

COUNTY OF WASHINGTON

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SOLAR ORDINANCE AMENDMENT TO ARTICLE 13

WHEREAS, pursuant to NCGS § 153A-121 (General ordinance making power), subsection (a): "A County may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances."; and

WHEREAS, the Washington County Board of Commissioners has previously adopted a county wide zoning ordinance pursuant to NCGS § 153A Article 18 Part 3 (Zoning) and/or other applicable law; and

WHEREAS, from time to time it is necessary and/or desirable to amend portions of said zoning ordinance in order to protect the health, safety, and welfare of its citizens and to adequate address changes in zoning practices and development planning; and

WHEREAS, the Washington County Planning Board has met, given reasonable consideration to, and has recommended in writing, that Article 13 of said zoning ordinance entitled Washington County Solar Energy Development Ordinance ("SORD") be amended as follows:

1. Add a setback to 300 feet from existing residential properties;
2. Place the fence required to surround the field at the setback line of either 75 feet from commercial property lines, or 300 feet from residential property lines; and
3. Field owner must create and maintain a vegetative buffer outside the fence and within the setback area.

WHEREAS, notice has been properly given and public hearing has been duly held pursuant to NCGS § 153A-323, regarding the proposed amendment; and

WHEREAS, the Washington County Board of Commissioners has considered the recommendation of the Washington County Planning Board, has carefully considered all viewpoints expressed during the public hearing, if any, and has conducted such reviews, analysis, and investigations of this matter as it deems necessary and proper; and

WHEREAS, the Washington County Board of Commissioners has determined the following:

- Amendment of Article 13 of the zoning ordinance in the manner described herein is consistent with any comprehensive plan(s) adopted by Washington County; and
- Is reasonable in light of recent and progressive changes in the solar energy industry leading to greater impacts upon communities in and around eastern North Carolina; and
- Is in the public interest and promotes and protects the health, safety, and welfare of its citizens.

NOW THEREFORE BE IT ORDAINED by the Washington County Board of Commissioners that Article 13 of the Washington County Zoning Ordinance is hereby amended as follows:

1. Article 13, Section 9 (A) be rewritten as follows:

A minimum setback distance of seventy five (75) feet from all property boundaries, and of three hundred (300) feet from all residential property boundaries, shall be required except for: (i) any shared internal boundary existing between two or more property boundaries of adjoining parcels which are part of a single Solar Farm project as shown on the site plan, or (ii) property boundaries where the applicable adjoining owner(s) agree to lessen such distance by executing a signed written waiver of this requirement, provided no such waiver shall act to permit less than a required minimum twenty five (25) foot setback.

2. Article 13, Section 9 (C) shall be rewritten as follows:

All Solar Energy Systems shall be completely enclosed with a minimum of six (6) feet high chain link or security fencing as measured from the natural grade of the fencing perimeter. Said fence shall be placed at the applicable setback line described in Section 9 (A) above.

3. Article 13, Section 9 (D)(I) shall be rewritten as follows:

Unless buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of a vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times within the setback areas required by this SORD, and around the perimeter of the exterior of the fencing and gates that are required around the perimeter of all Solar Energy Systems, including without limitation between such Solar Energy Systems and adjacent residential or commercial/industrial areas and/or public highways or streets. Nothing contained herein shall be construed to require any such buffer to block reasonable access to any Solar Farm.

ADOPTED THIS 7TH DAY OF DECEMBER, 2015 BY THE WASHINGTON COUNTY BOARD OF COMMISSIONERS.




CHAIR
WASHINGTON COUNTY BOARD OF COMMISSIONERS

SEAL



ATTEST:



JULIE J. BENNETT, CMC, NCCCC
CLERK TO THE BOARD