Article XII. – Solar Power Generation Systems

Section 1. General

1.1. Montgomery County wishes to accommodate the growing need and demand for photovoltaic facilities. These facilities and the amount of acreage they require are of such substantially different character from other permitted uses, however, that specific and additional standards must be established to assist the Board of Adjustment in their decision-making process.

1.2. This section establishes predictable and balanced codes governing the construction and location of photovoltaic facilities, within the confines of permissible local regulations. Regulations herein shall be consistent with, and subject to modifications of, the Montgomery County comprehensive land use plan.

1.3 The intent of this article is:

(1) To protect residential areas and land uses from impacts of SEPGS facilities.

(2) To minimize visual impacts of SEPGS facilities through careful design, placement, and landscape screening.

(3) To accommodate the growing need for SEPGS facilities to provide alternative sources of power in the county and region.

(4) To promote economic development by placing SEPGS facilities in locations that do not impair conventional manufacturers and industries and in locations where municipal type services are not located or planned.

1.4. Minor and Major SEPGS

(1) A minor SEPGS and related facilities are allowed in all zoning districts by right, provided the provisions of Section 4 of this Article are met.

(2) A major SEPGS and related facilities are allowed only with the approval of a Special Use Permit by the Board of Adjustment pursuant to Article V. The SEPGS shall meet the site standards and approval requirements of this Article prior to approval of the Special Use Permit. A Special Use Permit approved by the Board of Adjustment is required before a zoning compliance can be issued for construction of a major SEPGS.

Section 2. Administration

The Montgomery County Planning Department shall be responsible for the administration and enforcement of this Article. The County reserves the right to contact and contract with any third party in order to uphold the requirements of this Article. Further, the County reserves the right to revoke a permit for a photovoltaic facility or structure at any time if a violation of this Article is found to have occurred, or is in the process of occurring. The County must follow the same process for revocation as was used for the approval.

Section 2 Definitions

(1) *Solar Collector*. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The device may be roof mounted or ground mounted as an accessory use.

(2) *Solar Energy.* Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

(3) *Solar Energy Power Generation System, Active* – a SEPGS that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

(4) Solar Energy Power Generation System, Minor – a SEPGS that includes any privately used solar power system that generates up to two times the amount of power used on the same property over the course of one year. These shall include solar photovoltaic systems built and integrated into the primary structure or accessory to the structure.

(5) *Solar Energy Power Generation System, Major* - a major SEPGS shall be a SEPGS that does not meet the standards of a minor SEPGS

(6) *Solar Farm*. A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power from an area greater than the principal use on the site.

(7) *Solar Mounted Devices*. Devices that allow the mounting of a solar collector onto a roof surface or the ground.

(8) *Solar, Photovoltaic System*. An active solar energy system that converts solar energy directly into electricity.

(9) *Solar System, Building Integrated*. An active solar system that is an integral part of a principal or accessory building rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

(10) *Solar System, Off-Grid*. A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Section 4 Site Standards

A. Setbacks – A minor SEPGS not integrated into or placed onto a structure shall meet the setbacks for an accessory structure in the underlying zoning district. A minor SEPGS that is integrated into a structure shall meet the setbacks required for the structure. With

respect to a major SEPGS, all structures and fencing associated with a major SEPGS shall meet a minimum front, rear, and side property line setback of 250 feet. A major SEPGS shall also meet the buffer requirements set out in Section 10.3.E.

B. Power transmission lines to any building, structure, or utility connection shall be, to the fullest extent possible, located underground. Existing above ground utility lines shall be allowed to remain in the current location(s).

C. Height – A ground or pole mounted SEPGS shall not exceed twenty (20) feet in height as measured from grade at base of the racking and module structures to its highest point.

D. Fence - A six (6) foot high fence shall be installed for all major SEPGS ground mounted systems to protect from damage and vandalism, prevent trespassing, and provide for safety and security. No fencing is required for a minor SEPGS.

E. Buffer - The entire perimeter of a major SEPGS shall be screened from the adjacent properties by a one hundred (100) foot wide buffer yard. The buffer yard shall be a continuous vegetative screen buffer designed by a North Carolina licensed landscape architect or contractor and approved by the Zoning Administrator that provides a visual buffer of at least 80% opacity to a height of 10 feet within four (4) growing seasons.

F. Landscaping – Areas around the solar panels should be planted in native grasses or in pollinator friendly habitat or a combination thereof. The use of sheep or other grazing animals to maintain the landscape is encouraged.

G. Electrical – All electrical components and wiring must be Underwriter Laboratories ("UL") certified, carry the UL trademark label, and meet National Electrical Code requirements.

H. Dielectric coolants used in any power transformers, voltage regulators, sectionalizing switches, transformer rectifiers, electromagnets, and voltage supply circuits installed on the SEPGS shall be a fire-resistant natural ester dielectric coolant specifically formulated from edible vegetable oils and food grade performance enhancing additives for use in distribution and power transformers. All dielectric coolants used at the site shall be free of petroleum, halogens, silicones, or any other materials not specified above.

Section 5 Operation

A. The major SEPGS owner shall be responsible for the operation and decommissioning of the facility.

B. The owner of a major SEPGS shall keep and maintain adequate liability insurance for the facility and supply proof of effective liability insurance to the Montgomery County Enforcement Officer (hereinafter referred to as "Enforcement Officer") on an annual

basis. The owner of the major SEPGS shall minimally obtain commercial general liability insurance of not less than $2,000,000 General Aggregate Limit (other than Premises and Products-Completed Operations), $2,000,000 Premises and Products-Completed Operations Aggregate Limit, $1,000,000 Personal and Advertising Injury Limit, $1,000,000 Each Occurrence Limit, and $100,000 Fire Damage Limit. For SEPGS that include battery storage the Fire Damage Limit shall be $500,000. All insurance companies must be licensed in North Carolina and be acceptable to Montgomery County. Insurance Policies shall be endorsed (1) to show Montgomery County as additional insured, as their interests may appear and (2) to amend cancellation notice to 30 days, pursuant to North Carolina law. Certificates of insurance shall be signed by a licensed North Carolina agent and be amended to show "thirty (30) days' notice of change or cancellation will be given to Montgomery County by certified mail." Failure of the county to demand such certificates or other evidence of full compliance with these insurance requirements or failure of the county to identify a deficiency from evidence provided shall not be construed as a waiver of the SEPGS owner's obligation to maintain such insurance.

C. An annual inspection shall be performed by the Enforcement Officer or a designated 3rd party inspection firm to ensure compliance with the requirements of this ordinance and an inspection fee shall be charged to the major SEPGS owner as set out in the official fee schedule approved by the Board of Adjustment. Any deficiencies noted shall be corrected upon receipt of notice from the Enforcement Officer, either following the annual inspection or when the deficiency becomes known to the Enforcement Officer or major SEPGS owner.

D. The Montgomery County Planning Department and Fire Marshal shall be notified prior to any addition or change to a major SEPGS, including a change in the type of panels, battery storage used, or cessation of power production for a continuous period of more than one month. If no electricity is generated for a continuous period of 12 months, the major SEPGS owner is required to begin the decommissioning process in accordance with the SEPGS decommissioning plan submitted pursuant to Section 10.5.C.5. below.

E. Landscape buffers, ground cover, security fences, gates, and signage must be maintained in good condition until the major SEPGS is decommissioned, dismantled and removed from the site. Ground cover, grass, and other non-buffer vegetation shall be maintained and not exceed a height of 36 inches at any time except as required for management of pollinator-friendly vegetation.

F. Failure to comply with the requirements of this section may result in civil penalties.

Section 6 Approval Requirements for Major SEPGS

A. A preliminary plan and proposal for a major SEPGS site must include the following in order to be considered for recommendation by the planning board and approval by the Board of Adjustment:

1. A narrative describing the proposed major SEPGS, including an overview of the project and the estimated megawatt output of the project.

2. A plat of the property(ies) showing:

   (a) The proposed location and dimension of solar panels, inverters, existing and proposed structures, fencing, property lines, turnout locations, ancillary equipment, transmission lines, construction staging and parking areas, vegetation and landscaping, waterways, streams, and flood zones, storm water drainage and sanitary sewer where applicable, buffer areas, name of project, size and location of signs and lighting, boundaries, the location of any residences within 300 feet of the perimeter of the facility, the zoning classifications and uses of adjacent parcels, and the acreage of the proposed major SEPGS.

   (b) Any preexisting structures on the same lot and principal structures on other properties that would affect the placement of solar panels.

   (c) Proposed parking and access areas.

   (d) Location of any proposed access and utility easements.

   (e) Location where wiring is to be brought together for inter-connection to the system components and/or the local utility power grid, and location of disconnect switch.

   (f) Location of any proposed onsite battery storage systems/units.

   (g) Location(s) and nameplate voltage of proposed transformer(s).

3. A copy of the lease agreement with each property owner and any access and utility easements. Lease agreements shall have a provision that describes how the agreement may be renewed. Identifying information, as defined in North Carolina General Statute §14-113.20(b), and proprietary information may be redacted.

4. Evidence that the electrical utility provider has been informed of the major SEPGS owner's intent to install an interconnected system. Any customer-owned generator (off grid systems) shall be exempt from this requirement).

5. Signature(s) on the application for special use permit of the property owners, and the owners of the proposed major SEPGS, if different from the property owners.

6. Material specifications showing horizontal and vertical (elevation) to scale drawings with dimensions of proposed solar collector panels, inverters and energy storage structures.

7. Solar panels used in the project must be shown to be manufactured in their as-

installed form to be free from any perfluoroalkyl substances ("PFAS"). This includes, but is not limited to, certification that no polytetrafluoroethylene (PTFE) films were applied to panels after their manufacture. The county may request proof of this provision at its discretion before, during, and after the installation of the photo-voltaic panels.

8. Documentation regarding the type and quantity of battery storage units and configurations, if onsite battery storage systems are to be used. Any battery storage technology that contains PFAS must be noted in the application. If the project intends on using PFAS-containing battery storage technology, a containment plan and a separate decommissioning plan from the plan described below must be submitted for approval. If the battery decommissioning plan includes recycling as a method for disposing of the spent batteries, the name of the recycling facility permitted to accept PFAS-containing batteries must be provided. If the project does not intend to use PFAS-containing batteries, certification from the battery manufacturer must be provided stating that the batteries used do not contain PFAS.

9. Fire Prevention and Emergency Response facilities shall be installed by the SEPGS owner and approved by the Montgomery County Fire Marshal to include, at a minimum, the following:

   (a) Confirmation that the fire department located in the same fire district as the major SEPGS has or will acquire equipment to contain and extinguish any fire at the major SEPGS. Any new equipment requested by the fire district shall be paid for by the major SEPGS owner.

   (b) Sufficient fire hydrants, ponds or other water sources approved by the County Fire Marshal, to be installed by and at the sole expense of the major SEPGS owner. The major SEPGS owner shall ensure all hydrants, if any, are connected to a water supply and that the capacity of the water delivered to each hydrant meets all applicable fire code standards and the water supply is deemed reliable by the County Fire Marshal.

   (c) Chemical fire suppressants shall be located and properly stored at each battery storage area and transformer as directed by the County Fire Marshal.

   (d) An Emergency Response Plan consistent with all applicable Federal Emergency Management Agency guidelines shall be prepared by the major SEPGS owner and approved by the County Fire Marshal.

10. A Phase 1 Environmental Site Assessment prepared by a duly licensed professional in the State of North Carolina.

11. Other relevant studies, reports, certifications, information, documents and approvals as may be reasonably requested by the county to ensure compliance with this ordinance. Recognizing the unique environmental challenges of major SEPGS,

studies that may be required under this paragraph may include but are not limited to the following:

(a) Field surveys for all State or Federal listed species that are protected under State or Federal Law;

(b) Geologic reports mapping and describing geological resources such as bedrock outcrops, groundwater recharge zones, seeps, springs and general characterization of groundwater resources;

(c) Surface water resources including wetlands;

(d) Site specific soil surveys to include information on prime farmland soils as classified by the USDA Natural Resources Conservation Service, hydric soils and hydric components of non-hydric soil series, soil erodibility, agricultural suitability and site index for growing timber;

(e) Environmental constraints analysis;

(f) Other studies of the project site, receiving waters, and adjacent or nearby natural and environmental resources as may be requested by any county agency.

B. Zoning Permit and Expiration

1. Following approval of a SEPGS special use permit by the Board of Adjustment, the SEPGS owner will need to acquire a zoning permit by submitting the Preliminary Plan or a plan with any updates and revisions which meet the requirements of the ordinance currently in effect to the Planning Department.

2. Based on NCGS 160D-108, the application for a zoning permit with a site-specific preliminary plan will be valid for a period of three (3) years from the date of complete application. If no substantial commencement of work has occurred during this time, the zoning permit will expire. Subsequent evidence of work on the project will be required within one year and each year thereafter following the initial evidence of work review and approval.

C. Final Site Plans, written, drawn and stamped by a North Carolina licensed Surveyor and a North Carolina licensed Engineer, shall be submitted to the Zoning Officer and approved by the Zoning Officer prior to the major SEPGS becoming operational and shall include the following:

1. A narrative describing the major SEPGS, including an overview of the project and the actual megawatt output of the project.

2. A plat of the property(ies) showing:

(a) The location and dimension of solar panels, inverters, all structures, fencing, property lines, turnout locations, ancillary equipment, transmission lines, construction staging and parking areas, vegetation and landscaping, waterways, streams, and flood zones, storm water drainage and sanitary sewer where applicable, buffer areas, name of project, size and location of signs and lighting, boundaries, the location of any residences within 300 feet of the perimeter of the facility, the zoning classifications and uses of adjacent parcels, and the acreage of the major SEPGS.

(b) Any preexisting structures on the same lot and principal structures on other properties that would affect the placement of solar panels.

(c) Parking and access areas.

(d) Location of any access and utility easements.

(e) Location where wiring is brought together for inter-connection to the system components and/or the local utility power grid, and location of disconnect switch.

(f) Location of any onsite battery storage systems/units.

(g) Location(s) and nameplate voltage of proposed transformer(s).

3. A copy of the lease agreements with each property owner and any access and utility easements. Lease agreements shall have a provision that describes how the agreement may be renewed. Identifying information, as defined in North Carolina General Statute §14-113.20(b), and proprietary information may be redacted.

4. Evidence that the electrical utility provider has established an agreement/contract with the major SEPGS owner to install an interconnected system. Any customer-owned generator (off grid systems) shall be exempt from this requirement).

5. A decommissioning plan shall be prepared by a North Carolina licensed third party professional engineer and shall include terms/provisions that state or include the following minimum requirements:

(a) an estimated cost of decommissioning, as described in Section 10.5.C.19. below;

(b) if the facility does not generate electricity for 12 consecutive months, decommissioning shall be initiated no later than the first calendar day following the 12 consecutive months of non-generation;

(c) decommissioning shall be totally completed no later than twelve (12) months after the date decommissioning is initiated in accordance with Section 10.5.C. 5.(b) above;

(d) additional conditions upon which decommissioning will be initiated; said additional conditions must include but shall not be limited to abandonment of the project and expiration/termination of the land lease(s);

(e) decommissioning shall be totally completed no later than twelve (12) months after the date of occurrence of abandonment of the project, expiration/termination of the land lease(s), or any additional condition upon which decommissioning is to be initiated as specified in the decommissioning plan;

(f) all non-utility owned equipment, conduits, structures and foundations to a depth of at least three feet below grade shall be removed;

(g) the property shall be restored to a condition reasonably comparable to that which existed prior to development of the major SEPGS including the replacement of topsoil removed or eroded;

(h) all graveled areas, fences and access roads shall be removed unless an agreement is presented, in writing, in which the property owner(s) agrees for this to remain.

(i) revegetate any cleared or damaged areas with warm season grasses native to the Piedmont region of North Carolina, unless landowner requests in writing not to revegetate due to plans to produce agricultural crops;

(j) the owner of the major SEPGS is responsible for the decommissioning;

(k) the owner(s) of the property and the owner of the major SEPGS shall sign off on/acknowledge the decommissioning plan;

(l) prior to issuance of the building permit, the decommissioning plan shall be recorded by the major SEPGS owner in the Montgomery County Registry of Deeds.

6. Material specification showing horizontal and vertical (elevation) to scale drawings with dimensions of solar collector panels, inverters, and energy storage structures.

7. Solar panels used in the project must be shown to be manufactured in their as-installed form to be free from any perfluoroalkyl substances ("PFAS"). This includes, but is not limited to, certification that no polytetrafluoroethylene (PTFE) films were applied to panels after their manufacture. The county may request proof of this provision at its discretion before, during, and after the installation of the photo-voltaic panels.

8. Documentation regarding the type and quantity of battery storage units and configurations, if onsite battery storage systems are to be used. Any battery storage

technology that contains PFAS must be noted in the application. If the project intends on using PFAS-containing battery storage technology, a containment plan and a separate decommissioning plan from the plan described below must be submitted for approval. If the battery decommissioning plan includes recycling as a method for disposition of the spent batteries, the name of the recycling facility permitted to accept PFAS-containing batteries must be provided. If the project does not intend to use PFAS-containing batteries, certification from the battery manufacturer must be provided stating that the batteries used do not contain PFAS.

9. An erosion and sedimentation control plan shall be prepared by a North Carolina licensed engineer and shall meet the storm water requirements of the NC Department of Environmental Quality ("NCDEQ") and shall provide for ongoing monitoring of storm water runoff.

10. A site maintenance plan shall be provided that specifies the scheduled maintenance of the property (trimming of vegetation, routine maintenance of equipment, etc.).

11. A certificate or proof of liability insurance adequate to cover the cost of repairs to the major SEPGS and any damage to adjacent properties caused by failure of the system or natural disasters. The owner of the major SEPGS shall minimally obtain Commercial general liability insurance of not less than $2,000,000 General Aggregate Limit (other than Premises and Products-Completed Operations), $2,000,000 Premises and Products-Completed Operations Aggregate Limit, $1,000,000 Personal and Advertising Injury Limit, $1,000,000 Each Occurrence Limit, and $100,000 Fire Damage Limit. For SEPGS that include battery storage the Fire Damage Limit shall be $500,000. All insurance companies must be licensed in North Carolina and be acceptable to Montgomery County. Insurance Policies shall be endorsed (1) to show Montgomery County as additional insured, as their interests may appear and (2) to amend cancellation notice to 30 days, pursuant to North Carolina law. Certificates of insurance shall be signed by a licensed North Carolina agent and be amended to show "thirty (30) days' notice of change or cancellation will be given to Montgomery County by certified mail." Failure of the county to demand such certificates or other evidence of full compliance with these insurance requirements or failure of the county to identify a deficiency from evidence provided shall not be construed as a waiver of the SEPGS owner's obligation to maintain such insurance.

12. Standard drawings of the solar collection system components.

13. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire perimeter of the major SEPGS.

14. Installation of the required buffer vegetation or a bond established for installation of the buffer in order to plant in an appropriate season.

15. Outside lighting shall be shielded to prevent glare to surrounding properties and to

direct light onto the major SEPGS's premises, and shall be of sufficient intensity to ensure security to the major SEPGS's premises.

16. In case of emergencies, a sign stating the major SEPGS's owner's contact information including name, address and phone number shall be located at the entrance of the major SEPGS. Typical warning signs at the entrance shall also be required.

17. A letter of certification from a North Carolina licensed engineer indicating that inverter noise shall not exceed the lower of 3dBA Leq (1 HR) above preconstruction background or 40 Leq (1 HR) dBA, measured at any property line during output that exceeds 95% of rated capacity from the facility.

18. A North Carolina licensed engineer or professional geologist shall be contracted by Montgomery County whose fees and costs shall be reimbursed to the county by the owner of the major SEPGS to do the following: (1) develop and implement a groundwater monitoring program for constituents of concern which shall include but not be limited to Sr, Li, Ni, Ba, Se, nitrates, and perfluoroalkyl substances, and any other constituents recommended by state or Federal law (2) to establish through testing baseline levels for constituents of concern, and (3) to oversee mandatory monitoring to be done at least quarterly in locations to be determined by the independent third party engineer or geologist and consistent with the baseline levels determined in (2).

    The results from testing required by the groundwater monitoring program shall be provided to the county no later than 30 days after sample analysis by an independent certified laboratory. If testing determines that constituents of concern attributable to the construction or operation of the project have increased above governmental established standards for public health and safety, the major SEPGS owner will be responsible for remediation and mitigation of such constituents of concern as required by the governmental agency exercising jurisdiction over the project. Groundwater monitoring shall continue for a period of at least two years after decommissioning and reclamation have been completed at the SEPGS. Decommissioning of the SEPGS shall include groundwater monitoring wells as required by state law.

19. The owner of the major SEPGS is required to establish and maintain a financial assurance in favor of the county for the decommissioning of the major SEPGS as outlined in Section 10.5.C.5. above in the form of certified funds, cash escrow, bond from a financial institution acceptable to the county, or irrevocable letter of credit in an amount at least equal to the greater of (1) $106,000 per installed (nameplate) MW or (2) one hundred fifty percent (150%) of the estimated cost of decommissioning the major SEPGS as prepared by a professional third-party engineer licensed in North Carolina with experience in preparing decommissioning estimates. This engineer shall be selected by Montgomery County, and the cost of creating the decommissioning analysis shall be reimbursed to the county by the

major SEPGS owner. Such estimated cost shall equal the total projected cost of decommissioning plus at least a ten percent (10%) allowance for estimated administrative costs related to a default of the major SEPGS owner and at least a three percent (3%) annual inflation factor. Said financial assurance shall ensure that sufficient funds are available for decommissioning the facility and reclamation of the property to its condition prior to commencement of activities on the site, even if the owner of the major SEPGS becomes insolvent or ceases to reside in, be incorporated in, do business, or maintain assets in North Carolina. Said financial assurance must be provided to the county prior to the issuance of any permits for the construction and installation of a major SEPGS. Should the major SEPGS owner elect to use a bond, it must renew automatically, and be from a company on the U.S. Department of Treasury's Listing of Certified Companies. Should the major SEPGS owner elect to use an irrevocable letter of credit, it must be for the entire estimated life of the major SEPGS and be issued by a federally chartered bank with a branch in Montgomery County in favor of Montgomery County. 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. The bond or other guarantee shall be held by Montgomery County or in escrow with a financial institution designated as an official depository of the county and shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition reasonably comparable to that which existed prior to the approval of the SEPGS special use permit. In the event the major SEPGS owner fails to properly decommission the major SEPGS pursuant to the requirements of this ordinance, the proceeds from the bond or other guarantee shall be used by the county to decommission the major SEPGS.

20. Five (5) years after the major SEPGS is activated and every fifth (5^{th}) year interval thereafter, or upon change of ownership of either the property or the major SEPGS, a review of the decommissioning plan and a cost analysis shall be updated by a North Carolina licensed engineer in accordance with the procedure provided in Section 10. C.18. above and the amount of the financial assurance held by the county shall be adjusted to the greater of (1) the inflation adjusted value of $106,000 per installed (nameplate) MW or (2) 150% of the updated cost of decommissioning. Any changes or updates to the decommissioning plan shall be recorded with the Montgomery County Registry of Deeds.

21. Failure to comply with any requirement in this section shall result in the immediate termination and revocation of all prior approvals and permits; further, the county shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for the decommissioning and/or removal of the major SEPGS, even if still operational.

22. Other relevant studies, reports, certifications, information, documents and approvals as may be reasonably requested by the county to ensure compliance with this ordinance.

Section 7 Decommissioning

If the facility does not generate electricity for 12 consecutive months, decommissioning shall be initiated no later than the first calendar day following the 12 consecutive months of non-generation, and such decommissioning shall be totally completed no later than twelve (12) months after the date decommissioning is initiated. If the facility is abandoned or if the land lease(s) expire/terminate, decommissioning shall be totally completed no later than twelve (12) months after the date of abandonment or date of expiration/termination of the land lease(s). The major SEPGS owner shall be responsible for proper decommissioning of the project upon cessation of activities and reclamation of the property to its condition prior to commencement of activities on the site, including all costs associated therewith, in accordance with the schedules set out above. At a minimum, a major SEPGS owner shall take all of the following steps in decommissioning a project:

(1) Disconnect the solar project from the power grid.

(2) Remove all non-utility owned equipment, including panels, conduits, structures and foundations to a depth of at least three feet below grade, and collect and dispose of in a manner consistent with State and Federal law.

(3) Remove all graveled areas, fences and access roads unless an agreement is presented, in writing, in which the property owner(s) agrees for these to remain.

(4) Restore the property to a condition reasonably comparable to that which existed prior to development of the major SEPGS, including restoration of land surface to approximate original contour, the replacement of topsoil removed or eroded and the revegetating of any cleared or damaged areas with a mixture of trees, shrubs, warm season grasses, herbs and legumes native to the Piedmont region of North Carolina, unless landowner requests in writing not to revegetate due to plans to produce agricultural crops.

(5) Upon completion of decommissioning and reclamation activities the site shall be inspected by a third-party professional engineer licensed in North Carolina with experience in the decommissioning of SEPGS sites. This engineer shall be selected by Montgomery County, and the cost of creating the decommissioning analysis shall be reimbursed to the county by the major SEPGS owner. No financial assurances shall be released by the county until the engineer has certified that all decommissioning actions have been completed as described in the plans submitted pursuant to Section 10.5.C.5. and in accordance with all State and Federal law in force at the time of decommissioning.

(6) Post-decommissioning monitoring of the SEPGS site shall be conducted by a third-party environmental consultant with experience in the restoration of drastically disturbed sites. This environmental consultant shall be selected by Montgomery County, and the cost of monitoring the decommissioned site shall be reimbursed to the county by the major SEPGS owner. Monitoring shall be conducted for a period of at least three (3) years after decommissioning and shall include, but not be limited to,

groundwater as provided in Section 10.5.C.18, vegetation health, density and vigor, and overall landscape stability. No financial assurances shall be released by the county until the environmental consultant has certified that all reclamation actions have been completed as described in the plans submitted pursuant to Section 10.5.C.5. and in accordance with all State and Federal law in force at the time of decommissioning.