

AMENDED CANDLER COUNTY SOLAR COLLECTION FACILITY ORDINANCE

ARTICLE ONE GENERAL

1.1 TITLE.

This Ordinance shall be known as and may be cited as the “Candler County Solar Collection Facility Ordinance.”

1.2 PURPOSE.

To promote the creation of solar collection and installation systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such systems that address public safety and minimize impacts on scenic, natural and cultural/historic resources.

1.3 AUTHORITY AND JURISDICTION.

Whereas, consistent with Georgia Law, the Candler County Board of Commissioners has the authority to establish by ordinance or resolution such local rules and regulations, not in conflict with existing State or Federal Law, relating to the health, safety and welfare of the public;

Now therefore be it resolved that the following rules and regulations are hereby adopted. These regulations shall apply to all unincorporated land located within the boundaries of Candler County, Georgia.

ARTICLE TWO GENERAL PROVISIONS

2.1 DEFINITION.

Solar Electric Power Generation. Comprises non-residential establishments primarily engaged in operating solar electric power generation facilities. These facilities use energy from the sun to produce electric energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems and shall be subject to the following conditions, which may not preclude the imposition of additional conditions.

2.2 LIABILITY.

This Ordinance shall not be construed as imposing upon the county any liability or responsibility for damages to any person or property caused by defect in any wiring or appliance or installation of any products. Nor shall the county or any official employee be held as

assuming any such liability or responsibility by means of the inspection authorized under this Ordinance.

ARTICLE THREE SOLAR COLLECTION SYSTEMS (COMMERCIAL AND UTILITY SCALE)

3.1 SITE CONSIDERATIONS.

- (a) Lot Size. The minimum lot size required for a solar collection facility shall be ten (10) acres. This excludes any proposed solar collection facility to be installed on an existing or a proposed building.
- (b) Glint and Glare. Solar components must have a UL listing and must be designed with anti-reflective coating(s). All construction shall be in compliance with the National Electric Code and the Georgia State Minimum Standard Building Code (IBC). The developer shall graphically demonstrate to the Candler County Board of Commissioners through the use of renderings, photographs or similar credible media that the proposed solar collection device or combination of devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. Screening, using fencing and/or vegetative buffers, shall be provided along all sides that do not collect energy to limit the visual impact of the site and minimize glare issues. Panels are to be located and situated so that glare does not create a distraction or nuisance to traffic or adjacent residential properties. An engineer or qualified consultant statement that glint and glare will not be offensive to residents and traffic must be submitted.
- (c) Screening. The solar energy facility shall be fully screened from adjoining properties and adjacent roads by installation of a earthen berm which shall have a minimum height of eight (8) feet and evergreen buffer within 300 feet of the solar energy system. The evergreen buffer shall consist of two (2) rows capable of reaching a height of fifty (50) feet, with at least 75 percent opacity at the time of planting. Within all required buffers, equipment shall also be screened fenced with opaque screening to restrict unauthorized access for added security. Screening shall consist of a minimum of eight-foot opaque fence (color chosen by staff) around the perimeter of the solar energy facility with the addition of shrubbery, or trees. Landscaping and buffers must be routinely maintained on a quarterly basis for the duration of the operation of the solar collection facility so as to maintain its original designed appearance. A berm shall be defined as an earthen mound or embankment designed to provide visual interest, screen views, reduce noise or fulfill other such purposes.
- (d) Setbacks. A minimum building setback of 250 feet measured from the nearest point of the property line of the parcel upon which the solar collection system is to be located to any appurtenant components and structures of the solar collection facility if adjacent to residential properties. A minimum building setback of 100 feet measured from the nearest point of the property line of the parcel upon which the solar collection system is to be located to any appurtenant components and structures of the solar collection facility

if adjacent to non-residential properties. A minimum setback of 65 feet from public right-of-ways is required for ground-mounted systems. This excludes any proposed solar collection facility to be installed on an existing or a proposed building. An evergreen buffer of 50' shall be required and maintained to limit the visual impact of the project/site from adjoining residential properties. The specific type of vegetation will be common for the area and be of a height at maturity to obscure the fence. In the event any portion of the buffer dies or is destroyed, it shall be replaced using comparable species and height of the existing buffer.

- (e) Height Limitations. Freestanding solar panels that are ground-mounted shall not exceed 10' feet in height above the ground. No structure shall exceed a height greater than 25' feet, except for existing poles and overhead wiring. This is measured from the finished grade at the base of the structure to its highest point.
- (f) Storm Water and Sedimentation Control Requirements. All solar collection systems shall comply with storm water and erosion and sedimentation control plan requirements in accordance with Georgia Department of Natural Resources Environmental Protection Division (DNR-EPD) general construction storm water National Pollution Discharge and Elimination System (NPDES) permit requirements.
- (g) Wetlands and Stream Buffer Considerations. If applicable, all solar collection systems shall comply with setback requirements for wetlands in accordance with the U.S. Army Corps of Engineers and stream buffers in accordance with Georgia DNR-EPD requirements.
- (h) Interconnection Lines. All power lines from a ground-mounted solar collection system shall be located underground, excluding existing utilities.
- (i) Noise Level Limitations. Inverter noise shall not exceed 30 decibels at the property line.
- (j) Airport. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.
- (k) Other. Other conditions that provide adequate protection for adjacent residential properties may be deemed reasonable and appropriate for the type of system, and may be added by the Candler County Board of Commissioners from time to time as the Board deems fit.

ARTICLE FOUR

SOLAR COLLECTION SYSTEMS (RESIDENTIAL SOLAR SYSTEMS)

4.1 SITE CONSIDERATIONS

- (a) Height and Coverage Limitations. Freestanding solar panels located on the ground shall not exceed 10' feet in height above the ground. Roof-mounted panels shall not extend beyond the perimeter of the building on which the system is mounted or constructed.

Roof- or building- mounted solar systems shall not cover more than eighty (80) percent of the roof area. The panels shall not be located within three (3) feet of any peak, eave, or valley of the roof to maintain pathways of accessibility. Elevation drawings must be submitted to show:

- (1) The highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - (2) The overall layout of the panels with the distance to the roof edge and any parapets on the building.
- (a) Design Review and Certification. Systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification if the slope of the panel differs from the roof pitch. All panels on commercial roofs shall provide this information regardless of slopes, as well as any residential roof with greater than fifty (50) percent coverage.
- (b) Warning Signage. The manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner. Furthermore, a sign shall be placed at every entry and exit gate of the collection facility which contains a 24-hour telephone number of personnel to contact by citizens or emergency personnel in the event of an emergency. The subject sign shall be 4 ft by 8 ft in size.
- (c) Notification to Electric Company. No solar energy system shall be installed until evidence has been given to the Candler County Board of Commissioners that the electric company has been informed of the customers' intent to install an interconnected customer-owned generator. Off grid systems shall be exempt from this requirement.
- (d) Panels Used by Someone Other Than Owner of Real Property. Any panels installed to be used by someone other than the owner of the real property shall provide a notarized affidavit or evidence of agreement between the lot owner and facility's owner or operator confirming that the facility owner or operator has permission of the property owner to install and utilize solar panels.

ARTICLE FIVE OPERATIONAL CONSIDERATIONS

5.1 ELECTRICAL DISCONNECT.

The electrical disconnect switch shall be clearly identified and accessible at all times to emergency personnel. The owner must file a map with the Candler County Emergency Management Agency depicting where the disconnect switch is located. The owner shall supply all emergency contact information to emergency personnel to have on file.

5.2 COMPLIANCE.

The developer/owner shall at all times construct and operate the facility in compliance with local, state, and federal requirements as to soil erosion and sedimentation, stormwater management, and all other environmental, cultural, and historic resources regulations. The owner shall operate the facility in compliance with any interconnection requirements from appropriate public utilities or public utility regulatory agencies.

5.3 FAILURE TO PROCEED AND ABANDONMENT.

The developer shall submit a decommission plan to the Candler County Board of Commissioners for approval. In the event the developer/owner ceases operation of the solar collection facility, or begins but does not complete construction of the project, the developer/owner shall restore the site to as natural a condition as possible within six (6) months of the removal. Any solar collection device or combination of devices that is not operated for a continuous period of six (6) months and for which there are no applications pending for permitted use of the structure at the end of such 6-month period, shall be considered abandoned, whether or not the owner or operator intends to make use of the device(s). The developer/owner of an abandoned solar collection device shall be under a duty to remove such device under the decommission plan. If such device(s) is not removed within a reasonable amount of time, not to exceed three months after receipt of notice from the county notifying the developer/owner of such abandonment, the county may, at its discretion, pursue all legal remedies available to it to insure that the abandoned device(s) is removed. Delay by the county in taking action shall not in any way waive the county's right to take action.

In addition to the decommission plan, the developer/owner shall submit a bond issued by an insurance carrier bearing a A.M. Best insurance rating of A+ or higher renewing annually until the solar project is decommissioned or a irrevocable letter of credit and agreement, so as to ensure the property is returned to its natural, pre-solar panel state. The amount of the bond shall be 125% of the estimated decommissioning cost minus the salvageable value, or \$50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in Georgia acceptable to both the applicant and the Board of Commissioners.

Every five (5) years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county, shall be adjusted upward or downward as necessary to reflect the then current cost of the decommissioning and return the property to its pre-solar panel state.

ARTICLE SIX APPLICATION REQUIREMENTS

In addition to the general requirements for a Special Use Permit application set forth in the Candler County Zoning Code, the following shall be contained in any Special Use Permit application for a Solar Collection Facility:

- A. Basic Information. The applicant shall submit a document that list the following:
- (1) the address of the property on which the Solar Collection 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 installation company's name, address, telephone number, email address, and license number; and
 - (5) 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 as required by this ordinance;
 - (4) a list that identifies (a) federal or state endangered, threatened, or candidate 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;
 - (5) if the Solar Collection Facility is located in an agricultural district, a map that identifies prime farmland and farmland of statewide importance on the property; and
 - (6) a decommissioning plan that contains the following:
 - a. The name, address, telephone number, and email 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 the 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 Solar Collection Facility or to some other condition reasonably appropriate for the designated land use after the Solar Collection Facility is removed; and
 - f. A time line to complete decommissioning.
- C. Certifications. The applicant shall submit an affidavit that provides, to the best of the applicants knowledge:
 - (1) construction and operation of the Solar Collection Facility will comply with all applicable federal and state laws;
 - (2) construction and operation of the Solar Collection Facility will comply with all local laws, including the requirements of the Candler County zoning code, unless waived by the zoning board; and
 - (3) commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the Solar Collection Facility.
- D. Special Use Permit Review
 - (1) Upon receiving a Special Use Permit application for an Solar Collection Facility, the zoning board shall conduct permitting proceedings in accordance with the requirements of the Candler County zoning code.
 - (2) A Special Use Permit application may be denied if the zoning board determines the Solar Collection Facility does not comply with the requirements of the Candler County zoning code.
 - (3) The applicant's appeal rights are consistent with those rights expressed in the Candler County zoning code.
- E. No solar collection system, residential or commercial/utility, shall be installed until evidence has been presented to the Candler County Board of Commissioners that the appropriate electric utility company has been informed of the customer's intent to install a solar farm, or solar collection system.

- F. An affidavit or other documentation of agreement between the property owner and the facility's owner or operator confirming that the owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the solar collection facility.
- G. All solar collection facilities must utilize approved solar components. Electric solar system components must have a UL listing.
- H. All active solar collection facilities and systems shall meet all requirements of the Georgia State Minimum Standard Building Code.

ARTICLE SEVEN DECOMMISSIONING

- (a) Solar systems which have not been in continuous service for a period of at least six (6) months, excluding periods of force majeure (acts of God, storms, etc.) or when a system is under repair or maintenance, shall be removed at the system owner's expense in accordance with applicable laws (environmental, health, safety, etc.) and a decommission plan submitted by the owner to the county.
- (b) The site shall be restored to as natural a condition as possible within six (6) months of the removal.
- (c) Disposal of any solid or hazardous waste must be performed by the system's owner at their expense and in accordance with local, state, and federal waste disposal regulations.
- (d) Documentation of any and all disposal of materials will be provided to the Candler County Board of Commissioners upon completion of restoration.
- (e) In addition to the decommission plan, the developer/owner shall submit a bond issued by an insurance carrier bearing an A.M. Best insurance rating of A+ or higher renewing annually until the solar project is decommissioned or a irrevocable letter of credit and agreement, so as to ensure the property is returned to its natural, pre-solar panel state. The amount of the bond shall be 125% of the estimated decommissioning cost minus the salvageable value, or \$50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in the state of Georgia and acceptable to both the applicant and the Board of Commissioners.

Every five (5) years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county, shall be adjusted upward or downward as necessary to reflect the then current cost of the decommissioning and return the property to its pre-solar panel state.

ARTICLE EIGHT ENFORCEMENT AND PENALTIES

8.1 ENFORCEMENT.

The sheriff of the county, the deputies thereof, constables, and all other law enforcement officers shall be authorized to issue citations to violators of any provisions of this Ordinance. Such citation shall state the time and place at which the accused is to appear for trial; shall identify the offense with which the accused is charged; shall have an identifying number by which it shall be filed with the court; shall indicate the identity of the accused and the date of service; and shall be signed by the officer who completes and serves it. In addition to or in lieu of the foregoing, the governing authority may, whether by legal process or otherwise, seek to enjoin, correct, and/or abate any violations of this Ordinance.

8.2 PENALTY AND COURT PROCEEDINGS

- (a) Any person violating this Ordinance, or any provision hereof, upon conviction, may be punished by imposition of a fine not to exceed \$1,000.00, by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law.
- (b) No person accused of violating this Ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on a warrant of the court, and required to post a bond for his future appearance.
- (c) Violations of this Ordinance shall be tried either by citation as described in Section 8.1 or by accusations. Such proceedings may be tried with or without a prosecuting attorney. The county attorney shall serve as prosecuting attorney.
- (d) Violations of this Ordinance shall be tried in the magistrate court of Candler County.
- (e) Each day any violation of this Ordinance shall continue shall constitute a separate offense. Each violation of this Ordinance shall constitute a separate offense.

ARTICLE NINE LEGAL STATUS PROVISIONS

9.1 INTERPRETATION.

The regulations expressed in this ordinance shall be considered as the minimum provisions for the protection of the health, safety, economy, appearance, convenience, and welfare of the general public.

9.2 CONFLICT WITH OTHER LAWS, ORDINANCES, AND REGULATIONS.

Except as provided in this section, whenever the requirements made under authority of this Ordinance impose higher standards than are required in any other statute of local ordinance or regulation, provisions of this Ordinance shall govern. Notwithstanding any provision of this ordinance to the contrary, all provisions of this ordinance shall be interpreted so as to require compliance with any applicable zoning ordinance or part thereof.

9.3 SEPARABILITY.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such a declaration shall not affect the Ordinance as a whole, or any other part thereof other than the part so declared to be unconstitutional or invalid.

9.4 EFFECTIVE DATE.

This Ordinance shall take effect and be in full force on and after the date that it is enacted by the governing authority.

Adopted, approved and enacted this 16 day of June, 2025, at the Regular Meeting of the Board of Commissioners of Candler County.



CANDLER COUNTY BOARD OF COMMISSIONERS

By: _____

David Bradley Jones, Chairman

Attest: _____

Kellie Lank, Clerk