

Franklin County, Virginia: Utility-Scale Solar Generation Facility Siting Policy

Franklin County encourages and promotes the responsible generation of both clean and renewable alternative energy within the County. When utility-scale solar generation facilities are proposed, locations and site designs shall be evaluated in terms of how they protect and enhance the scenic and natural beauty of the County and mitigate any impacts to surrounding properties and the community.

The intent of this policy is to help guide the placement and design of new utility-scale solar generation facilities in Franklin County, VA. It provides applicants, property owners, business owners and County residents with guidance on the official policies and standards of Franklin County. Franklin County staff members, Planning Commission members, and Board of Supervisors members shall consider this policy when evaluating requests for utility-scale solar generation facilities and their related accessory uses.

Utility-scale solar generation facilities are permitted in all areas of the nonzoned portion of the County, as well as by a Special Use Permit per the Franklin County Code, Chapter 25. If an applicant proposes a utility-scale solar generation facility in the zoned area of the County, compliance with the Franklin County Zoning Ordinance is required. If an applicant proposes a utility-scale solar generation facility in the nonzoned area of the County, a Comprehensive Plan Conformance Review (2232 review) and Siting Agreement are required. Utility-scale solar generation facilities shall be prohibited in Designated Growth Areas (DGA).

Franklin County intends to fully comply with all the applicable provisions of the Virginia State Corporation Commission as it relates to utility-scale solar generation and applicable federal and state laws, and to preserve the County's local zoning authority in the process for the betterment of our citizens and the business community.

Battery storage components of a solar generation facility and independent battery storage facilities are not addressed in this policy. Applications that include battery storage will be subject to additional conditions.

ARTICLE I. MAXIMUM ACREAGE FOR UTILITY-SCALE SOLAR FACILITIES

To ensure that ample area is retained for future land uses specifically enumerated in the County's Comprehensive Plan, the Board of Supervisors adopted a policy that limits the maximum total acreage for utility-scale solar generation facilities to a cumulative 1,500 acres. The following guidelines shall be used to determine acreage dedicated for this land use:

1. The above acreage limitation does not apply to any small-solar generation facility, which is a by-right use in all zoning districts and allowed within the nonzoned areas of the County.
2. Acreage dedicated to utility-scale solar generation shall be calculated as the total acreage of all parcels, or leased portions of parcels, for each application, not just the areas covered by panels and other necessary equipment.

ARTICLE II. PROJECT REVIEW GUIDELINES

All applications for new or expanded utility-scale solar generation facilities, including the replacement or modification of existing facilities, shall be reviewed by County Planning staff, the Planning Commission, and the Board of Supervisors in consideration of the following criteria:

1. The extent to which the utility-scale solar generation facility proposal conforms to the general criteria contained in the Zoning Ordinance, as applicable; and the intent, application requirements, and general standards for solar generation facilities found within this policy and the Comprehensive Plan.
2. The degree to which the following are located and designed to be compatible with the surrounding community character and design:
 - a. Proposed location of the utility-scale solar generation facility;
 - b. Site design and facilities, including fencing and other ground-mounted equipment;
 - c. New or modified road, access, or utility corridors; and
 - d. Mitigation of community impacts.

The following objectives will be considered by County Planning staff, the Planning Commission, and the Board of Supervisors when reviewing each proposal:

2. *Franklin County desires to protect and enhance its agricultural and rural heritage, cultural, and recreational resources.*
 - a. Location of utility-scale solar generation facilities within areas planned to be serviced by public water or wastewater will be discouraged, and will not be recommended for approval.
 - b. In order to protect the integrity of agricultural soils, mass grading of sites shall be limited to the greatest extent possible. Development of areas with steep contours shall be avoided.
 - c. Sites located near recreational, cultural, or historic resources shall be avoided.
3. *Franklin County desires to protect, maintain, and improve the quality of the natural environment, including elements such as air, water, natural habitats, and wetlands.*
 - a. Site groundcover for utility-scale solar generation facilities shall consist of a variety of native groundcovers that benefit birds, bees, and other insects. Turf grass shall not be allowed.
 - b. Groundcover shall be expeditiously established following the completion of construction activities to minimize erosion and loss of soil.
 - c. Use of synthetic herbicides to control and maintain groundcover shall not be allowed.
 - d. Wildlife corridors shall be considered in the layout and design of the site. Breaks in fencing and equipment shall be provided where appropriate.
 - e. Development on wetlands, forested areas, and other valuable habitats shall be avoided or minimized to the greatest extent possible.

ARTICLE III. APPLICATION, PLANS, AND STUDIES

PROCESS AND APPROVAL.

1. **Community meeting.** A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility. The meeting shall be held under the following guidelines:
 - a. The applicant shall inform the Zoning Administrator and adjacent property owners in writing of the date, time, and location of the meeting, at least 14 days in advance of the meeting.
 - b. The date, time and location of the meeting shall be advertised in a newspaper of record in the county by the applicant, at least seven but no more than 14 days, in advance of the meeting date.
 - c. The applicant shall provide the County with acceptable social media postings containing the specifics of the meeting and contact information, for distribution across the County's available social media platforms and website.
 - d. The meeting shall be held within the county, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.
 - e. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
 - f. The applicant shall provide to the Zoning Administrator a summary of any input received from members of the public at the meeting.
 - g. The applicant shall make available to the public information about materials and components used for the construction, maintenance, and decommissioning of solar panels.
2. **Public Hearings.** Public hearings, as required for Special Use Permits, Comprehensive Plan Conformance Reviews, and/or for Siting Agreements, shall be in accordance with the Franklin County Code.
3. **Review of Application and Site Plan.** Applications for utility-scale solar generation facilities will be reviewed by the County's Development Review Team, as well as third party consultants with expertise and experience in solar energy development and storm water management. Third party consultants will be chosen at the sole discretion of the County. The cost of the third-party consultant review will be estimated upon receipt of the application and charged to the applicant.
4. **Project Narrative.** Each application shall include a project narrative identifying and/or describing:
 - a. The applicant, facility owner, site owner, and proposed operator;

- b. The proposed facility including an overview of the facility and its location, the size of the site and the facility area, and the current use of the site;
 - c. The estimated time for construction and proposed date for commencement of operations;
 - d. The planned maximum generated capacity of the facility identified as AC and/or DC;
 - e. The approximate number, representative types, and expected footprint of solar equipment to be constructed, including, without limitation, photovoltaic panels;
 - f. All ancillary facilities, if applicable;
 - g. How and where the electricity generated at the facility will be transmitted, including the location of the proposed electric grid interconnection; and
 - h. A statement that addresses how the facility will be in compliance with the Comprehensive Plan. The statement shall address the following:
 - i. Why the applicant believes the proposal will not be of substantial detriment to adjacent properties;
 - ii. Why the applicant believes that the character of the surrounding area will not be changed by the proposed action; and
 - iii. How the proposal will be in harmony with the purpose and intent of applicable Franklin County policies and regulations, including the Comprehensive Plan and/or Zoning Ordinance; as well as the public health, safety and general welfare.
5. **Concept Plan.** Each application shall include a Concept Plan, which shall include the following information:
- a. Property lines, minimum required buffer areas, and any proposed buffer areas and setback lines that exceed the minimum requirements;
 - b. An area map showing the proposed site within a five-mile radius, together with prominent landmarks, physical features, and transmission lines;
 - c. Existing and proposed buildings structures and other improvements, including preliminary location(s) of the proposed solar equipment;
 - d. Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, and other areas requiring access to parking, including written confirmation from the Virginia Department of Transportation (VDOT) that all entrances satisfy applicable VDOT requirements;
 - e. Proposed locations and maximum heights of substations, electrical cabling from the solar systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable buffers or setbacks);
 - f. Areas where vegetative buffering will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers will be installed and maintained following Virginia Pollinator-Smart Program best practices;

- g. Existing wetlands, woodlands and areas containing substantial woods or vegetation;
 - h. Identification of actively cultivated lands, and predominant soil types of those lands including the identification of soils suited to farming;
 - i. Identification of any parcels located in or immediately adjacent to a Designated Growth Area as shown in the most recently adopted Comprehensive Plan;
 - j. Identification, zoning, and use of all adjacent parcels; and
 - k. Any additional information that may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy facility from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the facility, aerial image or map of the site, and additional information that may be necessary for a technical review of the proposal. The Planning Commission or Board of Supervisors may also require other relevant information deemed to be necessary to evaluate the application.
- 6. Generalized Landscaping and Screening Plan.** The applicant must submit a Landscaping and Screening Plan with the location, size, and type of planting yards including the use of existing and newly installed vegetation to screen the facility. A detailed Landscaping and Screening Plan with plant species, size, number, spacing, and height will be required at the time of Site Plan review.
- 7. Identification of Environmental and Cultural Resources.** The applicant must submit the following:
- a. The location of all historical, architectural, archeological, or other cultural resources on or near the proposed facility as documented by the Virginia Cultural Resource Information System and the Department of Historic Resources for the Department of Environmental Quality;
 - b. The location of all wildlife and wildlife habitats documented by the Department of Wildlife Resources; and
 - c. The location of airports within a mile of the proposed development;
 - d. Detailed reports of environmental and cultural resources will be required as part of the Site Plan review.

ADDITIONAL PLANS AND STUDIES.

In addition to the Plans listed above, Planning staff approval of the following plans and studies is required prior to any grading, permitting or construction:

1. **Site Development Plan.** The approval of a Site Development Plan (Site Plan) and Erosion and Sedimentation Control Plans as defined by the Zoning Code shall be required prior to any construction. All solar generation facilities shall require a Site Development Plan and all other documentation and approvals required by law, including those provided for any Special

Use Permit. The Site Development Plan shall include a Decommissioning Plan as well as other requirements stated throughout this Policy.

2. **Detailed Landscaping and Screening Plan.** A detailed Landscaping and Screening Plan with plant species, size, number, spacing, and height shall be required prior to the approval of zoning or building permits. The plan must also include and identify pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers in the facility area and in the setbacks and vegetative buffering- following Virginia Pollinator-Smart Program best practices.
3. **Lighting Plan.** Any on-site lighting shall be the minimum necessary for safety and/or security purposes and be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
4. **Maintenance of Site Features.** All site features such as landscaping, fencing, and stormwater management facilities shall be properly maintained throughout the life of the permit. Maintenance of such features shall be guaranteed by a surety agreement as determined by an independent landscape architect or professional engineer chosen and approved by the County Administrator, but paid for by applicants, owner, or lessee. Surety must be in a form acceptable to the Franklin County Attorney.
5. **Post-Construction Safety Plan.** A safety plan shall be made available to public safety agencies to include optional training on the equipment to be located on the site.
6. **Environmental and Cultural Resources Reports.**
 - a. A copy of the cultural resources review conducted in conjunction with the state Department of Historic Resources for the Department of Environmental Quality permit-by-rule process. This report shall be in addition to the report required in Article III, Item 7, above, and shall further identify historical, architectural, archeological, or other cultural resources on or abutting the proposed site.
 - b. A report on potential impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed solar site pollinator habitat assessment as required by the Zoning Administrator.
 - c. The applicant shall be responsible for submitting an environmental impact report (EIR) prepared by a Certified Environmental Professional or other source with comparable qualifications. The EIR shall address the potential impacts on the human environment, beneficial and negative, of the following over the projected lifespan of the proposed facility:
 - i. Soil, including erosion, siltation, toxicity, productivity and suitability for agriculture;
 - ii. Water, including quantity, quality, and flow of streams, and groundwater with particular attention to the potential impacts on Smith Mountain Lake. Consult and coordinate with the Smith Mountain Lake Association which maintains a long-term and continuous monitoring program;

- iii. Wildlife, including aquatic and terrestrial, as well as subsurface, and addressing habitats, alteration of migration patterns, with particular attention to birds;
 - iv. Economic, including opportunities forgone, property values, etc;
 - v. Wetlands;
 - vi. Noise;
 - vii. Vegetation regime identifying alterations temporary and long-term visual;
 - viii. Impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed solar site pollinator habitat assessment as required by the Zoning Administrator; and
 - ix. Suggested remediation measures to be employed at decommissioning.
 - x. For each likely significant negative impact, the report should identify actions which could mitigate the impact.
7. **Construction Management Plan.** The applicant shall prepare a Construction Management Plan for each applicable site plan for the utility-scale solar generation facility, which shall address the following:
- a. Construction Traffic Management Plan including mitigation measures shall be submitted to the Virginia Department of Transportation (VDOT) and Planning Department for review and approval. The Plan shall address traffic control measures, pre-and post-construction road evaluation, and any necessary repairs to the public roads that are required as a result of any damage from the utility-scale solar generation facility construction and/or expansion. All VDOT permits must be received and be approved by VDOT prior to site construction occurring on the premises.
 - b. A site access plan directing employee and delivery traffic to minimize conflicts with local traffic.
 - c. A site parking and staging plan shall be submitted as a part of the Site Plan approval and be submitted for various stages of the site construction process. All subsequent construction processes shall also adhere to submitting a parking and staging plan prior to the commencement of expansion or decommissioning.
 - d. The applicant shall install temporary security fencing prior to the commencement of construction activities occurring on the utility-scale solar generation facility.
 - e. During construction of the utility-scale solar generation facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties.
8. **Construction Mitigation Plan.** The applicant shall prepare a Construction Mitigation Plan for each applicable site plan for the utility-scale solar generation facility to the satisfaction of the Planning Department. Each plan shall address, at a minimum:
- a. The effective mitigation of dust. All construction roads and construction areas shall remain dust-free using a water truck or other approved method to keep sediment on the premises

and not be of a general nuisance to adjoining property owners during site construction and/or site expansion for a utility-scale solar generation facility.

- b. Must address mitigation of all damage, dirt, and debris on roads as a result of traffic generated by the utility-scale solar generation facility construction.
- c. Must address smoke migration so as to not be of a general nuisance to adjoining property owners during burning operations.
- d. All pile driving shall be limited to eight (8) hours daily during the hours from sunrise to sunset Monday through Saturday. No Sunday or Holiday pile driving shall occur during site construction, expansion, or operation of the facility. All other normal on-site construction activity is permitted Monday through Sunday in accordance with the provisions of the County Noise Ordinance, as amended from time to time, and as enforced by the Franklin County Sheriff's Department.
- e. Provide contact information of responsible project manager capable of causing corrections to be made at the site. Receipt of complaints shall be acknowledged by the project manager within 24 hours and addressed, at a minimum with an acceptable plan of action, within 72 hours of receipt.

ARTICLE IV. PERFORMANCE STANDARDS

1. **Visual Impacts.** The solar facility shall minimize impacts on view sheds, including from residential areas and areas of scenic, historical, cultural, archeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, antireflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare.
2. **National Standards.** Facilities shall comply with generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) facilities, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. A site development plan shall refer to the specific safety and environmental standards being met.
3. **Setbacks.** The facility area shall be set back a distance of at least a minimum 150 feet from all property lines and public rights of way. A minimum setback of 300 feet is required from above ground solar infrastructure to any adjacent off-site residential structure. Increased setbacks over 150 feet and additional buffering may be included in the conditions for a permit as required to reduce the visual impact of the facility. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas if such are generally perpendicular to the property line or underground.
4. **Fencing.** The facility area shall be enclosed by security fencing not less than eight feet in height and equipped with appropriate anticlimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required so that it is screened from the ground level view of adjacent property owners. The fencing shall always be maintained while the facility is in operation. and posted with appropriate safety messaging. Fencing height and design shall be coordinated with the Department of Wildlife Resources regarding wildlife fencing that would allow ingress and egress.
5. **Vegetative Buffer.** A vegetative buffer sufficient to mitigate the visual impact of the facility as approved by the Zoning Administrator is required. The buffer shall consist of a landscaping strip at least 30 feet wide, shall be located within the setbacks required under subsection (3) above, and shall run around the entirety of the area proposed for development. The buffer shall consist of existing vegetation and as needed, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should include vegetation a minimum of 6 feet high at planting and reasonably expected to grow to full maturity within three years. The Planning Commission or Board of Supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or topography affects the visual impact of the facility. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers must be used in the vegetative buffer following Virginia Pollinator-Smart Program best practices. Screening and/or buffer creation requirements may be waived or altered for

alternative designs such as landscaped berms, existing wetlands, or woodlands, if the berms, wetlands or woodlands are permanently protected and maintained for use as a buffer. Existing trees and vegetation must be maintained within such buffer areas except where dead, diseased, or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable and approved by the Zoning Administrator. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer at least six (6) feet tall at planting. The vegetative buffer shall be maintained for the life of the facility.

6. **Pollinator Habitats.** The facility area shall be seeded promptly with pollinator friendly vegetation following completion of construction in such a manner as to reduce invasive weed growth and trap sediment within the facility area. At the beginning of the next planting season the facility area, setbacks and buffers will be overseeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers following Virginia Pollinator-Smart Program best practices. Once these pollinator habits are established, maintenance of the site shall follow Virginia Pollinator-Smart Program best practices unless Agrivoltaics (APV) are employed.
7. **Height.** Ground-mounted solar energy generation facilities shall not exceed a height of 15 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid that meet State Corporation Commission requirements.
8. **Lighting.** Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall be dark sky compliant.
9. **Density; Location.** Solar Facilities shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations. The applicant must also provide a glint and glare study that demonstrates that the panels will be sited, designed, and installed to eliminate glint and glare effects on airport operations. The study must be conducted by qualified individuals using appropriate and commonly accepted software and procedures.
10. **Panel Materials.** Applications shall describe all materials included in the proposed solar panels for the facility. All solar energy facility structures, racks and associated facilities shall have a non-reflective finish or appearance.

ARTICLE V. PLAN REQUIREMENTS

In addition to all State and County Site Plan requirements, the applicant shall provide the following plans for review and approval as a part of the Site Plan for the utility-scale solar generation facility prior to the issuance of a land disturbance or building permit:

1. **Grading Plan.** The owner or operator shall construct, maintain, and operate the project in accordance with the approved County Stormwater Management (SWM) Plans and Erosion and Sediment (E&S) Control Plans. An E&S bond or letter of credit will be posted for the construction portion of the project. The grading plan shall:
 - a. Clearly show existing and proposed contours;
 - b. Note the locations and estimated amount of topsoil to be removed (if any) and the percent of the site to be graded;
 - c. Limit grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms;
 - d. Require an earthwork balance to be achieved on-site with no import or export of soil, unless it can be demonstrated to the satisfaction of the Planning Department that doing so would create more clearing and grading than by allowing the import or export of soil; and
 - e. Require topsoil to first be stripped from areas proposed to be permanent access roads which will receive gravel, or in any areas where more than a few inches of cut are required and require an on- site stockpile to be used later to increase the fertility of areas intended to be seeded.
2. **Solar Facility Screening and Vegetation Plan.** A separate surety shall be posted for the ongoing maintenance of the project's vegetative buffers in the amount of 110% of the installation cost of all planted vegetation for three (3) years following the first date that power is supplied to the electrical grid.
 - a. Site groundcover for the utility-scale solar generation facility shall consist of a variety of native groundcovers that benefit birds, and bees, and other beneficial insects.
 - b. Groundcover shall be expeditiously established following the completion of construction activities to minimize erosion and loss of soil.
 - c. The use of synthetic herbicides to control and maintain groundcover post-construction shall not be permitted.

ARTICLE VI. DECOMMISSIONING

1. **Decommissioning Plan.** The Site Development Plan for a utility-scale solar generation facility shall include a detailed Decommissioning Plan. The purpose of the Decommissioning Plan is to specify the procedure by which the applicant or its successor would remove the utility-scale solar generation facility after the end of its useful life and to restore the property for prior or future usage consistent with the Comprehensive Plan or future zoning. The Decommissioning Plan shall provide the following:
 - a. Procedures and requirements for removal of all solar energy infrastructure, equipment, facilities, or devices of the utility-scale solar energy generation facility and its various structures and foundations at the end of the useful life of the facility or if it is deemed abandoned;
 - b. Provisions for the restoration and regeneration of soil and vegetation with a description of pre- and desired post-construction conditions, including productivity goals for agricultural viability. (Description is provided at the time of the Concept Plan);
 - c. The anticipated life of the facility;
 - d. The estimated overall cost of decommissioning the facility in current dollars and the methodology for determining such estimate, and;
 - e. The way the facility will be decommissioned including a plan for the disposal of each component material type above and below ground.
 - f. The Decommissioning Plan and the estimated decommissioning cost shall be updated upon the request of the Zoning Administrator or as provided in the agreement.
2. **Surety.**
 - a. Unless the utility-scale solar generation facility is owned by a public utility within the Commonwealth of Virginia, the owner, lessee, or developer shall provide financial assurance of decommissioning in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee.
 - b. Such estimate shall be based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates.
 - c. Such estimate shall include 100% of the total projected cost of decommissioning, including the removal of all net salvage value of solar energy infrastructure, equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor. The surety shall be posted prior to the facility receiving its certificate of completion, or equivalent, from Franklin County to operate the use.
 - d. If an adequate surety is required, the cost estimates of the decommissioning shall be updated every five (5) years by the applicant, owner, or operator, and provided to the County.
 - e. "Gross costs" shall not include a deduction for salvage value.

3. Applicant, Facility Owner, and Property Owner Obligation.

- a. Within six (6) months after the cessation of use of the utility-scale solar generation facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the utility-scale solar generation facility in accordance with the Decommissioning Plan approved by the County.
- b. If the applicant or its successor fails to commence decommissioning in a timely manner so that decommissioning may be completed within six (6) months of the facility becoming an inactive utility-scale solar generation facility, the property owner shall conduct the decommissioning in accordance with the Plan and may use bonded resources to do so, as approved and released by the County.
- c. Following completion of decommissioning of the entire utility-scale solar generation facility, the bond shall be released and, if the County has called upon the bond and taken control of bond resources, any remaining resources held by the County shall be refunded to the surety.

4. Applicant, Owner Default; Decommissioning by the County.

- a. If the applicant, its successor, and the property owners fail to decommission the utility-scale solar generation facility within six (6) months after cessation, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property.
- b. The applicant, and property owners, or successors, shall be responsible for reimbursing the County for all costs and expenses of decommissioning in excess of the decommissioning surety, and all such excess amounts shall attach to the real estate as a tax lien until paid in full.
- c. Any excess decommissioning surety funds shall be released to the surety after completion of decommissioning.
- d. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County the right to access the property and the utility-scale solar generation facility equipment and materials so the County can complete the decommissioning, should it choose to do so, upon the applicant's and property owner's default. Such instrument shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the applicant, operator, or property owner, including remedies under the County's zoning powers, as applicable.

5. Equipment, Structure and Building Removal. Unless otherwise approved by the County, all physical improvements, materials, and equipment related to solar energy generation, both surface and subsurface components, regardless of depth underground, shall be removed in the removal process to a site located outside the county and within 90 days of decommissioning.

6. Infrastructure Removal. A Reclamation Plan will be required as a part of the Site Plan approval for all utility-scale solar generation facilities. This Plan will be used to assist with the

cost estimate for the decommissioning bond. The Reclamation Plan shall include, at a minimum:

- a. All above- and underground infrastructure shall be removed and recycled or reused, unless a written request is received from the then current property owner proposing the retention of any infrastructure, and the request is approved by the County;
 - b. Final land surface conditions, including but not limited to grass, trees, cropland, pasture, including the status of on-site gravel roads if such roads remain on the property;
 - c. Provisions for the restoration and regeneration of soil and vegetation with a description of pre- and desired post-construction conditions including productivity goals for agricultural viability;
 - d. Final contours and grades; and
 - e. A plan for the disposal of each component material type outside the County.
7. **Partial Decommissioning.** Any reference to decommissioning the utility-scale solar generation facility shall include the obligation to decommission all or a portion of the utility-scale solar generation facility, whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire utility-scale solar generation facility, then the partial decommissioning shall be completed in accordance with the Decommissioning Plan and this section for the applicable portion of the facility.