

RESOLUTION NO. 2019-03-05.01

**A RESOLUTION, AMENDING ARTICLE 8 TO PROVIDE REGULATIONS FOR SOLAR ENERGY SYSTEMS IN ADAMS COUNTY; PROVIDING FOR REPEAL OF CONFLICTING SECTIONS; AND PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, pursuant to Neb. Rev. Stat. Section 23-174.10, as amended, any county which has adopted a county zoning regulation may make such regulations as may be necessary or expedient to promote the public health, safety, and welfare; and

AND WHEREAS, the Adams County has adopted zoning regulations and the Adams County Board of Supervisors desires to adopt regulations for Solar Energy Systems within Adams County; and

AND WHEREAS, the Adams County Planning and Zoning Commission conducted a public hearing on the following regulations on March 5, 2019;

AND WHEREAS, the Adams County Board of Supervisors conducted a public hearing on said regulations on March 5, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, THAT:

SECTION 8.13. ARTICLE 8 of the Adams County Zoning Regulations of Adams County, Nebraska, shall be amended to read as follows:

SEE ATTACHED

**NOW, THEREFORE BE IT RESOLVED,** by the County Board of Supervisors of Adams County, Nebraska that the regulations pertaining to Solar Energy Systems are hereby approved.

**FURTHER IT BE RESOLVED,** that this Resolution shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law and all other resolutions and sections in conflict are hereby repealed.

Motion by: Lee Hogan

Second by: Michael Stromer

Vote: Aye 7 Nay 0

Passed and approved this 5 day of March, 2019.

ATTEST:  
[Signature]  
County Clerk

[Signature]  
Adams County Board of Supervisors  
Board Chairman



### **Section 8.13 Solar Energy Uses**

No solar panel or photovoltaic system, less than 25 kw shall be installed or constructed within the zoning jurisdiction of Adams County unless a Zoning Permit has been issued. No solar panel or photovoltaic system, 25 kw or more shall be installed or constructed within the zoning jurisdiction of Adams County unless a Conditional Use Permit and a Zoning Permit have been issued. All solar units shall be constructed in conformance with the electrical, building, and fire codes adopted by the State of Nebraska. Concentrated Solar Power, that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area, including Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling are not permitted.

#### **General Provisions**

The following provisions shall apply;

1. Applicant shall provide evidence that the project meets commonly-accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
2. Applicant shall comply with specific requirements of the Fire Department.
3. Maintenance: All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the Solar panel shall be kept in a presentable manner, free of weeds and acceptable ground cover decided.
4. Decommissioning: All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upon by Adams County, the electric utility, and the owner/developer.
5. Any applicant for a Solar project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.
6. Concentrated Solar Power systems are prohibited within Adams County.
7. Financial assurances shall be in place as part of the Decommissioning Plan

#### **Submittal Requirements:**

All Plans shall contain the following:

These requirements shall apply to both the Conditional Use Permit and Zoning Permit.

1. A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines;
2. The plot plan shall include any roads, electric lines and/ or overhead utility lines;
3. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant Power District;
4. A copy of the interconnection agreement with the local electric utility

5. Drawings or blueprints of solar panels and arrays in conjunction with the application for a zoning permit for a solar farm/solar power plant;
6. Structural engineering analysis for a solar panel, array and its foundation, as applicable.
7. Manufacturer's recommended installations, if any; and
8. Documentation of land ownership and/or legal authority to construct on the property.
9. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Adams County reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

**ACCESSORY SOLAR ENERGY SYSTEMS:** include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

**CONCENTRATED SOLAR POWER:** Solar power that is generated by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

**ELECTRIC UTILITY:** The public electric utility providing retail service to a given area.

**SOLAR CONVERSION SYSTEM:** An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.