

ORDINANCE NO. 2025-043

AN ORDINANCE TO AMEND THE ANDERSON COUNTY LAND USE ORDINANCE, BY ADDING SECTION 24-153, TO PROVIDE REGULATIONS FOR SOLAR ENERGY FACILITIES IN THE UNINCORPORATED PART OF ANDERSON COUNTY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Anderson County Council finds it in the public interest to establish regulations for the siting, construction, and operation of solar energy facilities in a manner that promotes economic development while protecting the health, safety, and general welfare of the citizens of Anderson County; and

WHEREAS, Anderson County Council recognizes the importance of renewable energy as part of the County's economic growth and environmental stewardship; and

WHEREAS, Anderson County Council desires to adopt land use standards to ensure that solar energy facilities are developed in a responsible manner consistent with surrounding land uses.

NOW, THEREFORE, be it ordained by the Anderson County Council in meeting duly assembled that:

1. That the Code of Ordinances, Anderson County, South Carolina, is hereby amended by adding a section, to be numbered 24-153, which section shall read as follows:

Section 24-153. SOLAR ENERGY FACILITIES

(A) Intent.

To facilitate the siting, construction, installation, and operation of solar energy facilities in Anderson County in a manner that promotes economic development and ensures the protection of the health, safety, and general welfare of the citizens while avoiding adverse impacts to adjacent land uses and property owners.

(B) Purpose.

This section is adopted for the following purposes:

- (1) To promote alternative and sustainable energy sources in Anderson County;
- (2) To preserve the dignity and aesthetic quality of the natural and built environment;
- (3) To conserve and ensure access to the County's natural and scenic

resources; and

(4) To preserve the physical integrity of land in close proximity to residential areas.

(C) Definitions.

(1) **ABANDONMENT.** To give up, discontinue, withdraw from. Any solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.

(2) **DECOMMISSIONING.** The removal and proper disposal of solar energy equipment, facilities, or devices located on real property utilized by or in a solar energy facility. This includes the reasonable restoration of the property upon which such solar energy equipment, facilities, or devices are located, including, but not limited to: soil stabilization and revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices. "Solar energy equipment" means electrical material, hardware, inverters, conduit, storage devices, footings, braces, stands, or any other equipment to any electric grid equipment associated with the operation of a solar energy system.

(3) **DECOMMISSIONING PLAN.** A document that details the planned shut down or removal of a solar energy facility from operation or usage.

(4) **SOLAR ENERGY FACILITY.** An energy generating facility or area principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall exclude those facilities that are installed on the roof of a building, where the primary purpose of such building is not for the commercial production of solar energy.

(D) SITE PLAN. Site plans shall be prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina, in accordance with Section 24-139. Plans must be sealed by the licensed professional.

(E) SETBACKS.

- (1) 100 feet from all property lines and public rights of way;
- (2) 200 feet from the nearest residence, church, or school;
- (3) 500 feet from all public rights-of-way along a designated South Carolina Scenic Byway.

Setback distances are to the fence and are inclusive of the vegetation buffer.

(F) HEIGHT.

The maximum height of all equipment shall not exceed 15 feet in height. This provision shall not include the interconnection poles, substation

equipment, or other devices necessary for the electricity to be delivered to the utility grid.

(G) SCREENING.

Solar energy facilities shall be screened from adjacent public road rights of way, residences, churches or schools with a vegetative buffer and fence or wall with the following specifications:

- (1) a vegetative buffer shall be installed adjacent to and along all sides of the solar energy system farm;
- (2) the vegetation shall be planted in two staggered rows at a spacing interval between eight feet and ten feet on center and reach at least six feet in height over a three-year growing season and not less than fifteen feet in height over a six year growing season and not less than twenty feet in height at maturity or two feet higher than the highest panel, whichever is greater; and
- (3) the vegetation shall include low-lying vegetation to fill gaps between taller vegetation.

(H) GLARE STANDARDS.

- (1) The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations of airports located within five nautical miles of the proposed solar energy facility.
- (2) Solar energy facilities equipment is to be designed and located in a way to avoid directing glare or reflection onto adjacent properties and roadways and shall not interfere with vehicle traffic or create a safety hazard.

(I) LIGHTING. All lighting shall be shielded or directed in a downward position to prevent noxious glare. A light fixture is required at the ends of all turnarounds.

(J) FENCING. Fencing shall be at least six feet in height to secure the perimeter. The fence shall be secure at all times.

(K) SIGNAGE. A warning sign concerning voltage must be placed at the main gate to include the address and name of the solar energy system operator and a twenty-four hour phone number for the solar energy system in case of an emergency.

(L) CODE COMPLIANCE. The plans, engineering and design of the solar energy facility shall adhere to the applicable sections of the Building Codes in effect at the time of construction.

(M) FIRE CODE COMPLIANCE

1. **International Fire Code (IFC).**

All Solar Energy Facilities shall comply with the currently adopted edition of the **International Code Council International Fire Code (IFC)** as adopted by the State of South Carolina, including but not limited to:

- IFC Section 1204 – Solar Photovoltaic Power Systems
- IFC Section 1206 – Electrical Energy Storage Systems
- IFC Chapter 5 – Fire Service Features
- IFC Section 503 – Fire Apparatus Access Roads
- IFC Section 507 – Fire Protection Water Supplies

2. **Battery Energy Storage Systems (BESS).**

Any facility incorporating battery storage shall comply with:

- IFC Section 1206 (Electrical Energy Storage Systems)
- Hazard mitigation analysis requirements
- Explosion control and fire suppression standards
- Separation distances and thermal runaway protections

3. **NFPA Standards.**

Battery Energy Storage Systems shall comply with **National Fire Protection Association NFPA 855 – Standard for the Installation of Stationary Energy Storage Systems**, including:

- Fire detection and suppression requirements
- Deflagration hazard mitigation
- Thermal runaway management
- Maximum allowable quantities (MAQs)
- Separation distances
- Emergency planning and response coordination

4. **Conflict of Standards.**

Where conflicts occur between the IFC, NFPA 855, and this Ordinance, the more stringent requirement shall apply.

(N) Emergency Response Plan (ERP)

1. Submission Required.

Prior to issuance of a Land Disturbance Permit or Building Permit, the applicant shall submit an Emergency Response Plan approved by the County Fire Marshal.

2. Required Contents.

The ERP shall include, at minimum:

- Site layout identifying access roads meeting IFC Section 503
- Electrical disconnect locations compliant with IFC Section 1204
- BESS hazard mitigation analysis (if applicable)
- Fire suppression systems per IFC and NFPA 855
- 24-hour emergency contact information
- Procedures for battery thermal runaway events
- Severe weather and wildfire response protocols

3. Distribution.

The approved ERP shall be distributed to all responding fire districts and emergency agencies prior to issuance of a Certificate of Occupancy.

(O) Training Requirements

1. The owner/operator shall provide initial training for local fire and emergency personnel prior to commercial operation.

2. Training shall address:

- Solar PV system hazards under IFC Section 1204
- BESS hazards and thermal runaway risks under NFPA 855
- Lockout/tagout procedures
- Emergency shutdown operations

3. Refresher training shall be provided upon request, not more than once every two (2) years.

(P) AVIATION NOTIFICATION.

(1) For consideration of potential impacts to civilian flight paths for airport operations located within five nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct a solar energy facility shall be sent to the airport manager or designated official and the appropriate Federal Aviation Administration's (FAA) Airport District Office (ADO). Notification shall include location of solar energy facility (i.e. map, latitude and longitude coordinates, address or parcel ID), technology (i.e. roof-mounted solar photovoltaic, ground-mounted fixed PV, tracked PV, solar thermal etc.) and the area of system (e.g. ten acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

(2) In addition to providing notification of intent to construct a solar energy facility, the proponent of the solar energy facility shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user's manual, to evaluate the solar glare aviation hazard on airports meeting the criteria described above. The full report for each flight path and observation point, as well as the contact information for the Zoning Administrator, shall be sent to the authorities described above at least 30 days prior to site plan approval. Proof of delivery of notification and date of delivery shall be submitted with permit application.

(3) Any applicable solar energy facility design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal must be rerun in the SGHAT tool and the new full report must be sent without undue delay to the contact specified above for accurate records of the as-built system.

(4) The solar energy facility design shall comply with all FAA rules and regulations.

(Q) DECOMMISSIONING.

The performance guarantee and decommissioning plan requirements below ensure costs associated with the restoration or stabilization of a site for future use after a solar energy facility use has been discontinued.

(1) The applicant and its successors and assigns shall be jointly and severally liable for all decommissioning obligations. Decommissioning obligations shall run with the land and shall survive termination of an Agreement, cessation of operations, dissolution, bankruptcy, foreclosure, or transfer of the facility.

(2) Performance guarantee.

(a) Prior to issuance of a building permit, the applicant must provide the county with a performance guarantee in the form of a bond, irrevocable letter

of credit and agreement, or other financial security acceptable to the county in the amount of 125% of the estimated decommission cost exclusive of any salvage value of the solar energy facility components. Estimates shall be determined by an engineer licensed to practice in South Carolina.

(b) All performance bonds must renew automatically; provide a minimum 90-day notice to the county prior to cancellation; be approved by the Planning Director or his/her designee; and be provided by a company on the U.S. Department of Treasury's Listing of Certified Companies.

(c) The county will request a new engineer's estimate of probable cost of decommissioning every five years from the initial submission. The bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward, as necessary.

(2) Decommissioning plan. A decommissioning plan addressing the following items and signed by both the party responsible for decommissioning and the landowner (if different) shall be recorded in the Anderson County Register of Deeds prior to the issuance of a building permit. The decommissioning plan shall be reviewed by staff for compliance with the requirements below prior to any party signatures and recordation of the document.

(a) List the type of panels, storage facilities, and materials to be installed at the site.

(b) Restoration plan to properly restore or stabilize the property for future use, as determined by the Zoning Administrator.

(c) Removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities.

(d) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.).

(e) The timeframe for completion of decommissioning activities. The maximum time permitted for decommissioning and restoring the site shall be six months.

(f) Description of any agreement (e.g. lease) with landowner regarding decommissioning and acknowledgment by the land owner, that he or she shall be held ultimately responsible for decommissioning and is responsible for the guarantees of item 1 above.

(g) The identification of the party currently responsible for decommissioning.

(h) Estimated cost of site restoration prepared by and stamped or sealed by an engineer licensed to practice in South Carolina.

(i) Plans for periodically updating the decommissioning plan.

(R) ABANDONMENT.

(1) Should a solar energy facility cease to produce energy on a continuous basis for 12 months, it will be considered abandoned unless the current responsible party provides substantial evidence (updated every three months after 12 months of no energy production) to the Planning Director or his/her designee of the intent to maintain and reinstate the operation of that facility.

(2) Upon determination of abandonment, the Planning Director or his/her designee shall notify the responsible party that they must remove the solar energy facility and properly restore or stabilize the property for future use within six months of the notice.

(3) If the responsible party fails to comply after six months from the date of notice, the county may pursue all actions available at law or in equity, including, but not limited to; breach of contract, specific performance, mandatory injunctions, fines, abatement, nuisance, liens, assessments and judicial sale of the property.

(S) REVIEW, PUBLIC HEARING. Plan review and public hearing shall be in accordance with Section 24-140.

(T) PROJECT COMPLETION REQUIREMENT.

(a) Timeframe for Completion.

Any solar energy facility approved pursuant to this Section shall be substantially constructed and operational within **four (4) years** from the date of final County approval, which shall be defined as the date of third reading by County Council and approval of the site plan.

(b) Failure to Complete.

If the solar energy facility is not substantially constructed and operational within four (4) years, the approval shall automatically expire and be deemed null and void unless an extension has been granted pursuant to subsection (c) below.

(c) Extensions.

The applicant may request, in writing, a one-time extension of up to twelve (12) months for good cause shown. The request must be submitted to the Planning Director prior to the expiration of the original four-year period. The Planning Director may approve such extension upon a finding that the applicant has made substantial progress toward development and that circumstances beyond the applicant's control have delayed completion.

(d) Effect of Expiration.

Upon expiration of approval, any future development of the solar energy facility shall require submission of a new application and full compliance with all ordinances and regulations in effect at the time of reapplication.

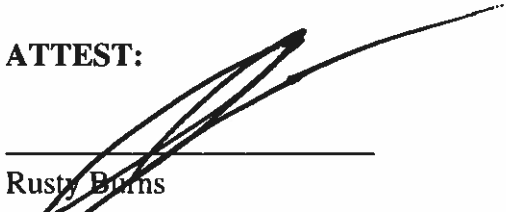
(U) ENFORCEMENT.

Any person found to be in violation of any provision of this section shall be subject to the penalties enumerated in § Section 1-7 of the Anderson County Code.

2. The provisions of this ordinance shall be effective under the pending ordinance from the date of first reading of the ordinance.
3. All other terms, provisions, sections, and contents of the Code of Ordinances, Anderson County, South Carolina not specifically affected hereby remain in full force and effect.
4. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.
5. This Ordinance shall take effect from and after the public hearing and the third reading in accordance with the Code of Ordinances, Anderson County, South Carolina.

ORDAINED in meeting duly assembled this 3rd day of March, 2026.

ATTEST:



Rusty Burns
Anderson County Administrator



Renee Watts
Clerk to Council

FOR ANDERSON COUNTY:



Tommy Dunn, District #5, Chairman

APPROVED AS TO FORM:



Leon C. Harmon
Anderson County Attorney

First Reading: September 16, 2025

Second Reading: February 3, 2026

Third Reading: March 3, 2026

Public Hearing: March 3, 2026