



PATRICK COUNTY, VIRGINIA SOLAR ORDINANCE
As adopted by the Board of Supervisors on September 26, 2022

Section 1: Purpose and Intent

This ordinance is being enacted by the County of Patrick through the authority granted in Section 15.2-2288.7 of the Code of Virginia.

The purpose of this ordinance is to provide for and regulate the siting, development, construction, installation, operation, and decommissioning of solar energy facilities in the county in a manner that promotes economic development and the safe, effective, and efficient use of such facilities while protecting the health, safety, and welfare of the community and avoiding adverse impacts on county resources. The intent of this ordinance is to encourage solar energy facilities in a manner that promotes the development of renewable energy sources while limiting impacts on natural resources, including pollinator and wildlife habitats, and existing agricultural, forestal, residential, commercial, industrial, historical, cultural, and recreational uses of property or the future development of such uses of property in the county. This ordinance is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This ordinance does not supersede or nullify any provision of local, state, or federal law that applies to solar energy facilities. This ordinance shall apply to any and all facilities proposed or otherwise that have not received their Erosion and Sediment and Stormwater permits at the time of adoption of this ordinance.

Section 2: Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- **Applicant.** The person or entity who submits an application to the county for a permit to site, develop, construct, install, and operate a solar energy facility under this ordinance.
- **Decommissioning of Solar Facilities.** The removal and proper disposal of solar energy equipment, facilities, or devices related to a solar facility.
- **Facility owner.** The person or entity that owns all or a portion of the solar energy facility, whether or not it owns the site on which the facility is located.
- **Integrated PV.** Photovoltaics incorporated into building materials, such as shingles.
- **Large scale solar energy facility.** A renewable energy project that either: (1) generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures and facilities within the boundaries of the site, or (2) utilizes sunlight as an energy source to heat or cool building, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy. The term applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems. The term excludes, however, facilities that meet any of the following criteria: (1) it has a project area equal to or less than one acre, (2) it has a rated capacity equal to or less than 200 kilowatts (kw), (3) it is mounted on or over a building, parking lot or (4) it utilizes integrated PV only.
- **Operator.** The person or entity responsible for the overall operation and management of the solar energy facility, if different from the facility owner.

- **Permit/Application Packet.** Ten separate bound documents each containing one solar facility application on form provided by County with all supporting documentation as required in this ordinance in a ring binder or similar containment with corresponding tabs according to the supporting documentation section of this ordinance.
- **Photovoltaic or PV.** Materials and devices that absorb sunlight and convert it directly into electricity.
- **Project area.** The area within a site used for the construction and operation of the solar energy facility.
- **Rated capacity.** The maximum capacity of a solar energy facility based on the sum total of each photovoltaic system's nameplate capacity.
- **Site.** The property containing a solar energy facility.
- **Site owner.** The person or entity that owns all or a portion of the site, if different than the facility owner.
- **Small scale solar energy facility.** A solar energy facility that: (1) has a project area of one acre or less; (2) has a rated capacity of 200 kw or less; (3) is mounted on or over a building, parking lot or (4) utilizes integrated PV only.
- **Solar energy facilities permit.** A solar energy facilities permit is a permit required by Patrick County to construct, install, develop or operate a solar energy facility producing power that is connected to the grid. This permit must be applied for and issued before any construction can commence.

Section 3: Residential solar installations

This ordinance does not apply to residential solar installations as long as the project does not create a life safety, health, fire issue, or is detrimental to the environment and the power produced is strictly consumed at the residence. These installations may require permitting through the Building Official's office and must comply with all local building codes. They must also comply with all local, state and federal laws, codes, regulations and standards or ordinances.

Section 4: Requirements for small scale solar energy facilities.

This ordinance does not apply to small scale solar energy facilities as long as the project does not create a life safety, health, fire issue, or is detrimental to the environment and the power produced is strictly consumed at the site. These installations may require permitting through the building inspection office and must comply with all local building codes. They must also comply with all local, state and federal laws, codes, regulations and standards or ordinances.

Section 5: Applications; permitting.

The requirements set forth in this ordinance shall govern the siting, development, construction, installation, operation, and decommissioning of solar energy facilities in the county. A permit is required for each large-scale solar energy facility proposed to be constructed, installed, or operated in the County. A completion statement from the County is required prior to the facility being put into operation.

Section 6: Applications and procedures for approval and permitting of large scale solar energy facilities.

- (1) Applicant must complete a permit application packet for New Large Scale Solar Energy Facilities with a \$2,000.00 application fee (*Fee must be in the form of a check made to: "Treasurer of Patrick County"*). This packet should be delivered to the Building Official's office for review prior to going to the Planning Commission. The Building Official shall have 45 days to review the application packet. If there are deficiencies within the application packet, the Building Official will notify the applicant of the items that need to be corrected or addressed. Once the corrected packet is received, the Building Official shall have an additional 45 days to review the application packet. In addition to materials specified in the county application form, the information from the supporting documentation section, located in Section 8, and shall be included within the application packet:.
- (2) Once the Building Official finds that the application packet is complete he/she shall notify the Chairman of the Planning Commission so that

he/she can schedule a Planning Commission meeting and place the proposed solar project on the agenda. A representative of the application may be requested to be present to answer any questions. The Planning Commission shall schedule a meeting not more than 45 days after notice from the Building Official. The scheduled meeting shall be advertised in the local newspaper of general circulation for a minimum of two weeks.

- (3) After the initial Planning Commission meeting, the Chairman of the Planning Commission shall set a date for a public hearing for the proposed solar project not more than 45 days from the initial Planning Commission meeting. The scheduled meeting shall be advertised in the local newspaper of general circulation for a minimum of two weeks prior to the meeting.
- (4) At the end of that meeting the Planning Commission shall take a vote as to support or not to support the proposed project. The Chairman of the Planning Commission shall notify the County Administrator of their decision and request that a public hearing be scheduled with the Board of Supervisors within the next 45 days. The scheduled meeting shall be advertised in the local newspaper of general circulation for a minimum of two weeks prior to the meeting.
- (5) After the public hearing at the next Board of Supervisors business meeting the Board of Supervisors shall take a vote as to approve or not to approve the project. If the project is approved, the Chairman of the Board of Supervisors shall sign the required permitting section as found on the permit application. (This is one of four signatures required before a permit can be issued. The second signature is from the Building Official, the third is from the Erosion and Sediment Control Administrator and Stormwater Management and the fourth is the Floodplain Administrator).
- (6) The applicant has the right to appeal the decision of the Board of Supervisors as found in Section 16 of the appeals process.

Section 7: Site Plan.

The site plan shall be prepared by a Virginia licensed engineer and/or Virginia licensed surveyor, but shall contain the

engineer of records seal and must include the following information in subsections (1) through (8):

- (1) **Property Lines Setbacks.** The project area shall be set back a distance of at least 75 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 50 feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant. Increased setbacks up to 100 feet and additional buffering may be included in the conditions for a particular permit. Solar energy facilities also shall meet all setback requirements for primary structures at the site at which the facility is located in addition to the requirements set forth above. Access and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.
- (2) **Building/Structure Location.** Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
- (3) **Access/Entrance Roads.** Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, turnout locations, and parking,
- (4) **Proposed Locations.** Proposed locations, electrical cabling from the solar systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable setbacks and interconnection to the grid).
- (5) **Fencing.** Fencing as required under this ordinance and other methods of ensuring public safety shall be shown on the site plan with a detailed illustration. The project area shall be enclosed by security fencing not less than eight feet in height and equipped with an 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 consideration of the conditions for a

particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all times while the facility is in operation.

- (6) **Vegetative buffer.** A vegetative buffer sufficient to mitigate the visual impact of the facility as approved by the Building Official is required. The buffer shall consist of a landscaping strip at least 30 feet wide, shall be located within the setbacks required under Section 7, subsection 1(a), and shall run around the entirety of the area proposed for development. The buffer may 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 and any that are dead or diseased must be replaced. Existing trees or vegetation may supplement or satisfy landscaping requirements as applicable and approved by the Building Official. 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.

- (7) **Floodplain:** The site plan shall indicate any flood prone areas as identified using the most current FEMA FIRM maps available. If the property does not contain a flood prone area, it shall be stated as a note on the site plan. All areas that are flood prone and identified under the FEMA FIRM, shall be compliant with the Patrick County Floodplain Ordinance and shall require a Patrick County Floodplain permit. A solar energy facilities permit shall not be issued until the Floodplain Ordinance is complied with fully.
- (8) **Lighting Detail:** The site plan may include a dusk to dawn lighting detail if proposed. The lighting detail shall give a projected area of illumination.

Section 8: Additional required supporting documentation.

- (1) **Documentation of right to use property for the proposed facility.** Documentation shall include proof of control over the proposed site or possession of the right to use the proposed site in the manner requested. The applicant may redact sensitive financial or confidential information.
- (2) **Utility Authorization.** The applicant must submit a letter from a publically regulated utility that once the solar facility is constructed that they may attach to the grid.
- (3) **Electrical Plan.** An electrical diagram shall be provided from a Virginia licensed engineer, illustrating the electrical connections from the solar panels to the utility grid. These plans shall be signed, stamped and dated by the engineer of record.
- (4) **Connecting to the Grid & Access to the Site.** The applicant must submit documentation that no additional easements or right-of-ways from other property owners will be needed in order to connect to the grid or access to the site. If other easements or right-of-ways are required, then the applicant must submit letters of agreement

from the affected property owners granting permission for easements or right-of-ways to a state-maintained road or to the grid.

- (5) **Entrance Requirement.** Written confirmation from the Virginia Department of Transportation (VDOT) that all entrances satisfy applicable VDOT requirements.
- (6) **Construction Schedule:** A construction plan, including a proposed construction schedule and hours of operation.
- (7) **Identify existing facilities:** The identification and location of any existing large scale solar energy facilities and any known proposed large scale solar energy facilities within a five-mile radius of the proposed site as indicated on an aerial map.
- (8) **Impact on adjacent property values:** A report of impact on adjacent property values prepared by a qualified third-party, such as a licensed real estate appraiser.
- (9) **Economic impact analysis:** An economic impact analysis prepared by a qualified third-party that reports any expected change in the value of the subject property, expected employment during the construction of the facility, any expected impact on the county's tax revenues, the estimated costs to the county associated with the facility in the form of additional services, and information on any other economic benefits or burdens from the facility that may be requested by Patrick County authorities or permitting staff.
- (10) **Wildlife potential impact report:** A report on the potential impact on wildlife and wildlife habitats at the site and within a two-mile radius of the proposed facility using information provided by the Virginia Department of Wildlife Resources or a report prepared by a qualified third-party.
- (11) **Glint & Glare Study:** A glint and glare study that demonstrates either that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations,

or that the applicant will use all reasonably available mitigation techniques to reduce glint and glare to the lowest achievable levels. The study will assess and quantify potential glint and glare effects and address the potential health, safety, and visual impacts associated with glint and glare. Any such assessment must be conducted by qualified individuals using appropriate and commonly accepted software and procedures.

(12) ***Virginia Cultural Resource Information System Report.***

A report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System must be submitted to identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.

(13) ***Notification.*** The applicant shall inform adjacent property owners in writing of their proposal to construct a solar facility and shall notify the owners that they will be proposing this to the Planning Commission and the Board of Supervisors. A copy of the notification along with return receipts of certified mail shall be included in the permit packet. The letter informing adjacent property owners of their proposal shall indicate where additional information can be obtained.

(14) ***Liability insurance.*** The applicant shall propose a reasonable amount of liability insurance that the applicant deems adequate to cover operations at the large-scale solar energy facility. The applicant shall provide proof of such reasonable and adequate liability insurance for the large-scale solar energy facility prior to the issuance of a building permit. Obtaining and maintaining the requisite liability insurance will be a mandatory condition of the permit.

(15) ***Visual impacts.*** The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on viewsheds, including from residential areas

and areas of scenic, historical, cultural, archaeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare. The applicant shall provide written certification from a qualified expert acceptable to the county that the facility's panels incorporate and utilize anti-glare technology and anti-reflective coatings and reduce glint and glare to levels that meet or exceed industry standards.

- (16) **Height.** Ground-mounted solar energy generation facilities shall not exceed a height of 20 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.
- (17) **Density; location.** Large scale solar energy 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. In addition, no more than two and one-half percent of the land in a five-mile radius (1,256 acres) of the project area of any existing large scale solar energy facility shall be approved for use as the project area for a new large scale solar energy facility.
- (18) **Erosion and sediment control plan.** An erosion & sediment control plan is required must be approved by the Patrick County Erosion & Sediment Control Office prior to the issuance of the construction permit. This plan may be submitted after the approval of the project by the Board of Supervisors. The Erosion and Sediment Control Administrator's signature is required on the permit application prior to permitting. Erosion & sediment control

plans shall be stamped by a professional engineer licensed in the Commonwealth of Virginia.

- (1) An erosion & sediment control permit performance guarantee shall be required in the form of a: surety bond; cash bond; letter of credit; or other form of security acceptable to the program administrator. The erosion & sediment control performance guarantee shall be in addition to any other performance guarantee required by this ordinance.
- (2) To confirm adherence to construction specifications and the approved erosion & sediment control plan, independent 3rd party inspections, conducted by or under the supervision of a professional engineer licensed in the Commonwealth of Virginia and one acceptable to the Patrick County Erosion & Sediment Control Administrator, shall be required during installation of all temporary sediment, and or permanent stormwater basins. Post installation interim inspections shall be conducted by the same licensed professional engineer every 3 months up to and until the basin is converted to a permanent basin or is deactivated. Deficiencies observed as a result of 3rd party inspections shall be immediately corrected by the permit holder. The Patrick County Erosion & Sediment Control Office shall be notified prior to performance of all 3rd party inspections and given the opportunity to be present during inspections. Copies of all 3rd party inspection reports and testing results shall be submitted to the Patrick County Erosion & Sediment Control Office, the submittals shall be remitted within 2 days following inspections and or certification of testing results. All 3rd party inspections required under this paragraph shall be the responsibility of the permit holder.
- (3) ***Stormwater management plan.*** A storm water management plan must be approved by the Patrick County Stormwater Management Office prior to the issuance of the construction permit. This plan

may be submitted after the approval of the project by the Board of Supervisors. The Erosion and Sediment Control Administrator's signature is required on the permit application prior to permitting.

(4) A stormwater management permit performance guarantee shall be required in the form of a: surety bond; cash bond; letter of credit; or other form of security acceptable to the program administrator. The stormwater management performance guarantee shall be in addition to any other performance guarantee required by this ordinance.

(5) To confirm adherence to construction specifications and the approved stormwater management plan and permanent stormwater facilities, independent 3rd party inspections conducted by or under the supervision of a professional engineer licensed in the Commonwealth of Virginia and one acceptable to the Patrick County Stormwater Management Administrator, shall be required during the installation of all permanent stormwater BMPs. Deficiencies observed as a result of 3rd party inspections shall be immediately corrected by the permit holder. The Patrick County Stormwater Management Office shall be notified prior to performance of all 3rd party inspections and given the opportunity to be present during inspections. Copies of all 3rd party inspection reports and testing results shall be submitted to the Patrick County Stormwater Management Office and the submittals shall be remitted within 2 days following inspections and or certification of testing results. All 3rd party inspections required under this paragraph shall be the responsibility of the permit holder.

(6) The facility owner shall provide 3rd party inspections of all permanent stormwater facilities in accordance with *9VAC25-870-114 of the Virginia Stormwater Management Program Regulations*. 3rd party inspections shall be performed by a person who is, or works under the direction of; a professional engineer, landscape architect,

or land surveyor, any of which shall be licensed under the regulatory authority of the Commonwealth of Virginia. The Patrick County Stormwater Management Office shall be notified prior to performance of all 3rd party inspections and given the opportunity to be present during inspections. Copies of all 3rd party inspection reports shall be submitted to the Patrick County Stormwater Management Office and the submittals shall be remitted within 2 days following inspections.

(7) *Decommissioning plan; security.*

The applicant shall provide a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the solar energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned pursuant to Section 13. The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the Patrick County authorities or staff, provided the update shall be no more frequently than once every five years and no less frequently than once every ten years.

(8) The decommissioning plans shall include the submittal of an Erosion and Sediment Control Plan as applicable. Plans shall be submitted to the Patrick County Erosion & Sediment Control Office for review, approval, and permit issuance prior to any land-disturbing activities associated with decommissioning. Section 13 of this ordinance shall be applicable to decommissioning erosion & sediment control plans including provisions for performance guarantees.

(9) The decommissioning plans shall include the submittal of a stormwater management plan as applicable. Plans shall be

submitted to the Patrick County Stormwater Management Office for review, approval, and permit issuance prior to any activities associated with decommissioning. Section 13 of this ordinance shall be applicable to decommissioning stormwater management plans including provisions for performance guarantees.

- (10) Prior to beginning construction, the applicant must provide security in the amount of the estimated cost of the decommissioning. Options for security include a cash escrow, a performance surety bond, a certified check, an irrevocable letter of credit, or other security acceptable to the county in an amount equal to the estimated decommissioning cost developed and updated in accordance with the decommissioning plan acceptable to the county. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the county if the estimated cost of decommissioning the facility changes. The security must be renewed or replaced if necessary to account for any changes in the total estimated overall decommissioning cost in accordance with the periodic updated estimates required by the decommissioning plan. Obtaining and maintaining the requisite security will be a mandatory condition of the permit. The security shall be in favor of the county and shall be obtained and delivered to the county before any construction commences. Stormwater management and erosion & sediment control performance guarantees shall be in addition to the decommissioning security herein.
- (11) The decommissioning plan, cost estimates, and all updates of those plans and estimates shall be sealed by a professional engineer.

Section 9: Additional considerations for permitting.

To preserve and protect county viewsheds and resources, to protect the health, safety, and welfare of the community, and to otherwise advance the purpose and intent of this ordinance, the following non-exhaustive list of additional criteria may be considered by the planning commission and the board of supervisors in addressing whether to recommend or grant a permit, and what conditions to impose on any permit, for a large-scale solar energy facility:

- (1) The topography of the site and the surrounding area.
- (2) The proximity of the site to, observability from, and impact on residential areas.
- (3) The proximity of the site to, observability from, and impact on areas of historical, cultural, and archaeological significance.
- (4) The proximity of the site to other large-scale solar energy facilities, other energy generating facilities, and utility transmission lines.
- (5) The proximity of the site to, observability from, and impact on areas of scenic significance, such as scenic byways, vistas, and blueways.
- (6) The proximity of the site to, observability from, and impact on public rights-of-way, including but not necessarily limited to highways, secondary roads, streets, and scenic byways.
- (7) The proximity of the site to, observability from, and impact on recreational areas, such as parks, battlefields, trails, lakes, rivers, and creeks.
- (8) The proximity of the site to airports.
- (9) The preservation and protection of wildlife and pollinator habitats and corridors.
- (10) The proximity of the site to any planning area or community planning area identified in the comprehensive plan.
- (11) The size of the site.
- (12) The proposed use of available technology, coatings, and other measures for mitigating adverse impacts of the facility.

- (13) The preservation and protection of prime farmland in the county, provided that:
- (a) “Prime farmland” shall have the meaning assigned to it by the Natural Resource Conservation Service of the United States Department of Agriculture, except those lands established in silviculture shall not be considered prime farmland;
 - (b) The Board of Supervisors may waive any or all of the foregoing.

The enumeration of these criteria shall not prohibit the planning commission or board of supervisors from considering other factors deemed relevant to a specific permit application based on the details of the application. Nothing herein shall limit in any manner the nature and scope of reasonable conditions that may be recommended by the planning commission or imposed by the board of supervisors.

- (14) Additional information may be required, as determined by the Building Official, 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 project from potentially sensitive locations as deemed necessary by Patrick County authorities to assess the visual impact of the project, 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 require other relevant information deemed to be necessary to evaluate the application.

- (15) **Review fees.** The county may retain qualified third-parties to review portions of a permit application that are outside the county’s areas of expertise and do not have adequate state and federal review. Any out-of-pocket costs incurred by the county for such review by qualified third-parties shall be paid by applicant. The third-party reviewers and their estimated costs will be

submitted to applicant for approval before the costs are incurred. The county may, in the alternative, accept such review by qualified third-parties selected, retained and paid by the applicant.

Section 10: Process for Permitting.

After receiving project approval from the Board of Supervisors, Erosion and Sediment Control, Stormwater Management, Floodplain Manager and the Building Official and receiving signatures from each on the permit application, a solar energy facility permit may be issued through the Building Inspection Department. An additional permitting fee of \$2,000 shall be paid at the time the permit is issued (*fee must be in the form of a check made to “Treasurer Patrick County”*).

The applicant will have 180 days to acquire the permit after approval.

- The applicant will have 180 days to start the project or the permit will become void.
- The applicant has 2 years to finalize the project or the permit will become void.

Section 11: Additional Structures.

The applicant shall complete a building permit application for any structure that is regulated under the current Virginia Uniform Statewide Building Code. Fees for these structures will be assessed by using the fee schedule as adopted by the county. After review and approval a building permit may be processed and issued to the applicant.

Section 12: Inspections.

- (1) **Notification.** The applicant is responsible for notifying the appropriate county, state and any other offices that may regulate any part of this development when they are ready for inspection.

- (2) **Entry and inspection.** The owners and/or operator will allow designated county officials access to the facility for inspection purposes, provided such inspectors will be subject to the owners' and/or operator's safety requirements and protocols, as with any other employee, while within the facility.
- (3) **Final Inspection.** Prior to the facility starting operations, a final inspection shall be conducted by the engineer of record. The engineer shall submit a letter of completion and compliance to the Building Inspection Office, signed, stamped and dated that the facility complies with his/her designs and is safe for operation. A completion statement from the Building Inspection Office is required prior to the facility going online and meets all of the requirements of local, state and federal as listed below:
- (a) **Compliance with uniform statewide building code.** All solar energy facilities shall be constructed and operated in compliance with the uniform statewide building code as applicable.
 - (b) **Compliance with National Electric Code.** All solar energy facilities shall be constructed and operated in compliance with the National Electric Code as applicable.
 - (c) **Compliance with regulations governing electric energy supply.** Large scale solar energy facilities connected to the utility grid must comply with permitting requirements of the state corporation commission or the department of environmental quality, as applicable.
 - (d) **FAA regulations.** All solar energy facilities must meet or exceed the standards and regulations of the Federal Aviation Administration as applicable.
 - (e) **Other applicable laws.** All solar energy facilities shall be constructed and operated in compliance with all applicable local, state, and federal laws, rules, regulations, permit requirements, and ordinances as applicable.

Section 13: Unsafe or abandoned projects; decommissioning.

- (1) If a solar energy facility has been determined to be unsafe by the County Building Official, the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owners or operator. The owners or operator must complete the repair or removal of the facility, as directed by the Building Official, within the time period allowed for said activities. If directed to do so by the building official, the owners or operator will remove the solar energy facility in compliance with decommissioning plan established for such facility.
- (2) If any solar energy generation facility is not operated for a continuous period of 12 months, the County may notify the facility owner by registered mail and provide 45 days for a response. In its response, the facility owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action to be unreasonable, it may notify the facility owner, and the facility owner, site owner, or operator shall remove the solar energy facility in compliance with decommissioning plan established for such facility.
- (3) At such time that a solar energy facility is scheduled to be abandoned, the facility owner, site owner, or operator shall notify the Patrick County Administrator and Building Official in writing.
- (4) Within 365 days of the date of abandonment, whether as declared by the County under subsection (2) or as scheduled by the owners or operator under subsection (3), the facility owner, site owner, or operator shall complete the physical removal of the solar energy facility in compliance with decommissioning plan established for such facility. This period may be extended at the request of the owners or operator, upon approval of the Board of Supervisors.

- (5) When the facility owner, site owner, operator, or other responsible party decommissions a solar energy facility, he shall handle and dispose of the equipment and other facility components in conformance with federal, state, and local requirements. All equipment, both above and below ground, must be removed as part of the decommissioning plan. Internal paths, roads, travel ways, and landscaping may be left at the discretion of the site owner.
- (6) If the facility owner, site owner, or operator fails to timely remove or repair an unsafe or abandoned solar energy facility after written notice, the County may pursue a legal action to have the facility removed at the expense of the facility owner, site owner, or operator, each of who shall be jointly and severally liable for the expense of removing or repairing the facility. The County also may call upon the decommissioning security to remove the facility.

Section 14: Change of ownership

If there is a change of ownership of the facility owner or site owner, the County Administrator and Building Official must be notified immediately, in writing, indicating who the new owner is with their contact information and mailing information.

Section 15: Revoking permit

If any part of the project becomes non-compliant with the conditions outlined in this ordinance, Patrick County authorities will notify the facility owner of the violation in writing, outlining the violation and the date that the violation needs to be corrected by. The notice shall be issued by either delivering a copy to the responsible party by mail, to the last known address, or delivering the notice in person, or by leaving it in the possession of any person in charge of the premises, or by posting the notice in a conspicuous place if the person in charge of the premises cannot be found. The notice of violation shall indicate the right of

appeal and the penalty as set forth in this ordinance. The facility owner will have 30 days to correct the violations before the permit is revoked.

Section 16: Appeals process.

- (1) Owners may appeal a decision from a County official by appealing to the County Administrator. Appeals must be submitted in writing to the County Administrator. Upon receipt of said written appeal, the County Administrator shall respond in writing by mailing a response to the owner's address as shown on the appeal within thirty (30) business days.
- (2) Decisions from the County Administrator may be appealed to the Patrick County Board of Supervisors at its regularly scheduled meetings by submitting a written request to the County Administrator that the appeal be placed on the agenda for said meeting.
- (3) Decisions from the Patrick County Board of Supervisors may be appealed by filing a written petition with the Clerk of the Patrick County Circuit Court. This appeal of the Board of Supervisors decision must be filed within thirty (30) days of the vote taken by the Board.

Section 17: Violation

Violations of any part of this ordinance may be subject to a stop work order until corrected.

Section 18: Variances

Owners may submit a written request for a variance during the application process to the Patrick County Planning Commission and to the Patrick County Board of Supervisors pursuant to this ordinance. If during construction a variance is desired, a written request may be made to the Patrick County Building Official and the Patrick County Administrator. A temporary or permanent variance may be granted if approved by the Building Official and the County Administrator in writing finding that by clear and convincing evidence, strict compliance with the general regulations of this ordinance would result in unnecessary hardship to the owner. The intent of this

ordinance shall be maintained if a variance is requested. At all times the burden of proof shall remain with the party requesting a variance. Permanent variances pursuant to this ordinance shall be narrow in scope, strictly construed, and generally disfavored.

Section 19: Waived Fees

Half fees for the application process and the permitting process for county property, public schools, and fire and rescue.