LOCAL LAW NO. ~~1~~2 OF 2019 TO AMEND THE ZONING LAW OF THE TOWN OF RUSH, CHAPTER 120 OF THE CODE OF THE TOWN OF RUSH, BY ~~ADDING~~ AMENDING SECTION 120-74 OF THE ZONING LAW OF THE TOWN OF RUSH REGARDING SOLAR ENERGY SYSTEMS.

BE IT ENACTED, by the Town Board of the Town of Rush, Monroe County, State of New York, as follows:

Section 120-74 of the Zoning Law of the Town of Rush (the "Town Zoning Law") entitled "Solar Energy Systems" ~~Chapter 120, Article V, of the Zoning Law of the Town of Rush (the "Town Zoning Law"),~~ shall be amended ~~so as to add new Section 120-74 of the Town Zoning Law entitled "Solar Energy Systems" as follows~~ by deleting Section 120-74 of the Town Zoning Law in its entirety and replacing it with new Section 120-74 of the Town Zoning Law, as follows:

§ 120-74. Solar Energy Systems

A. Purpose. The purpose of this section is to provide for the location, regulation and processing of applications for solar energy systems within the Town of Rush. The intent is to both encourage the use of renewable energy systems based on sunlight while at the same time protecting the health, safety and general welfare of the residents of the Town of Rush. The protection of residential properties, agricultural land, and the rural character of the Town are all of primary importance. ~~In doing so, t~~These regulations provide standards for the safe provisions of solar energy systems in order to protect the natural and aesthetic character of the Town of Rush with special attention to open space, vistas, farmland, and neighboring property owners. The Town has identified the use of overlay districts as a technique to designate the most appropriate locations for the creation of Tier 3 Solar Energy Systems while at the same time implementing standards and safeguards necessary to ensure protection of the Town, including residential properties and agricultural land, and that such development is compatible with the surroundings and with the character of the Town. The purpose of allowing appropriately sized overlay districts and Tier 3 Solar Energy Systems in certain areas of the Town is to protect more concentrated residential areas and/or hamlets located in the Town of Rush and limit the cumulative impact of installed Tier 3 Solar Energy Systems.

B. Enabling Authority. The regulations contained in this section have been adopted pursuant to New York Town Law §§ 261-263, New York State Municipal Home Rule Law § 10(ii)(a)(12), and Article IX, §§ 1(a) and 2(c) of the New York State Constitution, and are made in accordance with the Town of Rush ~~c~~Comprehensive ~~p~~Plan 2010 for the development of the Town of Rush. The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans for solar energy systems pursuant to the criteria set forth herein.

C. Definitions.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight system, roofing materials and shading over windows.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, which generates electricity for onsite or offsite consumption.

ROOF MOUNTED SOLAR ENERGY SYSTEM: A series of Solar Panels located on the roof of any legally permitted building and/or structure for the purpose of producing electricity for onsite and/or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters and/or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system comprised of components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all fencing and all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

1. Tier 1 Solar Energy Systems include the following:

    a. Roof-Mounted Solar Energy Systems
    b. Building-Integrated Solar Energy Systems

2. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months.

3. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

D. Applicability.

1. The requirements of this Section shall apply to all Solar Energy Systems installed or modified after its effective date.

~~1.~~2. Any proposed Tier 3 Solar Energy System subject to review by the New York Board on Electric Generation and Siting and the Environment pursuant to Article 10 of the New York State Public Service Law shall be subject to all substantive provisions of this Section and the Town Code of the Town of Rush.

~~2.~~3. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code"), and the Town of Rush Code.

E. General Requirements

1. A Building permit shall be required for installation of all Solar Energy Systems. All proposed ground-bounded foundations for Ground-Mounted Solar Energy Systems shall require evaluation and approval by the Town Engineer.

2. Local land use boards are encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.

3. The creation of a Solar Energy Systems Overlay District by the Town Board, and/or ~~I~~issuance of special permits and site plan approvals by the Planning Board, shall include review pursuant to the State Environmental Quality Review Act ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA").

F. Permitting Requirements for Tier 1 Solar Energy Systems

1. Roof-Mounted Solar Energy Systems and Building Integrated Photovoltaic Systems that use the electricity onsite or offsite only for net-metering purposes are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

    a. Height. Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located.

    b. Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:

i. Solar Panels on pitched roofs shall be installed at the same angle as the roof's surface with a maximum distance of 8 inches between the roof and highest edge of the system.

ii. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.

iii. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.

iv. Glare: All Solar Panels shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable.

2. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

G. Permitting Requirements for Tier 2 Solar Energy Systems

1. All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:~~:~~

a. Setback. Ground-Mounted Solar Energy Systems shall adhere to the setback requirements for accessory structures in the zoning district within which they are located.

b. Height. Tier 2 Solar Energy Systems shall be subject to have a maximum height of ~~15~~8 feet.

c. All Tier 2 Solar Energy Systems in residential districts shall be installed in the ~~side or~~ rear yards. Tier 2 Solar Energy Systems may not be located between the front lot line and the rear line of the principal structure.

d. Glare: All Solar Panels shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable.

e. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

f. Screening and Visibility.

i. All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.

ii. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access. A landscape buffer shall be provided around the Tier 2 Energy System and Solar Panels to provide screening from adjacent properties and public rights-of-way.

g. Tier 2 Solar Energy Systems that have been abandoned and/or not producing electricity for a period of six months shall be removed by the property owner at the property owner's expense.

H. Permitting Requirements for Tier 3 Solar Energy Systems.

1. Tier 3 Solar Energy Systems are permitted through the ~~issuance of a special permit~~creation of a Solar Energy Systems Overlay District by the Town Board, and through the issuance of special permit and site plan approval by the Planning Board, and subject to the requirements set forth in this Section~~, within all zoning districts in the Town, as well as any agricultural district as designated by Monroe County~~.

2. Escrow Agreement. Subject to the requirements contained in Section 100-21 of the Code of the Town of Rush, ~~T~~the Town shall require the applicant seeking to develop any Tier 3 Solar Energy Systems to fund an escrow agreement or to sign a developer's agreement to cover the ~~amount by which the~~ Town's estimated costs and expenses of review, including reasonable legal and engineering fees~~, exceed (or will exceed) the application fees paid by the applicant~~.

3. Acreage Limitations on Solar Energy Systems Overlay Districts and Tier 3 Solar Energy System.

(i) Solar Energy Systems Overlay Districts shall not collectively occupy more than a total of [ ] acres in the Town of Rush;

(ii) Tier 3 Solar Energy Systems ~~will~~ shall not collectively occupy no more than a total of 150 acres in the Town of Rush including Solar Energy Equipment and fencing~~solar panels and setback areas~~; and

(iii)~~.~~ ~~T~~there is a minimum of 20 acres and a maximum of 50 acres for a single Tier 3 Solar Energy System installation including Solar Energy Equipment and fencing.

4. Location. Tier 3 Solar Energy Systems may not be located in or within 1,000 feet of R-20, R-MH, RR-5 or R-TH zoning districts in the Town of Rush. Except in a Solar Energy Systems Overlay District created by the Town Board pursuant to this Section, Tier 3 Solar Energy Systems are prohibited as a principal or accessory use in all underlying zoning districts in the Town. Notwithstanding the foregoing, any principal or accessory use permitted in the underlying zoning district shall also be permitted in the Solar Energy Systems Overlay District. Tier 3 Solar Energy Systems shall not be located within the following areas of potential sensitivity: (i) one hundred

year flood hazard zones considered an AE Zone on the FEMA Flood Maps; and (ii) properties included on the New York State or National Register of Historic Places, or otherwise identified as, or eligible for inclusion as, historic and/or culturally significant resources by the New York State Historic Preservation Office. Significant archeological resources shall be protected and preserved. Any mitigation measures proposed as part of the development of a Tier 3 Solar Energy System shall be undertaken in consultation with the New York State Historic Preservation Office or other similar historic preservation authority.

5. Height. Tier 3 Solar Energy Systems shall be no more than 12 feet in height.

6. Setback. Tier 3 Solar Energy Systems shall adhere to the setback requirements of ~~of 50' from property line if adjacent property is agricultural,~~ [200'/500'] from all property lines ~~if adjacent property is residential~~ and [200'/500'] feet from the centerline of the road.

7. Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

~~4.~~8. Lot Coverage. A Tier 3 Solar Energy System shall not exceed fifty percent (50%) of the lot on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.

~~5.~~9. Tier 3 Solar Energy Systems shall, to the extent practicable, be designed in such a way as to allow agricultural use of the soil after the System is decommissioned and implement the "Guidelines for Agricultural Mitigation for Solar Energy Projects" issued by the New York State Department of Agriculture and Markets for any Solar Energy System which is to be located on or adjacent to property being actively used for agricultural purposes.

~~6.~~10. A landscape buffer shall be provided around the Tier 3 Energy System ~~and Solar Panels~~ to provide screening from adjacent properties. The Tier 3 Solar Energy System shall be completely screened from any adjacent property. To accomplish this screening, existing vegetation shall be utilized to the fullest extent practicable and/or at least [ ] row of native evergreen shrubs or other screening acceptable to the Planning Board which is capable of forming a continuous hedge [at least 14 feet in height at planting/within 2 years of planting] shall be required and maintained. The minimum screening requirement may be waived if the Planning Board determines that some other suitable vegetation already exists to achieve complete screening.

~~7.~~11. Removal of trees and other existing vegetation shall be minimized or offset with planting elsewhere on the property. Tier 3 Solar Energy Systems shall require the preparation of a vegetation management plan that includes the planting and/or protection of pollinators and perennial vegetation. Clear-cutting of trees beyond what is deemed necessary by the Planning Board to install and maintain the Tier 3 Solar Energy Systems shall be prohibited.

~~8.~~12. Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

~~9.~~13. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

~~10.~~14. Glare. All Solar Panels shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable.

~~11.~~15. Signage.

a. No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet.

b. As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

~~12.~~16. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and shall comply with the requirements of Chapter 120, Article IV (Outdoor Lighting) of the Town Zoning Law ~~operational purposes and shall be reasonably shielded and downcast from abutting properties~~.

~~13.~~17. Decommissioning.

a. Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operator's expense, which at the Owner's option may come from any security made with the Town of Rush as set forth in Section J(b) herein.

b. A Decommissioning Plan (see Appendix 1) signed by the owner, and containing the following, in addition to any such other terms and conditions as may be required by the Town of Rush:

(i) The cost of removing the Solar Energy System.

(ii) The time required to decommission and remove the Solar Energy System and any ancillary structures.

(iii) The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

c. Security.

(i) The deposit, executions, or filing with the Town of Rush Clerk of cash, bond, letter of credit, or other form of security reasonable acceptable to the Town of Rush attorney and/or engineer, and shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto, or any Certificate of Environmental Compatibility and Public Need issued by the Siting Board, and shall also be sufficient to provide for the removal of all components of the Solar Energy System and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of the removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.

(ii) In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond or security shall be forfeited to the Town of Rush, which shall be entitled to maintain an action thereon. The cash deposit, amount due under the letter of credit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

(iii) In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section J(b) and J(c).

14.18. Special Permit RequiredCreation of Solar Energy Systems Overlay District. The purpose of the Solar Energy Systems Overlay District is to accommodate Tier 3 Solar Energy Systems in appropriate locations within the Town. The process necessary to create a Solar Energy Systems Overlay District shall be as follows: The special permit application and its requirements for obtaining a special permit shall be supplemented by the following additional provision:

a. Application. Any application for the creation of a Solar Energy Systems Overlay District shall be submitted to the Town Board and contain the following information: Height. Tier 3 Solar Energy Systems shall be no more than 15 feet in height

(i) A site development plan, drawn to scale, prepared by a licensed engineer or architect, which graphically depicts proposed improvements to the property, including: topographical features,

system footprints, travelways, access locations, drainage facilities, lighting, landscaping, buffering, fencing, and signs. Said concept site plan shall also depict existing improvements and contain all information required by Section 120-69(D)(2) of the Town Zoning Law.

(ii) A completed Full Environmental Assessment Form.

(iii) Proof of ownership of the land proposed for creation of the overlay district.

~~(i)~~(iv) A description of the property, including a metes and bounds description of the parcel.

~~Setback. Tier 3 Solar Energy Systems shall adhere to the setback requirements of 50' from property line if adjacent property is agricultural, 200' from property line if adjacent property is residential and 200' feet from the centerline of the road~~.

~~Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot high fence, as required by NEC, with a self-locking gate to prevent unauthorized access~~.

b. Referral to Planning Board. The Town Board shall refer the ~~special permit~~ application to the Planning Board for review, which shall review the site development plan and render its recommendations to the Town Board. The Planning Board may recommend approval, disapproval or conditional approval subject to modification(s) being made to the special permit application. The Planning Board shall report its recommendation(s) to the Town Board within thirty (30) days of the referral by the Town Board. In reviewing the application and making its recommendations, the Planning Board shall consider ~~the objectives contained in Section 120-69(D)(4)(a)[1]-[3] of the Town Zoning Law~~the following factors:

(i) Whether the proposal meets the Town zoning and planning goals for the area in question;

(ii) The need for the propose use in the proposed location;

(iii) The existing character of the neighborhood in which the use would be located;

(iv) The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property.

(v) Whether the proposal meets the intent and objectives of this Section; and

(vi) Whether the proposal is conceptually sound and conforms to accepted design principals.

c. General Municipal Law § 239-m. Applications for the creation of a Solar Energy Systems Overlay District shall be referred to the Monroe County

Planning Department in accordance with Section 239-m of the General Municipal Law.

d. Public Hearing. The Town Board shall conduct a public hearing on the Solar Energy Systems Overlay District application and site development plan after proper notice is given as required by New York Town Law.

e. Subject to the requirements of SEQRA, the Town Board shall consider the recommendations of Planning Board and render its decision by written resolution on the application, also taking into account the following additional factors:

(i) Location, arrangement and appearance of the Solar Energy System;

(ii) Adequacy, type and arrangement of screening/landscaping constituting a visual buffer between adjacent uses and adjoining lands;

(iii) Location and adequacy of open space;

(iv) Projection of adjacent properties against Glare, unsightliness, or other objectionable features; and

(v) Compliance with SEQRA.

~~b.~~f. Zoning for Solar Energy Systems Overlay District. If the Town Board approves the application, the Town Board shall amend the Zoning Map of the Town of Rush to establish and define the boundaries of the Solar Energy Systems Overlay District.

19. Special Permit Approval Required.

a. Tier 3 Solar Energy Systems shall be required to obtain Special Permit approval from the Town Planning Board pursuant to Section 120-69(D) of the Town Zoning Law, which shall be consistent with the site development plan approved by the Town Board as part of the creation of the Solar Energy Systems Overlay District.

~~15.~~20. Site Plan Approval Required.

a. Tier 3 Solar Energy Systems shall be required to obtain Site Plan ~~A~~approval from the Town Planning Board, which shall be consistent with the site development plan approved by the Town Board as part of the creation of the Solar Energy Systems Overlay District.

b. The site plan application and its requirements for obtaining site plan approval (Section 120-69(B) of the Town Zoning Law) shall be supplemented by the following additional provisions:

(i) If the property of the proposed project is to be leased, legal consent between all parties, specifying the uses(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

(ii) Property lines and physical features, including roads, for the project site.

(iii) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

(iv) A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

(v) The equipment specification sheets shall be documented and submitted for all Solar Panels, significant components, mounting systems, and inverters that are to be installed.

(vi) Property Operation and Maintenance Plan. Such a plan shall describe continuing photovoltaic maintenance and property upkeep and maintenance, such as mowing and trimming.

(vii) Erosion and Storm Water Management Plan. Such a plan shall provide for erosion control measures and storm water management subject to the requirements of Chapter A125-8, A125-9, and A125-10.

(viii) Detailed plans and specifications for any proposed fencing to be installed, including but not limited to the location(s), height and type of fencing material(s) to be installed. Such plans shall ensure perimeter security and safety for any and all beings.

(ix) Prior to the issuance of the building permit or final approved by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

~~16.~~21. Ownership Changes. If the owner or operator of the Tier 3 Solar Energy System changes or the owner of the property changes, ~~the special permit shall remain in effect, provided that~~ the successor owner and/or operator shall assume~~s~~ in writing all

of the obligations of the Solar Energy Systems Overlay District~~special permit~~, site plan approval, and decommissioning plan. A new owner or operator of the Tier 3 Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

I. Safety.

a. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

b. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.

c. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed in accordance with the laws and regulations of the Town of Rush and any applicable federal, state, or county laws or regulations.

J. Permit Time Frame and Abandonment.

a. The ~~S~~special ~~P~~permit and site plan approval for a Solar Energy System shall be valid for a period of 18 months, provided that a building permit is issued for construction or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 18 months after approval, the applicant or the Town of Rush may extend the time to complete the construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.

b. Upon cessation of electricity generation of a Tier 3 Solar Energy System on a continuous basis for 12 months, the Town of Rush shall notify and instruct the owner and/or operator of the Tier 3 Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

c. If the owner and/operator fails to comply with decommissioning upon any abandonment, the Town of Rush may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

K. Complaints. To the Town Board may set up a procedure for filing and handling of complaints regarding the operation of Tier 3 Solar Energy Systems.

~~K.~~L. Effect on Other Laws. To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Section (including all provisions of the Code concerning subdivision or site plan applications, and applications to the Zoning Board of Appeals), this Section shall control.

~~L.~~M. Enforcement. Any violation of this Section shall be subject to the same civil and criminal penalties as provided for in the zoning regulations of the Town of Rush.

~~M.~~N. Severability. If any provision of this Section shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

Appendix 1: EXAMPLE DECOMMISSIONING PLAN

Decommissioning Plan for [Solar Project Name], located at:
[Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name] and/or operator of [Solar Farm Name]

As required by [Town/Village/City], [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends
2. The system does not produce power for [12] months
3. The system is damaged and will not be repaired or replaced

The owner and operator of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which ~~may~~ shall include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

All said removal and decommissioning shall occur within [12] months of the Facility ceasing to produce power for sale.

The owner and operator of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: _____ Date: _____

Facility Operator Signature: _____ Date: _____