

Bleckley County Solar Farm Ordinance

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

WHEREAS it is the intent of Bleckley County 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 this ordinance is not intended to abridge safety, health, or environmental requirements contained in other applicable sections of the Code or any Memorandum of Understanding. This ordinance shall not be deemed to supersede any other provisions of local, state, or federal law.

BE IT ORDAINED by the Commissioner of Bleckley County as follows:

ARTICLE I. – SOLAR FARMS

Application.

- a. This ordinance shall apply to all solar farms or photovoltaic solar energy production facilities located in the county, installed and constructed after the effective date of the ordinance. For purposes of this ordinance, "solar energy system" and "solar farm" mean a solar energy system or solar farm as defined herein.
- b. Solar energy systems and/or solar farms constructed prior to the effective date of the ordinance from which this ordinance is derived shall not be required to meet the requirements of this ordinance.
- c. In addition to the regulations herein provided, all solar energy systems and/or solar farms shall be designed, erected, and installed in accordance with any and all applicable local, state, utility, and national codes, regulations, and standards.

Definitions.

Words not defined herein shall be construed to have the meaning given by common and ordinary use and shall be interpreted within the context of the sentence and section in which they occur. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the present tense include the future tense.

The word "erected" includes the words "constructed," "located" or "relocated." The word "parcel" includes the word "plot" or "lot." The word "person" includes the words "individuals," "firms," "partnerships," "corporations," "associations," "governmental bodies," and all other legal entities. The word "shall" is always mandatory and never discretionary. The words "used" or

“occupied” include the words “intended, arranged, or designed to be used or occupied.” For the purpose of this section, certain terms used herein shall be defined as follows:

Ground-mounted system means any solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground.

Mechanical equipment means any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

Photovoltaic (PV) system means any solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight.

Solar access means the ability of one property to continue to receive sunlight across property lines without obstruction from another’s property (buildings, foliage, or other impediments).

Solar easement means an easement recorded pursuant to O.C.G.A. §§44-9-20 – 44-9-24, the purpose of which is to secure the right to receive sunlight across the real property of another for the continued access to sunlight necessary to operate a solar energy system.

Solar energy system means an energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include the terms passive solar and active solar systems.

Solar energy system, small-scale means an active solar energy system that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 25 kW Direct Current (DC)).

Solar energy system, medium-scale means an active solar energy system that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 25-§50 kW DC).

Solar energy system, large-scale means an active solar energy system that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about §50kW DC or greater).

Solar farm (aka utility-scale solar) means a large-scale solar energy system that is designed to supply electricity directly to the utility grid, typically occupying many acres of land.

Solar glare means the effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Solar photovoltaic (Solar PV) system means solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight.

Solar panel or module means a device for the direct conversion of sunlight into useable solar energy (including electricity or heat).

Solar Farm Requirements.

All solar farms in the county shall comply with the following standards:

- a. The following minimum setback distances shall be required for all system components for a solar farm project (exclusive of fencing and vegetative screening):

1. 150 feet from all dwelling units, except where the owner of a dwelling unit agrees to lessen such distance by executing a signed written waiver of this requirement.
 2. One hundred (100) feet from all public right-of-way frontages; and
 3. 100 feet from all property boundaries, with the exception of property boundaries adjoining parcels that are a part of a single solar farm project, as shown on the site plan. These property boundaries shall not be subject to this setback requirement. In such excepted case, a written waiver approved by the county and signed by the property owner(s) of all adjoining parcels included in the project shall be required.
- b. Power inverters and other sound-producing equipment shall be sited no less than 150 feet from any dwelling unit in place at the time of construction or installation.
 - c. All solar farms shall be fenced in using a chain link fence with a height of at least six (6) feet, as measured from the finished grade of the fencing perimeter, with anti-climb devices with three (3) barbed wire line arms. Fencing shall be covered by a non-transparent dark colored material. The replacement and upkeep of any work material is the responsibility of the Solar Company. Brightly colored signs no smaller than one foot by two feet shall be posted on the fence every 100 feet warning of danger and high voltage.
 - d. Abutting residential properties shall be visually screened year-round from any solar farms to the reasonable satisfaction of the county through any one of a combination of planting or existing evergreen vegetative screening or privacy fencing, all of which shall be at least six (6) feet in height. Company will maintain vegetative screening year-round for the length of the project.
 - e. Clearing of natural vegetation 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.
 - f. Any disturbed land shall be stabilized by a permanent seeding of perennial vegetation such as grass or other dense surface cover that will protect the soil surface from erosion, prevent sediment and runoff at the site from reaching downstream areas, and enhance the aesthetics of the site. It is recommended that a slow-growing, vegetative cover be utilized so that general maintenance of the growth can be kept to a minimum.
 - g. The names of the manufacturers, installers, facility owners, and facility operators, and their addresses and phone numbers shall be posted on the required fencing at each entrance of a solar farm.
 - h. All electrical interconnection and distribution lines within a solar farm's boundaries, except for power lines that leave the project or are within the substation, shall be underground. However, collector lines between sections within the farm may be overhead where economically advisable and consistent with common industry practice. The county may also grant written exceptions due to severe environmental or economic constraints and other considerations.
 - i. Lighting of a solar farm and its accessory structures shall be limited to the minimum reasonably necessary for its safe operation and shall be reasonably shielded from

- abutting properties. Where feasible, lighting of a solar farm shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- j. All solar farms shall comply with any other applicable requirements of the county code of ordinances.
 - k. All solar farms shall have a lock box entry system at the primary entrance. The lock box entry system shall comply with the specifications of the International Fire Code.
 - 1. All solar farms shall have a written emergency response plan that shall be approved by the county's code enforcement department, sheriff's office, fire department, and emergency management agency. Each solar farm shall update its emergency response plan no later than January 1 of each year with a copy provided to all departments and agencies named in this subsection. The emergency response plan shall include the following:
 - 2. The phone number, email address, and street address for all manufacturers, installers, owners, and operators; and
 - 3. The phone number, email address, and mailing address for a representative of the solar farm responsible for responding to public inquiries; and
 - 4. The material safety data sheets that apply to any materials on the solar farm; and
 - 5. The clearly marked means and instructions for shutting down the solar photovoltaic installation.
 - l. Any solar farm that has not been in use for a period of 180 consecutive calendar 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 application and inspection have been completed.
 - m. The owners and operators of a solar farm and the owners of any real property on which it is located shall be jointly responsible for maintaining the solar farm.
 - n. Permits for solar farms must include a contingent decommissioning plan, as specified in the Decommissioning section.
 - o. Solar panel placement should be prioritized to minimize or negate any solar glare onto nearby properties or roadways.
 - p. A solar farm shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners, or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar farm.
 - q. A solar farm shall not be constructed until a permit has been approved and issued.

Application for permit, fee, and revocation of permit.

- a. Before commencing operations, all solar farms shall submit an application for a solar farm permit on the form prescribed by the Bleckley County Building Department and shall provide proof of compliance with all standards for solar farms outlined in this article. No solar farm shall commence operations until it has been inspected by the Bleckley County Building Department and obtained the permit required by this section.

- b. An application for a solar farm permit shall be accompanied by a comprehensive site plan for the solar farm, which shall include, but not be limited to:
1. Drawings prepared by a professional engineer licensed to practice in Georgia that clearly illustrate the design of the solar farm;
 2. A project summary;
 3. General procedures for operation and maintenance of the installation;
 4. Measures for maintaining safe access to the installation;
 5. Electrical schematics;
 6. Soil erosion and sediment control;
 7. Landscape and visual buffer plans;
 8. Temporary or permanent roads or driveways;
 9. Grading;
 10. Vegetation clearing and planting and mitigation or screening with vegetation, structures, or fences;
 11. Exterior lighting and any screening;
 12. Name and address of the applicant or its authorized agent;
 13. Boundaries, exact dimensions and acreage of the tax parcel(s) to be built upon;
 14. Identification of the owners of all adjacent tax parcels;
 15. Location and dimensions of the solar farm;
 16. Existing and proposed locations and dimensions of any utility lines, easements, drainage ways and public or private rights-of-way;
 17. Buildings and the locations of all structures, existing and proposed.
- c. The applicant shall provide additional copies of the comprehensive site plan to the Bleckley County Sheriff's Office, Fire Department, and Emergency Management Agency. The comprehensive site plan must be approved in writing by the Bleckley County Building Department before a solar farm may receive a permit or commence operations. An application for a solar farm permit shall be accompanied by a decommissioning and restoration plan, as outlined in the decommissioning section below.
- d. At the time of application, each applicant shall pay a non-refundable permit fee in the amount established by the Bleckley County Commissioner's Office.
- e. A permit may be revoked by the Bleckley County Building Department for any solar farm which is not in full compliance with this article. Prior to revoking the permit, the Bleckley County Building Department shall provide three (3) calendar days' written notice of any deficiencies to the solar farm owner or operator via U.S. Mail, overnight delivery, or hand delivery. If the deficiencies are not corrected within those three days, the Bleckley County Building Department may revoke the solar farm's permit and require the solar farm to submit a new application before recommencing operations.
- f. During the time that a solar farm permit is revoked, the solar farm shall post a sign at each entrance to the solar farm no smaller than one foot by two feet stating: "This solar farm's operations have ceased due to noncompliance with the Bleckley County Code of

Ordinances. For more information, contact the “Bleckley County Building Department.”

Decommissioning.

- a. An application for a solar farm permit shall be accompanied by a decommissioning and restoration plan prepared by a professional engineer duly licensed by the State of Georgia. The decommissioning plan shall include, at a minimum:
 1. A description of the anticipated life of the solar farm project;
 2. The parties responsible for the decommissioning and restoration;
 3. Defined conditions upon which decommissioning will be initiated (e.g., end of lease, condition of a potential public safety hazard, etc.);
 4. The estimated decommissioning and restoration costs and timeframe for completion of activities;
 5. The amount by which such costs were reduced due to the recyclable value of any materials;
 6. The method for ensuring that funds will be available for decommissioning and restoration of the real property;
 7. Removal of all non-utility owned equipment, conduits, structures, fencing, roads and foundations (and/or a written waiver signed by the property owner releasing the solar farm developer from this requirement or a portion thereof);
 8. Restoration of the property to a condition prior to development of the solar project (and/or a written waiver signed by the property owner releasing the solar farm developer from this requirement or a portion thereof);
- b. A signed statement from the party responsible for completing the decommissioning activities acknowledging such responsibility.
- c. An application for a solar farm permit shall be accompanied by a copy of the solar power facility agreement between the land owner and the grantee and a copy of the financial assurances (surety or performance bond) delivered to the land owner and filed with the clerk of superior court. If the financial assurances required by Georgia law do not meet the requirements of O.C.G.A. 46-3-67 (3)(B) and O.C.G.A. 46-3-69.1(a)(1), a building permit will not be granted.
- d. Any solar farm that has not been in use for a period of 180 consecutive days for its original purpose as approved by the Bleckley County Building Department shall be deemed abandoned and shall not be authorized to recommence operations until a new application and inspection have been completed.
- e. No later than 90 days after abandonment or closure, the owners and operators of a solar farm shall remove the solar energy system, its equipment and parcels, and any appurtenant structures. No later than 120 days after abandonment or closure, the owners or operators of any such solar farm shall provide written documentation acceptable to the county’s building department office demonstrating that the solar panels and related equipment were properly disposed of in accordance with federal, state, and local laws and regulations.

- f. The Bleckley County Building Department may, in its reasonable discretion, waive any of the above-listed conditions which are not reasonable in light of the nature of the project and may add additional conditions or safeguards as needed for public health, safety, and welfare or to mitigate the impact of the solar farm on surrounding properties and uses. Violations of any such additional conditions or safeguards shall be a violation of this article.

Inspection.

The Bleckley County Building Department shall have the right to inspect any solar farm in the unincorporated areas of the county without notice if there is a risk of immediate harm or injury to person or property. If there is no risk of immediate harm or injury to person or property, the Bleckley County Building 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.

Penalties.

- a. Each violation of this article may be punished as provided by the Bleckley County Building Department.
- b. Any owner or operator of a solar farm shall be responsible for ensuring compliance with this ordinance and shall be punishable for noncompliance as provided in the Decommissioning section.

Driveway Permits

Driveway Permit Information

Before installing any driveway or means of ingress and egress to any property abutting a County Road or County maintained road, the owner of the subject property or the person installing said driveway acting as owner's designee shall make application to the Public Works Department of Bleckley County for and receive a permit authorizing said installation.

Permit Application Process

1. Complete the Driveway Permit Application and submit it to the Road Department along with the permit fee. See contact information below. Payable by Cash, Checks, or Money Order made out to the Bleckley County Board of Commissioners
2. The Road Department Office will conduct a site inspection and determine the proper culvert size. This information will be provided to the person applying for the permit.
3. After the driveway culvert has been installed, the owner will need to contact the Bleckley County Building Department office for final inspection.

The Building Department Contact Information:

106 E Cherry Street

Cochran, GA 31014

478-934-3200 ext. 7

Fee Schedule

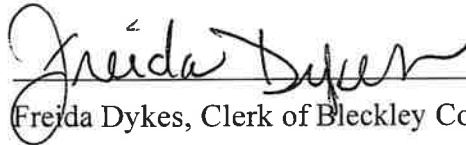
- o Driveway Permit (New Installation) - \$150.00
- o County Installed (New Installation/Repair/Replace) - \$250.00 + Pipe + Fill.
- o Driveway Permit (Repair/Replace) - \$100.00
- o Right of Way Encroachment Fee - \$250.00 (this is for utility or general ingress/egress)
- o Right of Way Encroachment Fee – Timber Harvesting Specifically

Pipes/Matting/Rock will be required for each Ingress/Egress to a paved county/county-maintained roadway location per State Right of Way Specifications for Utility/Timber Harvest Industries. Exceptions will only be made for dirt roads, but pipe installations will still be required and inspections before/after for damage to any and all roadways. Note: Any damage caused to county-maintained roadways caused by the construction, maintenance, operation, decommissioning, or any other activities involving the solar farm shall be the responsibility of the Company and repaired at the expense of the Company. This will be strictly enforced by the Bleckley Sheriff's Department.

SO APPROVED, this the 21 day of November 2024.



Mike Davis, Sole Commissioner of Bleckley County



Freida Dykes, Clerk of Bleckley County

COUNTY SEAL

