

**SOLAR FARM ORDINANCE FOR CLAY COUNTY, NORTH CAROLINA
AS AMENDED OCTOBER 4, 2018**

WHEREAS, Clay County passed a Solar Farm Ordinance for Clay County, North Carolina on October 17, 2011;

WHEREAS, it has come to the attention of the Clay County Board of Commissioners that the current definition of "Solar Farm" in the Solar Farm Ordinance imposes the same setbacks and restrictions for both small and large solar farms and does not differentiate between small and large solar farms;

WHEREAS, in the event that small businesses, shops, farms and churches in Clay County might want to install a solar array for their own use on their property in order to cut their power bill, they would have to comply with the requirements of the "solar farm" set forth in the Solar Farm Ordinance;

WHEREAS, the solar farm ordinance's setback and buffer requirements, while sensible for large solar arrays, are a burden for small local businesses, shops, farms, churches and the like;

WHEREAS, the present definition of "Solar Farm" includes a use of land where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one or more solar collectors placed in an area on a parcel of land collectively has nameplate generation capacity of at least 15 kilowatts (kW) direct current (DC) or more when operating at maximum efficiency.

WHEREAS, to resolve this issue, it has been proposed to the Clay County Board of Commissioners to amend to Solar Farm Ordinance by changing the definition of "Solar Farm" to read as follows: "Solar Farm" includes a use of land where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one or more solar collectors placed in an area on a parcel of land collectively has nameplate generation capacity of at least 100 kilowatts (kW) direct current or more when operating at maximum efficiency.

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY DOETH ORDAIN AS FOLLOW:

1. After careful consideration and a public hearing held on October 4, 2018, the Board of Commissioners of Clay doeth amend Section 5. B. 1. Solar Farm and ordain Section 5.B:1 to read as follows:

The definition of "Solar Farm" includes a use of land where a series of one or more solar collectors are placed in a an area on a parcel of land for the purpose of generating

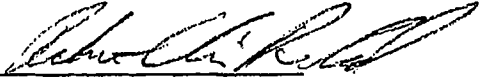
photovoltaic power and said series of one or more solar collectors placed in an area on a parcel of land collectively has nameplate generation capacity of at least 100 kilowatts (kW) direct current (DC) or more when operating at maximum efficiency.

Further, notwithstanding anything to the contrary contained herein, the term "Solar Farm" shall not be construed in such a way as to prohibit the installation or mounting of a series of one or more solar collectors upon the roofs of residential and/or commercial structures regardless of whether the said series of one or more solar collectors collectively has a total nameplate generation of at least 100 kilowatts (kW) direct current (DC) or more when operating at maximum efficiency.

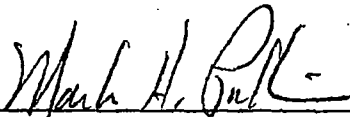
All of the remaining provisions of the Solar Farm Ordinance dated October 17, 2011 shall remain in full force and effect.

ADOPTED this the 4th day of October, 2018.

COUNTY OF CLAY

By: 

Chairman, Clay County Board
Of County Commissioners

ATTEST: 
Clerk to the Board

(County Seal)