

**Ordinance No. 2017-07-03**

**An Ordinance  
Amending the Camden County  
Code of Ordinances**

**Camden County, North Carolina**

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

**Article I: Purpose**

The purpose of this Ordinance is to amend Chapter 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

**Article II. Construction**

**For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.**

**Article III. Amend Chapter 151 as amended of the Camden County Code which shall read as follows:**

**CHAPTER 151: UNIFIED DEVELOPMENT**

**§ 151.347 SPECIFIC STANDARDS.**

(V) The following standards shall apply to all solar farms located in Camden County:

- (9) A ~~proposed decommissioning plan~~ *obligation shall be part of the lease between property owner and developer. The obligation shall be reviewed by County staff for compliance with standard listed below prior to signatures* ~~to be signed by party responsible for decommissioning and the landowner (if different) and recordation in the County's Registry of Deeds. addressing the following shall be submitted at permit application.~~ Decommissioning *Obligation* shall include:
- a. Removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.
  - b. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
  - c. Description of any agreement (e.g. lease) with landowner regarding decommissioning *and acknowledgment by land owner, land owner may be held ultimately responsible for decommissioning.*
  - d. List the type of panels and material specifications being utilized at the site.

- e. The identification of the party currently responsible for decommissioning.
- f. ~~Estimated cost of removal prepared by a third party engineer.~~
- g. Prior to issuance of the Building Permit, approved decommissioning plan obligation shall be recorded in the Camden County Registry of Deeds and shall run with the land until decommissioning is completed.
- h. ~~Decommissioning Plan and estimated cost of removal shall be updated every 5 years or upon change of ownership and re-recorded in the County's Registry of Deeds.~~

~~(10) — Prior to approval of building permits applicant shall provide an automatically renewable guarantee in the form of a bond, cash escrow deposit, or an irrevocable letter of credit issued by a Federally chartered bank with a branch office in northeastern North Carolina, in favor of the county, which shall be drawn and paid in full in immediately available funds for an amount equal to the estimated removal cost of the solar facility in the event the owner fails to decommission the solar facility pursuant to the requirements of this section. The institution issuing the guarantee shall provide to the county a notice no less than 90 days in advance of any renewal, cancellation, termination or expiration of the guarantee. Decommissioning Obligation shall be updated every 5 years or upon change of ownership and re-recorded in the County's Registry of Deeds.~~

(11) The County shall periodically ~~request~~ require proof of the continuous operation of the solar farm from the applicant/owner. The nature of required evidence shall be determined as a condition of the special use permit.

(12) The solar farm shall have 12 months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. For the purpose of this section this 12-month period shall not include delay resulting from force majeure. Failure to timely decommission the site in accordance with the obligation shall result in all actions available at law or in equity, including, but not limited to; Breach of contract, specific performance, mandatory injunctions, fines, abatement, nuisance, liens, assessments and judicial sale of the property.

Adopted by the Board of Commissioners for the County of Camden this      day of      , 2017.

County of Camden

\_\_\_\_\_  
Clayton Riggs, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Karen Davis  
Clerk to the Board

**Ordinance No. 2017-05-01**

**An Ordinance  
Amending the Camden County  
Code of Ordinances**

**Camden County, North Carolina**

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to amend Chapter 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (italics) and underlined.

Article III. Amend Chapter 151 as amended of the Camden County Code which shall read as follows:

CHAPTER 151: UNIFIED DEVELOPMENT

§ 151.347 SPECIFIC STANDARDS.

**Delete existing language and replace with the following:**

*(V) The following standards shall apply to all solar farms located in Camden County:*

- (1) The minimum lot size for all solar farms shall be five acres.*
- (2) All structures shall meet a minimum 100-foot setback as measured from all property lines.*
- (3) There shall be 50-foot buffer prior to the perimeter fence that shields solar farm from routine view from public rights of way or adjacent residentially zoned property.*
- (4) The buffer shall consist of 2 canopy trees, 4 understory trees and 25 shrubs for every 100 feet. The maintenance of the buffer shall conform to current UDO standards and shall be binding to all successive grantees.*
- (5) Solar farms located within FEMA 's 100-year flood shall elevate all electrical connections one foot above the base flood elevation (BFE).*
- (6) All collectors shall be surrounded by a lockable minimum height six-foot fence.*
- (7) Solar power electric generation structures shall not exceed a height of 15 feet.*

- (8) The solar farm shall conform to the NAICS 221114 description of a ~~gun~~ mounted solar powered energy system as well as any future amendments to said code.
- (9) A proposed decommissioning plan to be signed by party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted at permit application. Decommissioning shall include:
- a. Removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.
  - b. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
  - c. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
  - d. List the type of panels and material specifications being utilized at the site.
  - e. The identification of the party currently responsible for decommissioning.
  - f. Estimated cost of removal prepared by a third party engineer
  - g. Prior to issuance of the Building Permit, approved decommissioning plan shall be recorded in the Camden County Registry of Deeds.
  - h. Decommissioning plan and estimated cost of removal shall be updated every 5 years or upon change of ownership and re-recorded in the County's Registry of Deeds.
- (10) Prior to approval of building permits applicant shall provide an automatically renewable guarantee in the form of a bond, cash escrow deposit, or an irrevocable letter of credit issued by a Federally chartered bank with a branch office in northeastern North Carolina, in favor of the county, which shall be drawn and paid in full in immediately available funds for an amount equal to the estimated removal cost of the solar facility in the event the owner fails to decommission the solar facility pursuant to the requirements of this section. The institution issuing the guarantee shall provide to the county a notice no less than 90 days in advance of any renewal, cancellation, termination or expiration of the guarantee..
- (11) The county shall periodically request proof of the continuous operation of the solar farm from the applicant/owner. The nature of required evidence shall be determined as a condition of the special use permit.
- (12) The solar farm shall have 12 months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. For purposes of this section this 12-month period shall not include delay resulting from force majeure.

Adopted by the Board of Commissioners for the County of Camden this 15<sup>th</sup> day of May, 2017.

County of Camden

*Clayton D. Riggs*

Clayton Riggs, Chairman  
Board of Commissioners

ATTEST:

*Karen Davis*

Karen Davis  
Clerk to the Board

