AN ORDINANCE TO CREATE THE DODGE COUNTY, GA CODE TO PROVIDE COMPREHENSIVE GUIDELINES FOR THE SAFE AND ORDERLY DEVELOPMENT OF SOLAR ENERGY AND/OR BATTERY STORAGE FACILITIES 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 (SESs) and/or battery storage facilities 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 that would discriminate 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.

- ***Battery Storage Facility*** also known as a ***battery energy storage system (BESS)***, a facility that captures and stores large amounts of electrical energy in batteries, discharging the store energy back into the electrical grid when needed, such as during peak demand periods or when there is a power outage, thus helping ensure a steady flow of electricity and preventing blackouts. A facility consists of battery modules, a battery management system, enclosures (i.e., durable, waterproof, and often noncombustible containers that house the battery racks), a thermal management system, and transformers and communications equipment to connect to the grid and control the flow of electricity.

- ***Structure*** means a preexisting building.

- ***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. An Integrated SES may be incorporated into, among other things, a facade, skylight, shingles, canopy, light, parking meter, driveway lighting, or any small self-contained solar powered device.

- ***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 Energy System*** means a system or facility with a total project footprint up to 49.9 acres.
- ***Intermediate Scale Energy System*** means a system or facility with a total project footprint from 50 acres to 199.9 acres.
- ***Large Scale Energy System*** means a system or facility with a total project footprint of 200 acres or more.

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 and/or BESS 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 or BESS is increased by more than 5 – 25% after April 1, 2023.

(c) Unless otherwise expressly stated herein, an SES and/or BESS 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.

(c) **Airports.** Any system proposed within a three (3) mile radius of an airport or helipad shall present evidence that they have consulted with the appropriate authority regarding the solar energy system before construction and completed a review process with the Federal Aviation Administration (FAA). This review from the FAA shall indicate that the proposed facility shall not interfere with the normal operation of aircraft in the area. Systems shall not be placed in the vicinity in a manner that would interfere with the airport flight patterns.

Section 4. – General Requirements for All Ground Mounted Solar Energy Systems and/or Battery Storage Facilities

The following requirements apply to all systems or facilities, 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 a system or facility, 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 system or facility 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 system or facility has ceased to generate or store electricity and/or thermal energy:

1. for a system or facility allowed without a permit (prior to April 1, 2023), 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 system or facility (after April 1,2023) allowed with a permit, the system or facility shall be decommissioned in accordance with the most recent decommissioning plan included in the application and approved by the County Manager or his designee.

(e) Airports. Any system proposed within a three (3) mile radius of an airport or helipad shall present evidence that they have consulted with the appropriate authority regarding the energy system before construction and completed a review process with the Federal Aviation Administration (FAA). This review from the FAA shall indicate that the proposed facility shall not interfere with the normal operation of aircraft in the area. Systems shall not be placed in the vicinity in a manner that would interfere with the airport flight patterns.

(f) Noise. Systems and facilities must adhere to the noise standards to avoid contribution to excessive noise pollution. The following noise limits shall apply:

1. The continuous sound level generated by the system shall not exceed thirty-five (35) decibels, measured at a distance of twenty-five (25) feet from the property line of the operation.

(g) Signage.

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

(h) Visual Buffers.

1. Systems and facilities shall have and maintain, to the extent reasonably practicable, a visual buffer from the ground up to six (6) feet high 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 and potential reflection from the system or facility to structures on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the system or facility 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 submitted by the applicant and approved by the County Manager or his designee.

Section 4A. – Specific Requirements for Small Scale Energy System

The following requirements apply to Small Scale systems or facilities, in addition to the general requirements in this ordinance that apply to all Ground Mounted SES and/ or BESSs.

(a) Setbacks. A Small Scale system or facility shall comply with the following setback requirements:

1. the Small Scale system or facility shall be located at a minimum of (a) 100 feet from any property line.
2. the Small Scale system or facility shall be located at a minimum of (a) 100 feet from any public right-of-way.
3. the Small Scale system or facility shall be located at a minimum of 200 feet from any property line directly across from a structure for a linear distance (along the property line) equivalent to the length of the structure facing the property line plus an additional 250 feet from both ends of the structure.

Section 4B. – Specific Requirements for Intermediate Scale Energy System

The following requirements apply to Intermediate Scale systems or facilities, in addition to the general requirements in this ordinance that apply to all Ground Mounted SES and/or BESSs.

(a) Setbacks. An Intermediate Scale system or facility shall comply with the following setback requirements:

1. the Intermediate Scale system or facility shall be located at a minimum of (a) 150 feet from any property line.

2. the Intermediate Scale system or facility shall be located at a minimum of (a) 150 feet from any public right-of-way.
3. the Intermediate Scale system or facility shall be located at a minimum of 200 feet from any property line directly across from a structure for a linear distance (along the property line) equivalent to the length of the structure facing the property line plus an additional 250 feet from both ends of the structure.

Section 4C. – Specific Requirements for Large Scale Systems

The following requirements apply to Large Scale system or facility, in addition to the general requirements in this ordinance that apply to all Ground Mounted SES and/or BESS.

(a) Setbacks. A Large Scale system or facility shall comply with the following setback requirements:

1. the Large Scale system or facility shall be located at a minimum of 150 feet from any property line.
2. the Large Scale system or facility shall be located at a minimum of 150 feet from any public right-of-way.
3. the Large Scale system or facility shall be located at a minimum of 200 feet from any property line directly across from a structure for a linear distance (along the property line) equivalent to the length of the structure facing the property line plus an additional 250 feet from both ends of the structure.

Section 5- Permit Requirements

1. Permits are required for Rooftop, Ground Mounted, and Battery Energy Storage Systems.

Section 5A. – Permit Application

Business License Required. Applicants are required to purchase and maintain a valid business license as a condition of submitting and processing an application.

Application Fee Assessed

Application fee must be paid at the time of submission.

- Base fee of $150.00
- Additional fee of $2.00 per acre over one (1) acre.

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 system or facility 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 system or facility 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 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:

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 topographic map that depicts vegetative cover, watersheds, or wetlands on the property;
c. a visual buffer plan that demonstrates that any visual buffer (a) minimizes impacts of the system and/or facility on adjacent residential dwelling units, as required by this ordinance, (b) preserves natural tree growth and natural land forms along the 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 system or facility or to some other condition reasonably appropriate for the designated land use after the system or facility is removed; and
    f. a timeline to complete decommissioning.

(c) Construction Traffic. Prior to the issuance of a building permit, the applicant shall provide a Construction Traffic Management Plan (CTMP) for review and approval by the County Manager in coordination with the Dodge County Fire Chief, Dodge County EMS Director, Dodge County Sheriff, and the Dodge County Road Superintendent. A surety bond may be required to cover costs related to potential damage to public roads and right-of-way.

(d) Signage. Signage shall be placed around the proposed parcel in a conspicuous place informing the public of the potential solar farm. Signage shall be updated with the date, time, and location of the required public hearing when established (see section 5B(f)).

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

a. Construction, installation, operation and decommissioning of the system or facility will comply with all applicable federal and state laws;
b. commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the system or facility.

Section 5B. –Permit Review

(a) Upon receiving a Permit application for a system or facility, the County Manager or his designee shall conduct permitting proceedings in accordance with the requirements of the Dodge County.

(b) A Permit application shall be denied if the applicant seeks or receives any local tax abatements related to the solar project.

(c) A Permit application may be denied if the County Manager or his designee determines the system or facility does not comply with the requirements of Dodge County and this ordinance.

(d) The applicant must provide, as part of the application, a surety bond set by the Dodge County Board of Commissioners. The applying party should provide an assessment by an independent third party for decommissioning costs to the Board of Commissioners to be used in setting the bond amount. Over the life of the project, the bond amount may be adjusted using the Consumer Price Index, or other inflationary measurements. The bond must be maintained for the entire duration of the facility's existence, irrespective of its operation status. Should the bond not be maintained as required, Dodge County has the right to call the bond and use the proceeds to fully remove the facility and reasonably restore the site to its natural condition. The bond may be returned once Dodge County Board of Commissioners or their designee reasonably determines that the decommissioning of the facility has been completed in accordance with all applicable ordinances and federal and state laws.

(e) The applicant can appeal this decision in a regular scheduled meeting of the Dodge County Board of Commissioners.

(f) As a condition precedent to the approval of any permit, the applicant shall conduct a duly noticed public hearing, which shall be held at a convenient time and place.