar days of written demand therefor by Oglethorpe County or any agency of Oglethorpe County. The operator shall further cause the liability insurance carrier to provide at least 30 calendar days' written notice to Oglethorpe County prior to the cancellation of such insurance.
- (3) *Incomplete application.* A initial review of a conditional use application filed in accord with this section shall be undertaken by the county's planning and zoning staff within 30 working days of the date the application is filed, and if, as a result of such initial review, it is determined by staff that the application is incomplete or does not otherwise comply with the provisions of this article, then the applicant shall be so notified in writing as to the deficiencies in the application and no further proceedings regarding the application shall be undertaken until the stated deficiencies have been corrected or resolved and an amended application shall have been submitted to the county. Upon the proper submission of such amended application, the approval process established in this article shall commence with respect to the amended application. Notwithstanding the foregoing, if the conditional use application shows on its face that the proposed SES facility project could not be authorized or permitted in accord with the provisions of this article, then the county's planning and zoning staff shall so notify the applicant in writing of such fact and the review of the application shall be terminated.
- (4) *Payment for Evaluation of Plans.* If either the Planning Department, the Zoning Board, or Board of Commissioners determine that outside experts are required to evaluate any aspect of Small or Large Scale SES application, the applicant agrees to be responsible for the payment of any reasonable expense incurred by the County associated with hiring such experts

Sec. 712.08. Conditional use review.

1. Upon receiving a conditional use application for an SES, Oglethorpe County shall conduct permitting proceedings in accordance with the requirements of the Oglethorpe County Unified Development Code (section 1402.03).
2. Conditional uses shall be initially reviewed by the Zoning Board and a recommendation regarding approval or denial of such conditional use application shall be made to the Oglethorpe County Board of Commissioners based on criteria located in section 1403.
3. With respect to the approval or denial of a conditional use application under this section, both the Oglethorpe County Zoning Board and the Oglethorpe County Board of Commissioners shall consider the following with respect to each conditional use application:
 - a. Whether the proposed SES facility can coexist with healthy tree coverage within the area where the proposed SES facility is to be located;
 - b. Whether the SES facility will negatively affect the ecological benefits of forestland with respect to the forestland's continuing ability to maintain their clean water filtration capacity, soil erosion control, clean air, wildlife habitat, aesthetics and recreation potential is substantial. With respect to such analysis, the following should be considered with respect to such potentially impacted forestland:
 - (i) Whether the proposed SES site will avoid clear cutting forests entirely; and
 - (ii) If a solar energy system is proposed on forestland, the footprint or design (a) avoids the healthiest sections of forest and oldest trees, and (b) adopts habitat corridors to protect wildlife.

- c. Whether the proposed plan establishes that a policy of zero net loss should be followed, meaning planting the same number of trees that were cut elsewhere.
- d. Whether the proposed SES facility shall be physically positioned in such a way that glare does not affect adjacent properties or roadways.
- e. Whether the proposed SES facility complies with required setbacks, visual buffers, and signage requirements.
- f. Whether the proposed SES application provides long-term plans to minimize stormwater runoff and soil erosion impacts from the SES facility through the following site design practices: [Site design practices should be listed here]
- g. Whether the proposed SES application provides for the avoidance of soil compaction underneath and around panels during and after construction by using low impact construction techniques.
- h. Whether the proposed SES application provides for maintaining natural soil and vegetative ground cover in good condition underneath the panels, rather than cement, gravel, or bare dirt. Such vegetative ground cover should include: (i) a meadow condition with native grasses that are low growing, low maintenance, and have deeper roots which help decrease soil compaction; (ii) planting pollinator friendly habitat (native plant species, such as shrubs, grasses, and wildflowers) between, below, and alongside solar panels, thus, helping restore pollinator population through dual land uses.
- i. Whether the proposed SES application provides for avoiding chemical fertilizers, pesticides, and fungicides, as this can pollute stormwater runoff and may require stormwater treatment and require mowing of the grass areas.
- j. Whether the proposed site for the SES facility is suitable, taking into consideration impacts to soils, particularly as to prime farmland and farmland of statewide significance, the applicant's efforts to locate the proposed facility away from prime agricultural land, the site's accessibility to electric transmission infrastructure at the site and generally in the county, any special rationale offered by the applicant for location decisions that may be related to watershed management and aquifers, the applicant's proposed use of equipment (including types of equipment) and site preparation practices designed to minimize soil disturbances, and the applicant's proposals regarding maintaining compatible mixes of uses at the proposed facility site.
- k. Whether the proposed site for the SES facility contains prime farmland or farmland of statewide significance which would likely be negatively impacted by the construction and operation of such an SES facility;
- l. Whether the conversion of the proposed site for the construction and operation of an SES facility results in the removal of economic opportunities for agriculture-related businesses doing business in Oglethorpe County and surrounding counties;
- m. Whether the use of the proposed land for the construction and operation of the proposed SES facility is compatible with existing adjacent land uses;
- n. Whether the proposed solar facility will likely have an adverse or negative effect upon the fair market value of real property, including, but not limited to, residential, commercial, or agricultural real property, in the geographic area within a radius of ten (10) miles of where the solar facility is to be located;
- o. Whether the proposed SES facility will have undue short and long term effects on the county infrastructure, and the applicant's willingness to be responsible for any resulting damage to county infrastructure beyond normal wear and tear;
- p. A conditional use application may be denied if the Oglethorpe County Board of Commissioners determines the proposed SES facility does not meet the requirements of the Oglethorpe County zoning code, including, but not limited to, this article of the Oglethorpe County Code of Ordinances; provided, however, that a conditional use application which does not comply with one or more of the requirements

- q. of this section may be approved by the Board of Commissioners with or without the recommendation of the Zoning Board if the Board of Commissioners finds that the requirements of this section not complied with are not applicable to the particular application or that the failure to comply with particular requirements of this section can be excused due to special conditions existing with respect to the real property upon which the SES is proposed to be located.
- r.

The construction and operation of the SES facility by the owner shall be undertaken at all times in accord with the Oglethorpe County Code of Ordinances, the Unified Development Code of Oglethorpe County, Georgia, including but not limited to this section, and applicable state and federal laws, rules, and regulations..

Sec. 712.09. General provisions regarding solar energy systems.

1. During the construction of, and prior to an SES facility being placed in operation, all approved SES installations shall be required to undergo applicable periodic inspections by the Oglethorpe County Code Enforcement Department in the same manner and to the same extent as other commercial construction projects are required to undergo in accord with the Oglethorpe County Code of Ordinances.
2. All Small Scale SES facilities and Large Scale SES facilities shall have a knock box entry system at the primary entrance. The knock box entry system shall comply with the specifications of the International Fire Code, now existing or as hereafter amended.
3. All SES facilities shall have a written emergency response plan which shall be approved by the Oglethorpe County Code Enforcement Department, Oglethorpe County Sheriff's Office, the Oglethorpe County Fire and Emergency Services Department, and the Oglethorpe County Emergency Management agency. Each SES facility shall update its emergency response plan no later than January 15 of each calendar year with a copy provided to all departments and agencies named in this subsection. The emergency response plan shall include, at a minimum, the following:
 - a. The phone number, email address, and street address for the owner and operator of the SES facility; and
 - b. The phone number, email address, and mailing address for a representative of the solar SES facility responsible for responding to public inquiries regarding the SES; and
 - c. The material safety data sheets that apply to any materials located upon the SES facility; and
 - d. The clearly marked means and instructions for shutting down the solar photovoltaic installation or the solar thermal system, as applicable.
4. Any SES facility which has not been in use for a period of 180 consecutive days for its original purpose as approved by the county shall be deemed abandoned and shall not be authorized to recommence operations until a new conditional use application has been submitted and approved. Prior to operating the re-approved SES facility, an Oglethorpe County Code Enforcement inspection of the existing SES facility shall have been completed certifying that the SES facility meets all applicable federal, state, and local statutes, rules, regulations, and ordinances.
5. All electrical interconnections and distribution lines within an SES facility, except for power lines that leave the facility or are within the substation associated with the SES facility, shall be underground, unless the Oglethorpe County Code Enforcement Department grants a written exception due to environmental constraints.
6. Notwithstanding any other provision of this article, clearing of natural vegetation in connection with an SES facility shall be limited to that which is necessary for the construction, operation, and maintenance of the ground mounted solar photovoltaic installation and consistent with best practices for the preservation of natural areas or good husbandry of the land or forest areas.
7. The Oglethorpe County Code Enforcement Department shall have the right to inspect any SES facility in the unincorporated areas of the county without notice if there is demonstrated potential risk of immediate harm or injury to person or property arising in connection with the existence or operation of the SES facility. If there is no risk of immediate harm or injury to person or property, the Oglethorpe County Code Enforcement

Department shall have the right to inspect any solar farm upon making reasonable efforts to notify the owners or operators 24 hours in advance of the inspection.

Sec. 712.10. Ad valorem taxation of SES installations.

Unless otherwise specifically required by state law, neither the Oglethorpe County Board of Commissioners, nor any of the County's elected officials shall be authorized to:

- i. approve or execute any intergovernmental or other agreement providing for the issuance of revenue bonds to provide or assist in providing financing of the construction of an SES facility through the Oglethorpe County Development Authority, or through any successor economic development authority, or through any other economic development authority operating in Oglethorpe County; or
- ii. approve or execute any intergovernmental or other agreement relating to or providing for ad valorem tax incentive transactions related to or in connection with the construction of an SES facility; provided, however, that this section 712.10 shall not be applicable to any proposed large scale SES facility where the developer of the large scale solar facility and the Oglethorpe County Development Authority have executed, prior to September 1, 2023, a bond issue inducement resolution, bond issue inducement agreement, or any other similar agreement relative to the authority's agreement to issue revenue bonds to assist in the financing of such large scale SES facility, where such resolution or agreement referred to real or personal property ad valorem tax incentive for the benefit of such SES facility provided, further, that the provisions of this section 712.10 relating to such prior resolutions or agreements shall not be construed to waive, repeal, rescind, or modify any other provisions of the Oglethorpe County Code regulating solar installations proposed or to be proposed to be constructed or installed in Oglethorpe County, except as otherwise specifically provided in this section 712.10.

Sec. 712.11. Permit revocation.

A permit issued under section 712 may be revoked by the Oglethorpe County Board of Commissioners upon recommendation of the Oglethorpe County Code Enforcement Department for any SES facility which is not in full compliance with this Section. Prior to recommending the revocation of a permit, the Oglethorpe County Code Enforcement Department shall provide ten calendar days' written notice of any deficiencies to the owner of the SES via U.S. Mail (overnight delivery), certified mail (return receipt requested), or personal service by hand delivery. If the cited deficiencies are not corrected within such ten calendar days, the Oglethorpe County Code Enforcement Department shall be authorized to recommend in writing a revocation of the permit to operate the SES facility to the Oglethorpe County Board of Commissioners. Within 30 calendar days of receipt of such recommendation, the Oglethorpe County Board of Commissioners shall hold a public hearing on the recommendation, and both the Oglethorpe County Code Enforcement Department and the owner or operator of the SES facility may be present and present witnesses and offer evidence at the public hearing. Each side may be represented by legal counsel at the hearing. Notice of the date, time, and place of the hearing shall be provided to both parties not less than ten calendar days prior to the date of the hearing. The strict rules of evidence required in a court of law shall not be required in any such hearing. After hearing evidence and argument from the parties at the hearing, the Oglethorpe County Board of Commissioners shall be authorized to revoke the permit if the Board of Commissioners finds by a preponderance of the evidence that the SES facility is not in compliance with this article and the failure to comply with this article presents an immediate danger of harm to persons or property. Written notice of the decision of the Board of Commissioners shall be provided to all parties within ten calendar days after the date of the hearing. If a permit is revoked, the Board of Commissioners may impose conditions for the re-issuance of a new permit for the SES facility in the revocation order. The owner or operator of the SES facility may apply for a new conditional use permit under this article once any conditions required by the Board of Commissioners for the issuance of a new conditional use permit are met by the owner or operator of the SES facility. In applying for a new conditional use permit, the applicant shall be required to meet all of the requirements for the issuance of a new permit provided in the Oglethorpe County Code, including, but not limited to, the requirements of this article.

Sec. 712.12. Penalties.

Any violation of this Section found by a court of competent jurisdiction shall, upon conviction, be punished as provided in section 1301.03 of the Oglethorpe County Unified Development Code."

This ordinance shall take full force and effect upon approval by the Board of Commissioners.

All ordinances in conflict with the text of this ordinance are hereby repealed.

SO ORDAINED this day of _____ day of _____, 2023.

OGLETHORPE COUNTY, GEORGIA

[SEAL]

**JAY PAUL, CHAIRMAN
OGLETHORPE COUNTY BOARD OF
COMMISSIONERS**

ATTEST:

AMY FORRESTER
County Clerk

INITIATED and RECOMMENDED for ADOPTION and APPROVAL at the regular meeting of the Oglethorpe County Zoning Board on _____, 2023.

READ, ADOPTED, APPROVED, and ORDAINED by the Board of Commissioners of Oglethorpe County after a duly noticed public hearing held on _____, 2023.