

APPENDIX D

SOLAR ENERGY (SOLAR FARM) OVERLAY DISTRICT (SOD)

Section I. PURPOSE

- A. The purpose of the SOLAR ENERGY OVERLAY DISTRICT (SOD) is to promote the use of solar energy as an alternative to fossil fuels and thereby promote the public health, safety and welfare by protecting the environment and preserving our non-renewable resources while at the same time mitigating any negative impact on wildlife, natural vegetation and aesthetics.
- B. Furthermore, the SOLAR ENERGY OVERLAY DISTRICT implements the following goals and policies of Warren County.

Master Plan:

1. Solar Energy Facilities involve exclusively development costs which are the responsibility of private ownership which advances the objective of having developers in rural areas pay their own way.
2. Balances the needs of the general public for lower cost and clean energy with the goal of preserving prime agricultural land.
3. Solar Energy helps create business opportunities without noise, air or ground pollution and without impacting traffic flow in Warren County.
4. Promotes effective wildlife and natural vegetation management while minimizing the impact on wetlands and minimizes erosion.
5. Preserves the underlying zoning classification of the property which is subject to the Overlay District.
6. Balances the needs of the public with the rights of private ownership of land.

Section II. APPLICABILITY

- A. These Regulations are applicable to all tracts of real estate which have been designated as part of a SOD by the Warren County Commission and to any application filed by real property owner, or their designee, who desires that one or more parcels of real estate be designated as a SOD.
- B. All SODs must be reflected as such on the Warren County Official Zoning Map or designated as such by a registered engineer or surveyor on a topographical map which is to be attached as an Appendix to the Official Zoning Map of Warren County.

- C. Although the Warren County Commission has the inherent authority to rezone property and designate which areas are to be part of a given overlay district, it is the policy of Warren County that no land will be designated as a SOD without the consent of or at the request of the owner or owners of the subject property.

Section III. OVERLAY DISTRICT MAP

The OVERLAY DISTRICT MAP will consist of the Official Zoning Map of Warren County which has been annotated in clear and unambiguous markings to reflect the boundaries of the SODs which have been approved by the Warren County Commission. The Official Zoning Map will be updated on an annual basis, if needed because of the addition of parcels to existing SODs or the creation of new ones, so that the Zoning Map accurately reflects the SOD Boundaries. Between the date that any new area is designated as a SOD and the date that the Official Zoning Map is updated, all SODs shall be designated by an Appendix attached to the Zoning Map as required in Section II. B. hereof.

Section IV. DEVELOPMENT STANDARDS

A. General Standards.

1. SODs can only be established in areas which are zoned as Agricultural.
2. The boundaries of any SOD must adhere to the minimum principal setback standards for the Agricultural zoning district. Additionally, solar panels within a SOD shall be set back at least two hundred (200) feet from non-participating residences, unless non-participating landowners and the Applicant mutually agree upon a shorter distance.
3. In order to be designated as a SOD, the area to be designated must consist of a minimum of 50 contiguous acres.

B. Development Standards.

All development within a SOD must comply with the following standards in addition to the applicable requirements of the underlying zoning district. In the event of a conflict between these Development Standards and the requirements of the underlying zoning district, these Development Standards shall control.

1. Setbacks from any area which has been designated as a “wetland” by the Missouri Department of Natural Resources (MDNR) shall be subject to the MDNR’s regulations.
2. An area requested to be designated as a SOD must adjoin or be able to be accessed by at least one publicly owned and maintained road or a privately-owned road which has been dedicated to public use and which meets Warren County

roadway standards. The primary means of ingress and egress must meet the applicable site line requirements of either the Warren County Highway Department or the Missouri Department of Transportation. Access must be suitable for entry by emergency response vehicles.

3. All utility lines must be depicted on a topographical map of the subject area.
4. Boundaries of the proposed Solar Energy Overlay District must be at least 200 feet from the nearest occupied residence, existing and occupied as of the date of an application for a SOD, unless the owners of any residence less than 200 feet from a boundary has consented to a lesser distance in writing.
5. A security fence at least six (6) feet in height must encircle the boundaries of a solar Facility within the proposed SOD.
6. A screen buffer of appropriate vegetation, trees and shrubs must be planted on any boundary of a Solar Overlay District which adjoins a county, state or federal roadway or which is within 200 feet of a residence which is not located within the District. All other buffer requirements shall be as required by the regulations of the underlying zoning district. The screen buffer requirements required by this Section are the minimum necessary in order to obtain a designation as a SOD. Any requirements to obtain an operating permit which are more restrictive than the requirements hereof shall control.
7. Only Photovoltaic Solar Panels or other panels which do not contain liquids within the panels shall be permitted.
8. In order to preclude unacceptable noise pollution beyond the boundaries of the SOD, the inverters which are necessary to convert DC to AC so that power can be transferred to the “grid” must be located at least 100 feet from all boundaries of the SOD.

Section V. SUBMITTAL REQUIREMENTS

The following information must be included in all applications to establish a SOD:

1. Name, address, email address and phone number of the applicant. If the applicant is a corporation, a Certificate of Authority to do business in Missouri or a Certificate of Good Standing must be submitted.
2. Name and address of all owners of the property which is proposed to be designated as a SOD, and evidence of the applicant’s authority to proceed on behalf of the owners.
3. The exact legal description and parcel number of each tract which is the subject of the application.

4. Twelve (12) copies of a topographical map which contains the boundaries of the proposed SOD, all utility lines, proposed points of ingress and egress, names of all public and private roads which provide access to the proposed SOD, and any occupied non-participating residence, existing and occupied as of the date the application for the SOD is filed, within 200 feet of all SOD boundaries.
5. The names and addresses of all owners of property within 1000 feet of any boundary of the proposed SOD. If any such property is owned by a corporation or limited liability company then the name and address of the registered agent shall be provided.
6. A statement as to the total number of acres contained within the proposed SOD.
7. Zoning classification of the underlying property.
8. Zoning classifications of all parcels which abut the proposed SOD.
9. Requests to establish a SOD submitted by private property owners shall include any memorandum of lease or other document which has been entered into between the property owner and a solar power energy company or business.
10. A cost deposit of \$25,000 which shall be used to pay for the cost of County processing, publication of notices of hearings and the court reporter. If the actual cost is less than the amount of the deposit, a refund shall be paid to the applicant. If the cost is more, the balance must be paid prior to the County Commission issuing its final decision.

Section VI. REVIEW PROCEDURE

The review procedure for the establishment of a SOD shall be the same as required for any other proposed amendment to the Warren County Zoning Ordinance. The process of deciding whether or not to establish a SOD is entirely separate from the process required for an entity to obtain a permit necessary to operate a Solar Energy Farm. The procedure is as follows:

1. The applicant shall submit a request to the Zoning Administrator to establish a SOD. The request may either be submitted in narrative form or an application form prepared and maintained by the Planning and Zoning Department.
2. The Zoning Administrator and the Zoning Administrator's staff and other necessary County officials shall review the application for completeness. If the application is found to be incomplete, it shall be returned to the applicant. Once it has been confirmed that the application is complete, the Zoning Administrator shall prepare a report and recommendation to be provided to the Planning and Zoning Commission.

3. The Zoning Administrator shall schedule the matter to be heard by the Planning and Zoning Commission at a public hearing and shall mail out and publish notice as required by Missouri law.
4. The Planning and Zoning Commission shall hold a public hearing and after hearing and viewing the testimony and evidence submitted, the Planning and Zoning Commission shall make its recommendation to approve, deny or modify the request and submit its recommendations to the County Commission.
5. Upon the receipt of the Planning and Zoning Commission's recommendations, the County Commission shall schedule and conduct a minimum of one (1) public hearing with notice and publication of each being made as required by Missouri law.
6. The procedure at the public hearing or hearings shall be the same as that employed for any other amendment to the Zoning Order.
7. At such time as all scheduled public hearings have been concluded, the County Commission shall schedule a deliberative session at which the County Commissioners shall discuss the evidence and testimony between themselves and shall have the right to ask questions of County staff for clarification purposes. Although the deliberative session shall be an "open meeting", no testimony or evidence shall be received.
8. At the conclusion of the deliberative session, the County Commission shall issue its findings and may approve the request, deny the request or amend the request.
9. Appeals from the decision of the County Commission shall be as provided for by Missouri law.