

WORKSESSION
DARLINGTON COUNTY COUNCIL
DARLINGTON, SC

January 17, 2017

A Worksession of the County Council of Darlington County was held this 17th day of January 2017, at 9 a.m., at Darlington County Courthouse, 5th Floor Courtroom, 1 Public Square, Darlington, South Carolina to discuss/review the proposed Renewable Energy Systems Ordinance, Ordinance No. 16-19.

NOTICE OF MEETING

In compliance with the Freedom of Information Act, a copy of the agenda, giving the date, time, and place of the meeting was emailed to the local newspapers, persons requesting notification, and posted on the county's website, on the bulletin board in the lobby of the courthouse, and at the entrance of the 5th Floor Courtroom in Darlington County Courthouse.

COUNCIL MEMBERS PRESENT

Chairman Bobby Hudson, Vice Chairman Robbin Brock, Chaplain Dannie Douglas, Jr., Mr. David Coker, Mr. Marvin Le Flowers, Mrs. Wilhelmina P. Johnson, and Mr. Robert L. Kilgo, Jr.

Correction: Mr. Robbin Brock and Mrs. Wilhelmina P. Johnson were not present. Mr. J. Lewis Brown and Ms. Joyce W. Thomas were present. Vice Chairman is Mr. Marvin Le Flowers. J. JaNet Bishop

COUNCIL MEMBER ABSENT

Ms. Mozella Nicholson.

ALSO PRESENT

County Administrator Marion Charles Stewart, III, County Attorney James C. Cox, Jr., Clerk to Council J. JaNet Bishop, Development Services Director Terri Cribb, Senior Planner Paula Newton, Economic Development Director Frank Willis, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press.

Call To Order / Invocation / Pledge Of Allegiance

Chairman Hudson called the worksession to order at 9 a.m. Mr. Douglas presented the invocation and Mr. Flowers led the Pledge of Allegiance.

Worksession Discussion / Items

Ordinance No. 16-19, An Ordinance To Amend Darlington County Code Of Ordinance, Appendix A (Development Standards Ordinance), Article Nineteen (Renewable Energy Systems) To Update The Verbiage, To Clarify The Process And Regulations, And To Establish The Effective Date Of This Ordinance - AS AMENDED

Mr. Stewart provided Council members with a copy of the current ordinance, a copy of the ordinance as amended by the Planning Commission for second reading, and a copy of the ordinance as proposed by Southern Current, a South Carolina solar development

company. He then presented Council with a series of questions to gain input as to what aspects of the ordinance (Ordinance No. 16-19) Council wanted to address. From the answers provided to the questions, Council discussion continued as follows.

Discussion

Mr. Brown suggested that the name “*solar farms*” be changed to “*solar energy systems*.” It was the consensus of Council to change solar farms to solar energy systems for second reading.

Mr. Coker requested that the setbacks start at the fence line instead of the solar panel. After discussions about solar farms being clean energy with no output/waste, other industrial businesses being in close proximity of homes, efforts to not make the ordinance too restrictive, the distance from property line to solar panel, and the distance from residence to solar farm fencing, Mr. Coker suggested 200 feet from the fence line to the residence. Mr. Flowers indicated that he would agree with 200 feet from the fence line to the residence or 50 feet from the fence. However, he would oppose 200 feet from the fence to the property line.

A majority of Council members consented for the setback to be from the solar farm fence to the (adjoining) property line or residence instead of from a panel to the property line or residence. The language stating 50 feet from the property line or 200 feet from the nearest residence would remain.

After discussions regarding size restrictions for solar farms, it was the consensus of Council to not include a maximum size in the ordinance for second reading. The language stating that the maximum size of a solar farm is 500 acres will be deleted from the ordinance for second reading. Also, it was the consensus of Council to add 75-megawatt output. The minimum size for solar farms would remain at one acre.

After discussions about the screening of solar farms, it was the consensus of Council for screening height be 100 percent of the panel height in three years, and screening would not be required along properties adjacent to non-residential (houses) uses and roadways/highways.

Council discussed the requirement for a decommissioning plan and decommissioning bond. Mr. Coker suggested a bond. Mr. Flowers and Chairman Hudson presented opposition for requiring a bond because there was no requirement for other industries to provide such bond. Attorney Cox and Mr. Flowers briefly talked about the purpose for requiring a bond for cell towers. The cell towers must be maintained, inspected, etc. to ensure they do not fall on structures. Mr. Coker pointed out that Council does not know enough regarding the cost to remove a solar farm. The majority of Council did not want to require a decommissioning bond. The requirement for a decommissioning plan will remain in the ordinance.

Mr. Stewart pointed out that Section 19.8 states that all submissions pending final approval shall comply with the updated ordinance. He asked Council to decide whether applicants who are already in the permitting process would have to back up and comply with the new requirements or will they be allowed to move forward based upon the ordinance when they submitted their application. Attorney Cox explained that those who have already applied should follow the original ordinance or the county may be subject to litigation. Mr. Flowers suggested that the staff asked the current applicants to comply with the new requirements since the new requirements were not that much different.

It was the consensus of Council that current applicants with applications on file with the Development Services Office should follow the current ordinance. New applicants must follow the new ordinance. However, the county would request current applicants to follow the new requirements for continuity. Mr. Coker stated for the record that he would like for current applicants to meet the new requirements.

Mr. Kilgo requested that Council receive the changes prior to receiving the agenda package. He requested the current ordinance and the redlined ordinance.

Mr. Stewart clarified that under the definitions, the new definition for setbacks would state that the setback would be from the solar farm fence line to the residence and (adjoining) property line or to the residence property line and public right-of-way. In the specific section (Section 19.4), it would state that solar farm fence line must be set back 50 feet from property lines and 200 feet from the nearest residence. The highway would not be considered as part of the property line; disregarding highway rights-of-way.

Mr. Stewart asked Economic Development Director Frank Willis for the status of the solar farm bill that was before the Finance Committee. Mr. Willis responded that he did not find any more information and was unable to speak to anyone regarding the bill. However, it was his understanding that if approved, the bill would exempt solar farms from about 80 percent of property taxes.

There being no further discussion, the worksession was adjourned at 10:24 a.m.

Respectfully submitted,

J. JaNet Bishop, Clerk to Council

Bobby Hudson, Chairman
Darlington County Council

Approved at meeting of February 6, 2017.