

Staff Report

Subject: Variance (Third District)
Author: Chelsie Fernald, Planning Manager
Department: Development Services
Meeting Date: January 21, 2025

Item Description: Will Jernigan as agent for Juanita Rahn requests a **conditional use** to allow for a solar farm in AR-1. Located on Little McCall Road. [Map# 345 Parcel# 37]

Executive Summary/Background

- The request for a Conditional Use is a requirement of Appendix C – Zoning Ordinance, Article V – Uses permitted in Districts.
- The applicant requests a conditional use to allow for a solar farm in the AR-1 zoning district.
- Per the Effingham County Code of Ordinances; *Part II – Official Code, Appendix C – Zoning Ordinance, Article V - Uses Permitted in Districts, Section 5.1.2.9 – Solar Farms:*
An array of solar panels that is not an accessory to other uses on the property provided that the array meets all applicable buffer requirements; no new roads may be created for this use. The structures must meet all wind load requirements as referenced in the building code.
- Per the Effingham County Table of Permitted Uses when this application was applied for, Solar Power Farms were conditional use in the AR-1 zoning district.
- This development will have a 75' vegetative buffer along Little McCall Road and a fence around the solar array.
- The Future Land Use Map (FLUM) does have this parcel projected to remain Agricultural – Residential.

Staff Determination

Staff has reviewed the application, and if approved, the Conditional Use will meet the criteria of the current ordinance with the following conditions:

1. The solar farm shall meet all requirements of Section 5.1.2.9 Solar Farms.
2. Site Development plans must comply with the Effingham County Water Resource Protection Ordinance, the Stormwater Management Local Design Manual, and Chapter 34 – Flood Protection.
3. All wetland impacts must be approved and permitted by the U.S. Army Corps of Engineers.
4. Prior to site development approval, the solar facility operator shall submit a decommissioning plan describing the anticipated life of the solar facility; the estimated decommissioning costs in current dollars; the method for ensuring the funds will be available for decommissioning and restoration; and the anticipated timeline and manner in which the solar facility project will be decommissioned and the site restored to its condition prior to the installation of the solar facility.
5. Prior to issuance of any permit, the applicant must furnish a bond, letter of credit, or other financial security acceptable to the county, to be held by the county, in the amount of 125% of the decommission cost minus the salvageable value, or \$50,000, whichever is greater. Estimates must be furnished by an engineer licensed to practice in Georgia. A new estimate of the probable cost of decommissioning shall be submitted for approval every five (5) years, and the bond, letter of credit, or financial security acceptable to the county shall be adjusted upward or downward, as necessary.
6. Decommissioning will be required following a continuous period of twelve (12) months in which no electricity is generated by the solar facility other than for mechanical, repair, replacement, and/or maintenance purposes.
7. The applicant shall be responsible for obtaining and meeting the conditions of an encroachment permit, for development in the county right-of-way.

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Conditional Use Application 2. Aerial Photograph 3. Deed