

## **SECTION 30 SOLAR ENERGY OVERLAY DISTRICT (SEOD)**

### 30.1 Intent and Purpose:

30.1.1 INTENT: The intent of the Solar Energy Overlay District (SEOD) is to establish an area or areas where utility scale solar energy production by photovoltaic (PV) solar cells and associated support facilities are permitted. Any battery or power storage facilities that are part of the SEOD are permitted by separate Conditional Use Permits. Interested property owners in the area that is proposed for designation shall instigate the initiative for the designation.

30.1.2 PURPOSE: This Section has been adopted for the following purposes:

1. To ensure that the development and production of utility scale solar generated electricity in Boone County assures the health, safety, and general welfare of the public;
2. To promote the safe, effective, and efficient use of utility scale solar energy systems;
3. To minimize the degradation of the visual character of the area;
4. To minimize impact to environmentally sensitive areas, wildlife, and wildlife habitat;
5. To facilitate economic opportunities for local residents and the community;
6. To facilitate the supply of renewable energy in a manner that respects the geographic, social, and environmental context of Boone County.

30.1.3 Qualifying Underlying Zoning Districts. Solar Energy Overlay District may be requested in Agriculture or Industrial zoning districts.

### 30.2 District Boundary Requirements

#### 30.2.1 District Area Requirements

30.2.1.1 Minimum Area. Area within each SEOD must be a minimum of 20 acres.

30.2.1.2 Maximum Area. Area within each SEOD cannot exceed a total of more than 640 acres except as allowed in Section 30.2.2.5.

#### 30.2.2 District Design Requirements

30.2.2.1 Aspect Ratio. The length of the SEOD is not to exceed the narrowest width by a factor of five. Any proposal that does not meet the stated aspect ratios must seek a variance from the Board of Adjustment.

30.2.2.2 Minimum Width and Depth. The SEOD shall have a minimum width of one hundred and fifty (150) feet and a minimum depth of two hundred and fifty (250) feet.

30.2.2.3 Contiguous. District boundary must be contiguous across entire area. Any land within the district boundary is part of the SEOD.

30.2.2.4 Minimum Distance. A SEOD must be at least 2640 feet from another SEOD.

30.2.2.5 Mandatory Pollinator Area. A minimum of one (1) percent of the total area of the SEOD must be dedicated for wildlife pollinators. Each additional percent of land dedicated for wildlife pollinators above the mandatory minimum of one (1) percent may be used for an additional one (1) percent of land above the maximum area of land permitted under Section 30.2.1.2.

**SEOD Pollinator Land Table  
Boone County Resource Management**

<b>Percent (%) of Land for Pollinator</b>	<b>Additional Land Above the Maximum</b>	<b>Additional Land for Solar Structures</b>	<b>Total Land for SEOD</b>
1%	None	None	640
2%	1%	6.4 Acres	646.4
3%	2%	12.8 Acres	652.8
4%	3%	19.2 Acres	659.2
5%	4%	25.6 Acres	665.6

**Total SEOD Area = 640 + ((Percent of Land for Pollinators – 1%) \* 640)**

**30.2.3 District Setback Requirements**

30.2.3.1 Setbacks. Any structure and equipment associated with a SEOD must follow Section 10 – Yard Requirements. Setback distance for photovoltaic solar structure shall be measured from the edge of the structure.

30.2.3.2 Exception to front yard requirement for solar collectors permitted under Section 10 C. (9) will not be permitted in a SEOD.

30.2.3.3 Exception to Setbacks. When more than one lot of record is included in a SEOD, solar arrays may encroach within minimum yard

requirements and cross legal property boundaries given that the intended location of the structures is demonstrated on the Overlay District Plan required under Section 30.4.1.6.

### 30.3 Procedures for Designation

30.3.1 Application. Any Petition for Application for designation of a SEOD must be submitted to the County Commission through the Director. The Petition for Application shall be completed on forms provided by the Director and shall include information as required by Section 30.4.

30.3.2 Determination of Completeness. An application shall be deemed complete when the Director determines that all required application materials have been submitted and contain sufficient detail for review. An incomplete application will be returned to the applicant. The owner shall be responsible for the cost of shipping the returned application. The Director shall have up to 30 days to make a Determination of Completeness.

30.3.3 Review Period. The Director shall have 60-days from the Determination of Completeness to review the application materials and provide written comments to the owner. The owner shall have up to 60 days to address the comments.

30.3.4 Independent Third-Party Review. If the Director determines that the Department does not have the appropriate expertise to review any or all of the required application materials, they may contract with an independent third party to conduct such reviews. In such cases, the applicant shall be responsible for the cost of the external review.

30.3.5 Notice. The Director shall provide notice 15 days prior to the hearing. The Director shall give notice in a manner consistent with procedures described in Section 30.5. The applicant shall pay all costs of public notice prior to any public hearing regarding the proposal.

30.3.6 Planning and Zoning Commission Recommendation. The Planning and Zoning Commission shall hold a public hearing. Following the public hearing, the Commission shall vote on a recommendation to approve, modify, deny or table the request. In formulating its recommendation, the Commission shall make findings consistent with the criteria contained in Section 30.6.

30.3.7 County Commission Decision. Upon receipt of a recommendation from the Commission and before the adoption of a SEOD, the County Commission shall hold at least one public hearing thereon. The County Commission may approve, deny or remand the proposal back to the Commission for modification. In order to

approve a SEOD, the County Commission must make findings consistent with the criteria contained in Section 30.6.

30.3.7.1 Planning and Zoning Commission denial procedures. In cases where the Commission recommends denial of a request, the County Commission shall summarily endorse denial action of the Commission unless the applicant files a Notice of Appeal to the County Commission. The Notice of Appeal must be filed with the Director within 72 hours (three working days) following the Commission hearing. The Notice of Appeal shall state the grounds why the Commission recommendation for denial is in error. The applicant must appear before the County Commission in person or by a representative with written authorization by the applicant.

30.3.7.2 County Commission denial procedures. In cases where the Commission recommends approval of an application, the County Commission will summarily deny the application if the following two conditions occur: (1) the applicant does not appear at the County Commission hearing in person or by representative with the written authorization of the owner, and (2) there is opposition to the application expressed in person at the County Commission Hearing.

30.3.8 Applicant Demonstrates Need of SEOD. An applicant requesting the establishment of a SEOD shall have the responsibility to demonstrate to the Planning and Zoning Commission and the County Commission, by competent substantial evidence, that establishment of the SEOD is justified.

## 30.4 Application Process

30.4.1 No action on the request will be taken until all of the required information has been submitted. Applications for establishing a SEOD shall include the following:

30.4.1.1 Satisfactory evidence that the applicant is the owner of the property or has written permission of the owner(s) to make such application;

30.4.1.2 Developer information including:

- Name, address, phone number, and e-mail address of the developer and the developer's contact person for the project;
- A statement from the developer providing relevant information regarding an overview of the company, the company's financial

condition, the company's environmental management history, and the company's qualifications and experience in utility scale solar development. Specific references regarding other utility scale solar projects are required;

- An identification and description of the expected owner and builder of the proposed project and a complete financial statement for such owner and/or builder including audits or reviews, whichever are applicable, for three (3) years preceding the date of application;
- The name, address, phone numbers, and e-mail address of the project manager in the event the project is approved and the name, address, phone numbers, and e-mail address of any potential buyers of the project.

30.4.1.3 A Petition for Application on forms provided by the Director. For purposes of calculating the percentages described below, each legal lot will qualify for one signature. The product of all calculations shall be rounded to the nearest whole number. The petition shall contain the following:

- Notarized signatures of the owners of at least 75% of the real property, as identified by legal lot, within the proposed district. The following formula shall be used:
  - Total acreage of the district x 0.75 = total acreage for which signatures must be obtained.
- The notarized signatures of at least 67% of the owners of real property, as identified by legal lot, within the proposed district. The following formula shall be used:
  - Number of legal lots x 0.67 = number of signatures.
- A list including the name, address, and parcel number(s) of all property owners within the proposed district.
- A list including the name, address, and parcel number(s) of all property owners within the proposed district that are not participating with the SEOD.
- A list including the name, address, and parcel number(s) of all

property owners within one thousand feet (1000') of the boundary of the proposed overlay district.

30.4.1.4 Relevant background information on the project, including rationale and need for the project by the landowner and developer, timeframe and project life, phases of development, likely markets for the electricity produced, and the possibilities for future expansion.

30.4.1.5 Narrative explanation of why the proposed project site was chosen by the applicant over alternative locations for the project in the region and reasons for preferring the proposed site over the alternatives considered by the applicant. The region shall be defined as all counties adjoining and including Boone County.

30.4.1.6 Overlay District Plan, including:

- Legal description of the proposed SEOD prepared by and bearing the seal of a Land Surveyor licensed to practice in the State of Missouri;
- Aerial image showing the boundary of the proposed overlay district, displaying distinctly the components of the proposed district. Image shall also distinctly display property boundaries of all legal lots within the proposed District and within one thousand feet (1000') of the boundary of the proposed District;
- General vicinity of the project location within the County;
- Scale and north arrow;
- Acreage of district;
- Location and dimension of existing structures;
- General location and approximate physical dimensions of proposed solar structures, including all proposed individual solar panels. If an exact number or dimension of solar panels is not known at the time of application, the site plan shall identify a maximum number and maximum dimension expected and a range from minimum number expected to maximum expected;

- Location of any proposed electrochemical (battery) storage devices or any other energy storage devices;
- Location of all proposed vegetative buffers and other proposed screening structures;
- Location of staging and maintenance areas;
- Houses inside and within five hundred feet (500') of the overlay district boundary and the approximate distance of such houses from the district boundary;
- Location of existing and proposed electrical lines and facilities, both above and below ground;
- Existing topography;
- Proposed areas to be graded;
- Removal of natural vegetation;
- Location of pollinator plants and gardens;
- Proposed setbacks of all structures in the district boundary;
- Proposed traffic circulation with the district boundary;
- Location of public roads within proposed district boundary;
- Location of any major underground utilities or pipelines;
- Location of any utility easements;
- Location of any delineated 100-year floodplains, stream buffers, sinkholes, wetlands, and other environmentally sensitive areas.

30.4.1.7 An estimated Cost/Benefit Analysis (CBA) describing the impact of the project on the local and state economy in the following respects:

- The amount of property taxes to be generated by the project;

- The amount of sales taxes to be generated by the project;
- The amount of other applicable taxes to be generated by the project;
- Any distinction in the amount of taxes that will be generated and the distribution of the tax revenue if the facility is privately owned or acquired/owned by a public entity or public utility;
- The construction dollars to be spent locally;
- The number of construction jobs and estimated construction payroll;
- The benefit of the electricity generated by the project;
- Any projected costs or benefits to tourism in the County;
- Other projected economic benefits and costs of the project;
- Costs associated with impact on roads and other County infrastructure in the area and a draft Transportation Infrastructure Plan and Mitigation Agreement approved by the County Engineer and the Director.

30.4.1.8 Environmental assessment of the potential adverse impacts from the project and any proposed measures to mitigate or lessen the effects of the adverse impacts. The assessment and mitigation plan shall be conducted by a Qualified Professional and include, at a minimum, all of the following:

- Documentation and/or explanation that the owner/applicant reviewed and adhered to State and Federal environmental laws and regulations applicable to the project;
- Impact on wildlife and wildlife habitat on the site and in the proposed SEOD;
- Impact on any endangered or threatened species on the site and in the proposed SEOD;

- Impact on flora on the site;
- Any wastes, either municipal solid waste or hazardous waste, generated by the project at any point in its lifespan;
- Electromagnetic fields and communications interference generated by the project;
- Risk of fire from the project, including threat of lightning strikes;
- Impact of the project on civilian and military aviation;
- Impact of the project on soil erosion;
- Impact of the project on water quality and water supply in the area;
- Dust from project activities;
- Impact on historical, cultural, or archaeological resources.

30.4.1.9 A glare analysis demonstrating impact on roadways and dwellings within 500 feet of the proposed overlay district.

30.4.1.10 A copy of the written notification to the utility of the proposed interconnection.

30.4.1.11 Information, in as much detail as possible, on the type, size, maximum and minimum height, panel size, hazardous materials, panel color, rated power output per panel, safety, any fire suppression characteristics, and glare characteristics of each proposed solar panel model and electrical transmission equipment.

30.4.1.12 A general description of the decommissioning and land reclamation strategy in the event the project is abandoned or upon the end of the useful life of the project. The applicant shall specify the anticipated useful life of the project.

30.4.1.13 The anticipated volume and designated route for traffic generated during the construction phase, including routes for oversized and heavy equipment, and the proposed method of providing assurances to the public

entities responsible for the roads of repairs and on-going maintenance to the roads and bridges needed to support the project.

30.4.1.14 The anticipated volume and designated route for traffic generated during the utilization of the facilities, including routes for oversized and heavy equipment needed for maintenance and repairs, and the proposed method of providing assurances to the public entities responsible for the roads of repairs and on-going maintenance to the roads and bridges needed to support the project.

30.4.1.15 The anticipated operation and maintenance requirements (including estimated frequency of maintenance activities) for the solar structures and internal transmission lines connecting the individual solar structures within the project and the transmission lines connecting the system to the power “grid”.

30.4.1.16 The anticipated location, width and proposed method of acquisition of transmission line easements required, including required access to the easements and any associated necessary restrictions on land use, development, and access within said easements.

30.4.1.17 The anticipated timeline for completing construction of all proposed structures within the proposed SEOD.

30.4.1.18 A general description of the plan for securing the site and the various structures and facilities from access by unauthorized persons.

30.4.1.19 Fees. The applicant shall submit an application fee, as established by the County Commission, with the application.

30.4.1.20 Costs. The applicant shall be responsible for the costs of all required public notice and the preparation of the application materials, including but not limited to all required surveys and property descriptions.

## 30.5 Notice Procedures

30.5.1 The Director shall give notice of the application in the following manner:

30.5.1.1 By certified mail to the owners of all property within the proposed overlay district.

30.5.1.2 By certified mail to the owners of all property within one thousand feet (1000’) of the boundary of the proposed overlay district.

30.5.1.3 Publication of a locality map in a newspaper having a general circulation within the county.

30.6 Approval Standards. The following guidelines shall be considered by the Planning and Zoning Commission and the County Commission in evaluating the appropriateness of proposed locations for the SEOD and the proposed project components:

#### 30.6.1 Natural and Biological Resources

30.6.1.1 Avoid Biological Conflicts. SEOD should not be located in areas that have a substantial potential for biological conflicts.

30.6.1.2 Avoid Wildlife Areas. SEOD should avoid areas that would interfere with important wildlife migratory corridors and habitats to the maximum extent possible. If a SEOD is placed in an area that will interfere with important wildlife migratory corridors, clustering of solar structures or other mitigation should be evaluated and may be required to create a natural corridor to allow wildlife movement. See Section 30.7.1.3.1.

#### 30.6.2 Soil Erosion and Water Quality

30.6.2.1 Avoid Steep Slopes. SEOD shall avoid construction activities on slopes that are steep or susceptible to erosion.

30.6.2.2 Minimize Construction Activity. The number of improved private access roads and construction staging areas should be kept to a minimum.

30.6.2.3 Site Preparation and Grading Activity: Site preparation and the installation of solar facilities shall be completed with limited grading activities only. The mass grading of any portion of a solar facility site shall be avoided, except for that which is necessary to construct earthen stormwater BMP's such as detention and retention ponds. All site grading will be analyzed on a site-by-site basis and is subject to approval by Boone County Resource Management prior to issuance of a construction permit.

#### 30.6.3 Historical, Cultural, and Archeological Resources

30.6.3.1 SEOD should avoid sites that are less than 500 lineal feet from any places that have been listed on the National Register of Historic Places or designated as a National Historic Landmark.

#### 30.6.4 Transportation Infrastructure Impacts

30.6.4.1 All impacts to the transportation network should be mitigated to the maximum extent practicable. The applicant shall work with the County Chief Engineer and, if applicable, the Missouri Department of Transportation, and local municipalities to develop a Transportation and Infrastructure Mitigation Plan.

### 30.6.5 Appearance

30.6.5.1 Buffers. Vegetative screening must include a mixture of deciduous and evergreen trees capable of screening panels within five (5) years of project completion. Vegetative buffering must clearly be shown on the overlay district plan required under Section 30.4.1.6. Any additional screening that is not vegetative is subject to the approval of the Director of Resource Management.

30.6.5.2 Buffer Maintenance. The operator shall maintain the vegetative buffer in good condition. Should they fail to do so, notice shall be given, and a schedule shall be made to bring the buffer back into compliance. If the project operator fails to revive the buffer, then the County Commission may utilize the financial security to repair or replace the vegetative buffer.

30.6.5.3 Permitted Height. Height shall be determined by the top of the panel at its maximum tilt measured from grade at the base. Height of the solar structures must not exceed 25 feet.

30.6.5.4 Power Lines. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less shall be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other governmental or industry-wide guidelines/standards, violate applicable law, or have demonstrated to the Commission that such lines will be hidden from public view.

30.6.5.5 Accessory Structures. To avoid unnecessary clutter, equipment should be screened following the same guidelines as Section 30.6.5.1.

### 30.7 Siting and Performance Standards.

30.7.1 The following standards are to be achieved by each utility solar project within a designated SEOD without exception. Because they are standards, they are considered to be requirements of any utility scale solar project. The final decision on whether or not a particular standard is achieved by a utility scale solar project shall be made by the County Commission after considering the recommendations

of the Planning and Zoning Commission and the Resource Management Department.

30.7.1.1 Glare. Glare from photovoltaic panels should not exceed the levels predicted as part of the glare study. Any additional glare that was not predicted as part of the glare study should be remediated.

30.7.1.2 Natural and Biological Resources. In areas where grassland burning is practiced, appropriate “buffer” areas shall be used to enable infrastructure to withstand periodic burning of vegetation.

#### 30.7.1.3 Visual Impacts

30.7.1.3.1 Clusters. When panels cannot be continuous within a SEOD area, solar structures may be clustered together. Clusters should be separated by enough room to allow wildlife to pass between. All clusters of solar structures should be fenced and secured from outside intrusion.

30.7.1.3.2 Outdoor Storage. Except during construction, re-construction or removal, outdoor storage is not permitted provided that this restriction shall not apply to the project’s designated operations and maintenance facility as approved by a Conditional Use Permit.

#### 30.7.1.4 Soil Erosion and Water Quality

30.7.1.4.1 Minimize Impact. Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the building permit so as to minimize soil erosion and damage to native vegetation.

30.7.1.4.2 Restoration. If native vegetation is damaged during construction, it shall be restored after construction is complete in areas not occupied by the SEOD and related facilities and roads.

30.7.1.4.3 Areas underneath solar panels shall remain grass or other native vegetation capable of being maintained via landscaping equipment.

30.7.1.4.4 Use of pesticides, herbicides, or other chemical products to control weeds or grass will only be used with a spot application.

Broad application of chemical products is not permitted within a SEOD.

30.7.1.4.5 Stormwater Regulations. Compliance with Section 28 is required.

#### 30.7.1.5 Vegetation

30.7.1.5.1 Phasing of Vegetation. After each phase of construction of the project, the Project Owner shall revegetate the areas of the Project Property disturbed by construction. The Project Owner will be responsible for the obligations under this Section throughout the life of the Project. All land disturbance must be done in compliance with Section 28.

30.7.1.5.2 Agricultural Uses. The project may be designed to accommodate concurrent use of the land for agricultural production of food or fiber along with native grasses and forbs for habitat between and around the rows of solar structures.

30.7.1.5.3 Disturbed Ground. Disturbed ground around the solar structures and in any designated buffer areas shall be planted and maintained in native vegetated ground cover or agricultural plants that are managed to prevent erosion and runoff, and meet the following standards:

- Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the system, access to roadways, and other approved site improvements;
- The surface of the project site shall be prepared as shown on a Project Owner developed and County approved Vegetation Management Plan. For the remainder of the Solar Energy Overlay District, disturbed soils shall be seeded to prevent erosion and manage runoff;
- Seed mixes for perennial plantings shall include a diversity of species; Grasses and forbs, wildflowers, and/or agriculture. Perennial vegetation (grasses and forbs) should be native to Missouri, but where appropriate to the vegetation management plan goals, may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services;

- Any pesticides used on the site shall be applied only by a licensed pesticide applicator certified by the Missouri Department of Agriculture. The vegetation plan shall be designed to minimize the use of pesticides or herbicides, those practices should be clearly stated on the site plan and noted in the operation plan.

30.7.1.6 Pollinator Gardens. A minimum of one (1) percent of the area of the SEOD shall be dedicated to pollinator plants or gardens.

30.7.1.6.1 Pollinator plants shall not be located in areas where solar structures would block natural sunlight.

30.7.1.6.2 Pollinator plants must be maintained similar to vegetative buffers outlined in Section 30.6.5.2. Should pollinators die and drop below the mandatory minimum for the SEOD, the operator must replace pollinator plants within the next growing season.

30.7.1.6.3 Proposed pollinator areas must be shown on the Overlay District Plan according to Section 30.4.1.6.

30.7.1.7 Safety

30.7.1.7.1 Fire Suppression. The applicant shall submit a fire suppression plan to the Director of Resource Management and the corresponding Fire Protection District the project is located within. The submitted fire suppression plan must be approved by the Fire Protection District and the Director of Resource Management before approval of the SEOD.

30.7.1.7.2 Battery Storage. Addition of any electric energy storage devices approved as a separate Conditional Use Permit and not demonstrated on the Fire Suppression Plan will require an updated Plan submitted to the Director of Resource Management and corresponding Fire Protection District the project is located within.

30.7.1.8 Operating Fee. The project owner shall submit a yearly operating fee for any utility scale solar facility within a SEOD. An operating year shall be defined as commencing on June 1<sup>st</sup> and ending on May 31<sup>st</sup>.

30.7.1.8.1 Fee Schedule. The operator will submit the operating fee each operating year that the facility generates electricity. The fee shall be submitted no later than August 1<sup>st</sup> of the following year.

30.7.1.8.2 Fee Amount. The yearly operating fee for a SEOD will be determined by the County Commission.

30.7.1.9 Operating Report. The project owner shall submit a yearly operating report to the Director of Resource Management on forms provided by the Director. An operating year shall be defined as commencing on June 1<sup>st</sup> and ending on May 31<sup>st</sup>.

30.7.1.9.1 Report Content. The report should include information such as amount of electricity generated, overall state of maintenance, and any operating issues or constraints experienced within the past year.

30.7.1.9.2 Report Schedule. The operator shall submit the yearly report each year that the facility generates electricity. The report shall be submitted no later than August 1<sup>st</sup> of the following year.

## 30.8 Decommissioning

### 30.8.1 Financial Security

30.8.1.1 Purpose. The purpose of the security requirement is to ensure that adequate funding is available to be used to pay the costs of vegetative maintenance and site decommissioning and reclamation, including removal of individual solar structures and other above-ground project improvements subject to permit in the event of abandonment of the entire project. Should any funds be used for buffer screening maintenance, the operator must refill the security at 100% of the cost of repair. Should any funds be used for buffer screening maintenance, a fee of 25% of the total cost of the repair will be charged to the project owner.

30.8.1.2 Submittal of Security. The project owner of a SEOD shall, at its expense, provide the County with financial security to cover the estimated costs of decommissioning and site reclamation of the facility. Provision of the financial security shall be phased in over the first eleven (11) years of the solar power generation.

30.8.1.2.1 No later than the first anniversary of the start of commercial solar power generation, the project owner shall provide

the County with the financial security to cover twenty (20) percent of the estimated costs of decommissioning and site reclamation.

30.8.1.2.2 No later than the sixth anniversary of the start of solar power generation, the project owner shall provide the County with the financial security to cover fifty (50) percent of the estimated costs of decommissioning and site reclamation.

30.8.1.2.3 No later than the eleventh anniversary of the start of commercial solar power generation, the project owner shall provide the County with the financial security to cover one hundred and twenty (120) percent of the estimated cost of decommissioning and site reclamation.

30.8.1.3 Form of Security. Such Security shall be in the form of a letter of credit, a cash escrow account, a performance bond, or other form of Security which is acceptable to the County. Any entity providing Security must be authorized to provide such Security in the State of Missouri and must be acceptable to the County Commission. The Security must contain such provision, terms or conditions as the County deems to be necessary, including, but not limited to, those set out herein, unless specifically waived in writing by the County.

30.8.1.4 Amount. The Security shall be in an amount equal to one hundred twenty (120) percent of the estimated decommissioning and reclamation costs. Such amount shall be determined by the County Commission based upon estimates from knowledgeable contractors and such other information or factors that the Commission deems to be relevant.

30.8.1.5 Adjustment of Security. For the first 11 years of the project's operation, the project owner shall be required to make an adjustment for inflation at each stage of submittal of the financial security outlined in Section 30.8.1.2.

30.8.1.6 The project owner will be required to make financial adjustments to the security to adjust for inflation every three years following the eleventh anniversary of the start of commercial solar power generation.

30.8.1.7 Maintenance of Security. The Security may not be canceled, released, or in any way terminated without prior written approval from Boone County. The Security shall be maintained and continued in force as long as such solar structures or their above-ground improvements exist and

until all decommissioning and site reclamation has been completed and paid for.

- **Survival of Sale.** The Security must be written so as to survive any sale or transfer of the solar structures and related project property or the insolvency of the project owner until other security is in place. It shall further apply to all successors and assigns of the project owner. Any entity providing Security must be authorized to provide such Security in the State of Missouri and must be acceptable to the County Commission.

### 30.8.2 Post Development Plan

30.8.2.1 **Owner Initiated.** The owner/operator shall commence reclamation proceedings within 90 days of the date of abandonment of an entire project. Reclamation activities shall be conducted in accordance with the reclamation plan and the standards contained in these regulations.

30.8.2.2 **County Initiated.** Upon determining that the project has been abandoned, the Director shall notify the owner/operator by certified mail. The notice shall allow 90-days for the commencement of decommissioning. The notice shall also inform the owner/operator of their right to request a hearing before the County Commission.

30.8.2.2.1 **Abandonment and Reclamation Hearing.** Upon request of the owner/operator or expiration of the 90-day deadline, the Director shall schedule a hearing with the County Commission and provide the owner/operator notice as to the time and location of the hearing.

30.8.2.2.2 **Hearing Purpose.** The purpose of the hearing is to determine the validity of the determination of abandonment, establish whether the owner/operator intends to reclaim, and whether to authorize the use of Security to complete the reclamation of the individual solar structure or the entire project.

### 30.8.3 Abandonment

30.8.3.1 **Time Frame.** An entire project shall be considered to have been abandoned when a project does not produce electricity for a continuous period of nine (9) months, and there is no demonstrated viable plan to restore the equipment to operating condition. Except for any Repowering

Event or Casualty Event subject to a County approved schedule of completion not to exceed five (5) years.

30.8.3.2 Extension. An extension of the nine (9) month time period may be granted by the County Commission upon the presentation of enough justification by the project owner.

30.8.3.3 Excavation. All underground equipment and foundation systems of the solar structures shall be removed to a depth of at least four feet (4') to allow for the cultivation of crops, restorations of pasture, or installation of underground utilities.

### 30.9 Permit Procedures

30.9.1 Permit Holder. All Commission Orders by the County Commission granting a SEOD district for a utility solar project shall specify that the project owner is sole operator within the district.

30.9.2 Transfer of Solar Project within a SEOD area.

30.9.2.1 Transfer Process. Any transfer of a utility scale solar energy facility within a designated SEOD area must be approved by the Director of Resource Management before the transfer. Both the current and new proposed operator must request a transfer utilizing forms provided by the Director. The new operator must provide the same information required in Section 30.4.1.2.

30.9.2.2 Transfer Review and Approval. The Director shall have thirty (30) days from the date of submission of the transfer request to approve or deny the request. The Director shall approve the transfer given that the transfer forms are complete, and a new financial security for the new operator has been accepted by the County Commission.

30.9.2.3 Financial Security. The new operator shall submit a new financial security under the same process outline in Section 30.8.1. The new operator must provide a new financial security to the County Commission. Once the new financial security is accepted by the County Commission, the County Commission will then take action to release the financial security from the previous operator.

30.9.3 Transfer of Conditional Use Permit – Battery Storage

30.9.3.1 Transfer of conditions. Any conditions imposed by the County Commission on the approval of the conditional use permit will remain in place following an approved change in operators.

30.9.4 Building Permit Issuance. The Resource Management Department may issue a building permit for the project following a 30-day waiting period and prior to the start of construction. In addition to the requirements outlined in the building code, as adopted by the County of Boone, the building permit application shall contain all of the following information to be provided by the project owner:

30.9.4.1 All of the special conditions outlined in the conditional use permit approval for battery/power storage;

30.9.4.2 A detailed site plan, that includes all the information required in Section 30.4.1.6. The plan will include a statement that it conforms to Section 30.4.1.6;

30.9.4.3 A final grading plan;

30.9.4.4 A final erosion and sediment control plan;

30.9.4.5 A final plan for site security;

30.9.4.6 A final decommissioning and reclamation plan;

30.9.4.7 A final transportation plan;

30.9.4.8 Documentation of the establishment of the Security for reclamation;

30.9.4.9 Documentation that the project is in compliance with all of the requirements of the following:

- Missouri Department of Conservation;
- U.S. Fish and Wildlife Service, Missouri Ecological Services Office;

30.9.5 All structures in a SEOD require a separate building permit. Grouped or phased installation of solar structures within a SEOD may be permitted under a single building permit subject to approval by the Director.

30.10 Procedures for Vacation (Removal) of the Overlay District:

30.10.1 Removal of a designated SEOD shall be accomplished by the same procedures as followed to establish the overlay district except as provided below.

30.10.2 Failure to perform. Additionally, the County Commission shall have the authority, after a public hearing, to remove the overlay district if it is determined that no solar panels have been constructed in the SEOD within a period of ten (10) years from the date of the County Commission Order that established the District.

30.10.3 Abandonment. If an entire project is deemed abandoned under Section 30.8.3, the County Commission shall have the authority, after a public hearing, to remove the overlay district.