

AN ORDINANCE TO CREATE THE DODGE COUNTY, GA CODE TO PROVIDE COMPREHENSIVE GUIDELINES FOR THE SAFE AND ORDERLY DEVELOPMENT OF SOLAR ENERGY IN DODGE COUNTY.

WHEREAS it is in the best interest of Dodge County to facilitate the siting, construction, installation, and decommissioning of solar energy systems (SEs) in Dodge County in a manner that encourages local economic development and protects the health, safety, and welfare of the citizens of Dodge County, and at the same time mitigates any adverse impacts to wildlife, agricultural lands, forests, and other natural landscapes; and

WHEREAS the intent of Dodge County is to increase energy security and diversify the energy portfolio, to promote the use of Georgia-based energy resources, to decrease the cost of energy, to bolster local economic development and employment prospects, to increase consumers' choices in energy consumption, to encourage the use of a renewable energy resource, to support Georgia's sustainability agenda, and to reduce air and water pollution; and

WHEREAS the intent of Dodge County is not to compromise or contradict the health, safety, or environmental requirements contained in other federal, state, and local laws, nor is it to create heightened standards for the siting, construction, installation, and decommissioning of SEs that would discriminate against SEs relative to other similar commercial, industrial, or utility projects within Dodge County;

BE IT ORDAINED by the Board of Commissioners of Dodge County as follows:

Definitions

- ***Solar Energy System (SES)*** means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.
- ***Integrated Solar Energy System*** means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
- ***Rooftop Solar Energy System*** means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
- ***Ground Mounted Solar Energy System*** means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. The ***Footprint*** of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint. Ground Mounted SESs shall be delineated by size as follows:
 - ***Small Scale Ground Mounted Solar Energy System (Small Scale SES)*** means a Ground Mounted SES with a Footprint of less than 1 – 49 acres.
 - ***Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES)*** means a Ground Mounted SES with a Footprint of between 50– 199 acres.
 - ***Large Scale Ground Mounted Solar Energy System (Large Scale SES)*** means a Ground Mounted SES with a Footprint of more than 200+ acres.

Section 1. – Applicability

- (a) This article applies to the siting, construction, installation, and decommissioning of any new SES to be constructed or installed after April 1, 2023 within the jurisdiction of Dodge County.
- (b) Any SES that, prior to April 1, 2023:
 - 1. is in operation;
 - 2. is being lawfully sited, constructed, or installed; or
 - 3. has caused the incurrence of substantial liabilities relating to siting, construction, or installation;

shall be exempt from complying with this ordinance, unless the surface area of an Integrated SES or Rooftop SES or the Footprint of a Ground Mounted SES is increased by more than 5 – 25% after April 1, 2023.

- (c) Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the Dodge County and applicable building, fire, electric, and plumbing codes. If a provision in this ordinance directly conflicts with a requirement of Dodge County, this ordinance shall control.

Section 2. – Requirements for Integrated Solar Energy Systems

- (a) **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 the Integrated SES adequate exposure to sunlight.

Section 3. – Requirements for Rooftop Solar Energy Systems

- (a) **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 the Rooftop SES adequate exposure to sunlight.
- (b) **Height.** A Rooftop SES shall not vertically exceed the highest point of the roof to which it is attached as set by applicable federal and state and regulations. Further, a Rooftop SES shall not be constructed in such a manner as to interfere with the use of adjacent property.

Section 4. – General Requirements for All Ground Mounted Solar Energy Systems

The following requirements apply to all Ground Mounted SESs, in addition to the specific requirements in this ordinance that apply to Intermediate and Large Scale SESs respectively.

- (a) 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.
- (b) Impervious Surface.** Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered impervious. However, the panels of a Ground Mounted SES shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.
- (c) Lighting.** To reduce light pollution, lighting of a Ground Mounted SES shall:

 - 1. be limited to the minimum reasonably necessary for its safe operation;
 - 2. be directed downward where reasonably feasible;
 - 3. incorporate full cut-off fixtures; and
 - 4. reasonably utilize motion sensors.
- (d) Decommissioning.** Unless otherwise approved by the Board of Commissioners, decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy:

 - 1. for a Ground Mounted SES allowed without a permit, within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use; and
 - 2. for a Ground Mounted SES allowed with a permit, the SES shall be decommissioned in accordance with the most recent decommissioning plan approved by the Board of Commissioners.

Section 4A. – Specific Requirements for Intermediate Scale Solar Energy Systems

The following requirements apply to Intermediate Scale SESs, in addition to the general requirements in this ordinance that apply to all Ground Mounted SES.

- (a) **Setbacks.** An Intermediate Scale SES shall comply with the following setback requirements:
1. the Intermediate Scale SES shall be located no closer than the lesser of (a) 100 feet from any property line.
 2. the Intermediate Scale SES shall be located no closer than the lesser of (a) 100 feet from any public right-of-way.
 3. the Intermediate Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.
- (b) **Visual Buffers.** An Intermediate Scale SES in a residential or agricultural district shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and minimum fencing six (6) feet high that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Board of Commissioners.
- (c) **Signage.** An Intermediate Scale SES:
1. shall display signs (a) stating the risks that may result from contact with an Intermediate Scale SES, (b) identifying the owner or operator of the Intermediate Scale SES, and (c) providing a 24-hour emergency contact phone number;
 2. shall comply with the requirements of the applicable zoning district for displaying any advertisement; and
 3. may have signs that contain educational information about the Intermediate Scale SES.

Section 4B. – Specific Requirements for Large Scale Solar Energy Systems

The following requirements apply to Large Scale SESs, in addition to the general requirements in this ordinance that apply to all Ground Mounted SESs.

- (a) **Setbacks.** A Large Scale SES shall comply with the following setback requirements:
1. the Large Scale SES shall be located no closer than the lesser of (a) 100 feet from any property line.
 2. the Large Scale SES shall be located no closer than the lesser of (a) 100 feet from any public right-of-way.
 3. the Large Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.
- (b) **Visual Buffers.** A Large Scale SES shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and minimum fencing six (6) feet high that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on

adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Board of Commissioners.

(c) Signage. A Large Scale SES:

1. shall display signs (a) stating the risks that may result from contact with a Large Scale SES, (b) identifying the owner or operator of the Large Scale SES, and (c) providing a 24-hour emergency contact phone number;
2. may have signs that contain educational information about the Large Scale SES.

Section 5A. – Special Use Permit Application

The following shall be contained in any Special Use Permit application for an SES:

(a) Basic Information. The applicant shall submit a document that lists the following:

1. the address of the property on which the SES will be located;
2. the applicant's name, address, telephone number, and email address;
3. the property owner's name, address, telephone number, and email address;
4. if known, the SES operator's name, address, telephone number, and email address;
5. if known, the installation company's name, address, telephone number, email address, and license number; and
6. evidence of the applicant's control of the property, such as a deed, lease, or option agreement with the landowner.

(b) Planning. The applicant shall submit the following, based on the most current and accurate information reasonably available:

1. 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;
2. a topographic map that depicts vegetative cover, watersheds, or wetlands on the property;
3. 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 ordinance, (b) preserves natural tree growth and natural land forms along the SES perimeter, as required by this ordinance;

4. a decommissioning plan that contains the following:
 - a. the name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
 - b. a statement of conditions that require the decommissioning plan to be implemented;
 - c. as part of decommissioning, a removal plan that identifies all structures, components, and non-utility owned equipment that shall be removed;
 - d. as part of decommissioning, a plan for recycling or otherwise reusing all materials to the extent reasonably practicable;
 - e. 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; and
 - f. a timeline to complete decommissioning.

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

1. construction and operation of the SES will comply with all applicable federal and state laws;
2. commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the SES.

Section 5B. – Special Use Permit Review

- (a)** Upon receiving a Special Use Permit application for an SES, the County Manager or his designee shall conduct permitting proceedings in accordance with the requirements of the Dodge County.
- (b)** A Special Use Permit application may be denied if the County Manager or his designee determines the SES does not comply with the requirements of Dodge County and this ordinance.
- (c)** The applicant must provide, as part of the application, a surety bond in the amount set by the Dodge County Board of Commissioners proportionate to the risk associated with the installation and maintenance of the SES.
- (d)** The applicant can appeal this decision in a regular scheduled meeting of the Dodge County Board of Commissioners.

SO ORDAINED, on this 20th _____ day of March, 2023.