

PROPOSED REVISIONS FOR:

RESOLUTION NO. 2021-04

BEING A RESOLUTION OF APPROVAL TO AMEND THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE REGARDING SOLAR ENERGY

STAFF RECOMMENDED CHANGES:

1. Section 10 (A) APPLICATION REQUIREMENTS
In the opening paragraph, delete “a construction/phasing plan,” since that is a part of the concept plan and not a separate plan that is required.
2. Section 10(A) APPLICATION REQUIREMENTS
The last sentence of the opening paragraph should be supplemented to include agreements and bonds so that the sentence would read “Prior to the issuance of any permits for the solar farm, verification of all agreements, bonds, and other required permits shall be provided including a drainage permit, a stormwater/erosion control permit, and driveway permits.”
3. Section 10(A.1) Concept Plan
Add an opening sentence that states “The Concept Plan is intended to be a one page overview of the entire facility showing the requirements set forth herein.”
In the last sentence, “all landowner agreements and waivers” should be supplemented to read “all landowner agreements and/or recorded memorandums and waivers”.
4. Section 10(A.2) Site Plan
Between the 1st and 2nd sentences, insert a new sentence that reads “Use of the Delaware County Geographic Information System (GIS) is recommended.”
The 1st sentence following “e.” should be supplemented to reference survey data as follows: “The site plan must include ALTA survey results and show easements of record, contours, floodplain boundaries, the location of any historic or heritage sites ...”.
5. Section 10(A.4) Decommission and Restoration Plan and Agreement
In the 1st paragraph, last sentence, add the word “other” before “approved method” so that it reads “The plan shall include a performance bond or other approved method of providing appropriate surety ...”.
In the 2nd paragraph, add a depth of removal for cabling and foundations as follows: “cabling up to the depth of four feet,” and “foundations to a depth of four feet,”.
In the 3rd paragraph, insert a time limit for completion as follows: “shall be removed within twelve (12) months at the owner’s or operator’s expense...”.
6. Section 10(A.5) Road Use Agreement
Insert a phrase allowing for the use of a consultant for road condition assessments as follows: “The County Engineer/Highway Superintendent or a qualified consultant hired by the County

Commissioners at the expense of the owner/operator of the solar farm should conduct a pre-construction base-line survey ...”.

7. Section 10(C.1) SETBACKS

Use the required front setback in the F Farming Zone and insert the word “road” before “right-of-way line” so that the sentence reads “A minimum fifty (50) foot setback shall be maintained from the solar farm structures to the road right-of-way line, existing or proposed, whichever is greater.

8. Section 10(C.2) SETBACKS

Revise the phrase “which includes a screening buffer” to read “which may include a landscaping buffer”.

Consider decreasing the setback from 100 feet to 50 feet.

9. Section 10(C.3) SETBACKS

Insert the phrase “non-participating” before “dwelling. Add a second sentence that reads “A minimum one hundred (100) foot setback shall be maintained for all other dwellings.”.

10. Section 10(E) BUFFERS AND LANDSCAPE

Reword the 1st sentence so that it reads “The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent residential dwellings or commercial buildings by a buffer zone extending from the property line.”

Add a sentence immediately following that reads “A property owner may waive the buffer zone requirement in whole or in part.”

Reword and supplement the sentence that reads “Existing wooded areas may not be removed for the installation or operation of a solar farm without mitigation that may occur on-site or off-site.” so that the new provision reads as follows: “Existing wooded areas of an acre or more of land may not be removed for the installation or operation of a solar farm. Large trees, greater than twelve (12) inches in diameter, outside of wooded areas that are removed must be replaced with native trees at a 2 to 1 ratio on the solar farm site.”

The numbered items should be changed from 4, 5 and 6 to 1, 2 and 3.

Retitle Item 1 from “Screening” to “Landscaping” and reword the 3rd sentence to read “Remaining areas in the setbacks shall be maintained with pollinator-friendly plants as shown on the landscape plan.”

For Item 2. Wildlife Corridors, add “To the extent it is reasonably practical, to the beginning of the 3rd sentence; and add a new ending sentence that reads “Setbacks from county drain tiles, transmission lines, or natural gas lines are all valid wildlife corridors.”.

11. Section 10(F) FENCING

Insert a phrase that deer fencing may be used so the 2nd sentence reads “Fencing shall be wildlife friendly, however, deer fencing is permitted.”

12. Section 10(G) GROUND COVER

Insert a phrase to recognize concurrent ag uses so that the 1st sentence reads “The ground around and under solar arrays and in buffer areas that do not contain concurrent agricultural uses shall be planted and maintained in native perennial vegetated ground cover, and meet the following standards:”.

Move the sentence “Blooming shrubs may be used in buffer areas as appropriate for visual screening.” to the Buffers and Landscape section.

13. Section 10(M) POWER LINES

Insert the phrase “that connect panel rows to inverters” so that the 1st sentence reads: “Power lines installed on the solar farm project sites that connect panel rows to inverters must be buried underground.”.

14. DEFINITIONS

Supplement and clarify the solar farm definition to read as follows: “Solar Farm: A group of interconnected solar panels/arrays for the primary purpose of wholesale or retail sales of generated electricity, including all equipment and facilities necessary for the proper operation of the facility such as electrical collection and transmission lines, transformers, substations, and operation or maintenance facilities.”

ADDITIONAL REQUESTED CHANGES TO BE CONSIDERED:

Where “native” plantings are required, consider stating “native or approved naturalized” plantings.

For the Landscaping requirement in Subsection E, rather than a triple row of trees 15 feet on center, require a double row of shades trees planted alternately on approximately 30-foot centers and staggered between rows.