BURKE COUNTY ZONING APPLICATION - CONDITIONAL USE

Red Branch Solar, LLC

Prepared for:
Burke County, Georgia

March 17, 2025

Application Narrative

Red Branch Solar, LLC – Conditional Use

0 Table of Contents

Figures (Conceptual Site Plan Set)

Appendices

1 Project Overview & Application Summary

Red Branch Solar, LLC (the "**Applicant**"), a subsidiary of AES Clean Energy Development, LLC, hereby submits its Burke County Zoning Application for Conditional Use (the "**Application**") to construct, operate, and maintain the Red Branch Solar Project, a proposed 200-megawatt (MW), alternating current (AC), photovoltaic (PV), utility-scale solar energy farm (the "**Project**") in Burke County, Georgia (the "**County**").

The Project will be sited on approximately 1,200 fenced acres (the "**Site**") of approximately 2,387.48 total acres of privately-owned properties (the "**Property**") that the Applicant has under lease and/or easement from the owners identified in **Appendix A** (the "Owners").

The Site is approximately 0.2 miles north of the Telfair Woods community and is transected by Jack Delaigle Road, Son Delaigle Road, and Claxton Lively Road, located south of Hancock Landing Road, east of Hancock Landing Road, west of River Road and Ebenezer Church Road, and north of GA Highway 23 S as shown on ***Figures 1.0 – 1.3 (the "Conceptual Site Plan Set")***. The Property is zoned General Agricultural (A-1). The Project will interconnect to Georgia Power's transmission system at the existing Waynesboro Primary to Wilson 230 kV transmission line via a new switchyard as shown on ***Figure 1.2 (Site Plan)***. The Property is located within the Countryside Character Area per the Burke County Land Use Plan.

The Project is classified as a "solar energy farm", permitted as a conditional use within the General Agricultural District (A-1) of Burke County per Table 2-F, Section 26-2.03.01 of the Burke County Land Development Code (the ***"LDC"***). Section 9 of the LDC, adopted by the County in November 2024 provides the design standards, buffer regulations and permitting requirements for solar energy farms (collectively, the "***Solar Ordinance***").

1.1 County Zoning Standards

Section 26-9.02.08(d) of the LDC sets forth five (5) standards that the County shall consider prior to granting approval of a conditional use permit ("***CUP***"). As reflected in the analysis below and by all supporting materials, Applicant has provided extensive evidence with respect to each of these standards and requirements to support granting a CUP for the Project.[1]

1. **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

   If the County approves Applicant's request for a CUP for the Project, it will be permitting a use that is harmonious with the use and development of adjacent and nearby properties. The Property and the

[1] Please be advised that Owners and Applicant have constitutional objections to any action by the County that does not result in the approval of the Application (without conditions attached that are not expressly approved by Owners and Applicant) and the issuance of the requested CUP for the Project on the Property including that such action would: (i) be an arbitrary and unreasonable use of the County's zoning and police powers; (ii) deprive Owners of their right and ability to use their Property in accordance with its highest and best use; (iii) result in an unconstitutional taking of property rights; (iv) discriminate between Owners and other owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner; and (v) violate Owners' and Applicant's rights to substantive and procedural due process as guaranteed by the Georgia and United States Constitutions. We are confident that the County will consider and act upon the Application in a constitutional manner and raise these concerns out of an abundance of caution and without waiver of Applicant's and Owners' constitutional rights.

adjacent and nearby properties are characterized by undeveloped forested areas, open land, agricultural activities, energy production facilities, and state preservation areas. All of these uses, together with a solar farm as proposed, underscore the County's commitment to synergistic development while preserving its natural resources and rural heritage.

In revising the Solar Ordinance last fall, the County made changes to the standards and requirements and ensured that a solar energy farm could be a conditional use in only the A-1 zoning district, making the determination to limit the area of the County in which this use could be located. This limitation ensures compatibility with neighboring properties if an applicant demonstrates compliance with the Solar Ordinance.

Based on the evaluation of Georgia's natural, historical, and environmental resources to date as evidenced by ***Appendix C (EIA)***, it is believed that the Project will not have any significant adverse impact on these resources.

The Project includes the installation of extensive vegetative buffers around the Site perimeter, meticulously designed to comply with the County's Solar Ordinance. In accordance with the Solar Ordinance, this includes setbacks of a minimum of 200 to 300 feet and vegetative buffers of a minimum of 150 to 200 feet, consisting primarily of dense, existing vegetation to maintain a familiar view for neighbors and travelers throughout the area. These setbacks and buffers will effectively shield the development from view from offsite locations, thereby preserving the visual integrity and rural character of the surrounding landscape. Additional information regarding County setbacks and buffers is included in ***Section 5.2*** and shown within the ***Conceptual Plan Set.***

This proposed solar development adheres to the County's development strategies for the area that emphasize minimal environmental impact and the preservation of rural and agricultural characteristics. The utility-scale solar project, which requires little in terms of installation of infrastructure network upgrades like water and sewer systems, supports the maintenance of low-density rural development. The minimal daily operational personnel, specifically 4-5 site staff, ensures there is no noticeable increase in area traffic, maintaining the quiet, low-density nature typical of the region.

Additionally, the Project not only adheres to but actively reinforces existing development and zoning standards while proving to be a suitable and sustainable use of land within the Rural Reserve/Agricultural character area. By incorporating strategic design elements such as vegetative buffers and by aligning with local development policies focused on environmental conservation, the Project significantly contributes to the preservation of the community's rural lifestyle and environmental goals, respecting and enhancing the natural and cultivated landscapes that define the area.

2. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.**

The Project will be constructed and operated in accordance with established local, state, and federal regulatory standards and will not adversely affect the existing use or usability of adjacent and nearby properties.

Strategic site selection for the Project prioritizes areas with gentle slopes ideal for effective sediment and erosion control, enhancing environmental protection and reducing the potential for undue land

and Waters of the United States (WOTUS) disturbances. These processes help ensure identification and minimization of potential impacts during the design phase of the Project. The Project is sited in an optimal location for solar development within the County for several reasons, including its adjacency to the Energy Production District as defined in the County's Comprehensive Plan and minimization of impacting cropland. The Project's design incorporates extensive vegetative buffers as mandated by County ordinances, which consist primarily of existing dense vegetation, ensuring the installation remains visually unobtrusive from offsite locations and preserving the visual integrity of the rural landscape. These design protections help ensure no adverse effect on adjacent or nearby property owners.

The Project shall adhere to the requirements set forth by the Georgia Environmental Protection Division (GEPD) and the National Pollutant Discharge Elimination System (NPDES) permit. This permit enforces stringent erosion and sediment control measures and requires the implementation of a comprehensive Stormwater Pollution Prevention Plan (SWPPP). An GEPD approved SWPPP and NPDES permit helps ensure proper management of runoff and sediment during and after construction, thereby safeguarding water quality and preventing environmental degradation by implementing best management practices (BMPs) during construction and operations. These regulatory requirements are protective measures that the Project must adhere to in order to avoid adverse impacts from runoff onto neighboring properties.

3. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

   The Project will not result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

   Solar energy facilities, such as the Project, are characteristically passive operations that do not generate significant attendance, use, physical activity, or associated nuisances or hazards. The construction phase of the Project will temporarily increase local traffic; however, this will be comprehensively managed through the implementation of a meticulously planned internal construction traffic management plan. Access to the Project Site will be facilitated via existing curb cuts, which will be evaluated and deemed sufficient to handle morning and evening traffic volumes anticipated during the construction phase without undue burden on local transportation infrastructure. Additional information supporting compliance with standard three is included in ***Sections 7, 8, and 9.***

   Once operational, the Project will require approximately 4-5 full-time employees attending the Site to perform regular checks and routine maintenance. This limited number of daily visits ensures that the Project will not impose significant demands on local transportation systems post-construction.

4. **Whether the zoning proposal is in conformity with the policy and intent of the future development map and comprehensive plan.**

   Approving a CUP for the Project will promote a number of strategic goals set forth by the County's Future Development Map and the Comprehensive Plan including those highlighted below.

Economic Development: The Comprehensive Plan prioritizes the attraction of business and industry as a means to enhance economic vitality. The Project aligns with this objective by generating employment opportunities during both construction and operational phases, thereby contributing to job creation within the community. Additionally, the Project will augment the local tax base, providing a significant increase in revenue generated by property with limited development opportunities, further supporting the economic development goals of the Comprehensive Plan as shown in ***Appendix F (Economic & Fiscal Impact Assessment)***.

Infrastructure and Utilities: Addressing the identified need for improved infrastructure and utilities, the Project will facilitate enhancements in local infrastructure capabilities. By providing a stable source of renewable energy, the Project supports essential power generation that complements initiatives like the expansion of Plant Vogtle and the development of the nearby energy district. The Project, once approved, will provide sufficient energy to meet the equivalent needs of approximately 34,000 households annually, and meet a state-wide need for energy production. This Project would be beneficial for future development and attractive to further business investments in the area.

Environmental Sustainability: The Comprehensive Plan emphasizes the importance of environmental sustainability through the protection and expansion of natural resources. Planning for this Project started approximately 2 years ago, with initial diligence and analysis to ensure compliance with County, state and federal guidelines and implementation of best management practices to ensure that the Project will not be detrimental to the natural resources of the County. Based on the evaluation of Georgia's natural, historical, and environmental resources, it has been determined that the Project will not have any significant adverse impact on these resources as shown in ***Appendix C (EIA)***. Also, the decommissioning plan required by the County and state law ensures the Site will be returned to agricultural, or silviculture use at the end of the life of the Project, helping to conserve soil nutrients and reduce the chemical applications typically associated with more intensive agricultural practices. Operationally, the Project reduces carbon emissions and promotes the use of renewable energy sources, aligning with the Comprehensive Plan's vision for environmental stewardship.

5. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

The existing transmission line that runs through the Property is a key condition that enables its use as a solar facility. Access to this transmission line enables the electricity generated by the Project to be used by consumers via existing infrastructure.

Applicant is aware that significant recharge areas exist within portions of the Project Site as shown the in the Georgia Hydrologic Atlas – 18. The applicant will adhere to GA R&R 391-3-16.02 and design all stormwater collection structures in accordance with all applicable state regulations after coordination with GEPD and the Georgia Department of Natural Resources. Applicant's thorough due diligence and transparency supports grounds for approval of a CUP for the Project.

There have recently been changes to the Solar Ordinance, a process which Applicant was involved in as a resource for the County starting in April 2024. This included making recommendations to the Planning Commission at a public meeting as well as correspondence with Planning Department staff to provide various information and points of view. This Application meets the changed conditions implemented in the revised Solar Ordinance.

Further, Applicant has worked for the past year to understand the County and community's concerns regarding solar. Applicant has held various stakeholder engagements in the community that have confirmed the understanding that there are no notable changing conditions with respect to the Property. This has included meetings with County Planning Department staff, canvassing and mailers for neighbors within the vicinity of the Project, a public presentation to the Planning Commission, community open houses, a public presentation to the Burke County Development Authority, and engagements with the Burke County Chamber of Commerce. A Project website (www.aes.com/red-branch-solar) has also been created to provide information to members of the community. At several of these community engagements as well as on the Project website, Applicant has displayed a Conceptual Site Layout which is included in ***Appendix I (Additional Reference Figures)*** as ***Figure I.1***. The Conceptual Site Layout depicts the same design as ***Figure 1.2 (Site Plan)*** but is intended to be less technical in nature. Applicant emphasizes community engagement and will be holding additional community drop-ins and meetings with the Exchange Club and Rotary Club in March 2025.

Applicant's work to identify and understand the conditions affecting the use and development of the Property provide significant support for approval of a CUP for the Project.

1.2 Burke County Solar Energy Farm Site Design Standards

Section 26-4.03.26 of the Solar Ordinance identifies fourteen (14) design standards that an applicant must meet in connection with a CUP for a solar farm. These design standards are tailored to ensure that the balance between a property owner's use of its property for a solar farm is compatible with neighboring and adjacent properties.

Applicant hereby confirms that to the extent not specifically referenced, it shall comply with all applicable design standards below.

1. **Minimum Lot Size -** as shown on ***Figure 1.2 (Site Plan)*** and described in **Appendix C (Property Legal Descriptions).**
2. **Maximum Height -** as required in Table 4-B of Section 26-4.02.02(h) of the LDC.
3. **Setback Requirements -** as shown on ***Figure 1.2 (Site Plan).***
4. **Federal Aviation Administration (FAA) Compliance –** FAA Notice Criteria ***(Appendix G)***
5. **Transmission Line Underground Installation -** as shown in ***Figure 1.2 (Site Plan)***
6. **Signage Compliance**
7. **Required Certification Submittal**
8. **Reflection Angle Compliance**
9. **Antireflective Coating Compliance**
10. **Construction Lighting Compliance**
11. **Permanent Security Lighting Compliance**
12. **Building Code Compliance**
13. **Sub-station Siting Compliance –** as shown on ***Figure 1.2 (Site Plan) and Figure 1.3 (Buffer and Fencing Plan)***
14. **Battery Storage**

2 Project Design

Project construction is anticipated to start as soon as 2028 and last approximately 18 to 24 months, enabling the Project to reach commercial operation in 2030. The Project is expected to be in operation for at least 30 years.

2.1 Engineering & Design

The Project will be a ground-mounted solar energy system comprised of solar PV modules, a racking system, inverters, and underground electrical conduits connecting PV array blocks with inverters to a Project substation and interconnection switchyard, and a small operations and maintenance building. Access roads with gated entrances will be located throughout the Site for access and maintenance of equipment during construction and operation of the Site. A series of internal access roads will be used to access the facility equipment for future maintenance. Fencing of no less than seven feet in height will be installed around the perimeter of the solar generating facilities, to prevent the public or unauthorized individuals from access to electrical equipment. The Project design will also comply with impervious ratio requirements as indicated on ***Figure 1.0***.

The Project is currently in the design phase and a site plan is included as ***Figure 1.2 (Site Plan)***. The Project's layout will be finalized after field surveys are completed and in coordination with County, state, and federal agencies. Once design and engineering are completed, construction plans will be submitted to the County. The current solar panel array layout, while conceptual and subject to adjustment as a result of field conditions, reflects the system size, general location of the equipment to be installed, and the Applicant's commitment to, among others noted, maintain CUP-approved perimeter setbacks and buffers, incorporate wildlife corridors and other wildlife friendly strategies, avoid wetlands, and minimize WOTUS impacts to the extent practicable.

2.2 Vegetative Buffer & Fencing Plan

The Site was selected in part due to the significant existing vegetation that exists for over 90 percent of the Project perimeter. Vegetative buffers will primarily consist of this existing vegetation and, where the existing vegetation is insufficient, additional vegetation will be planted to minimize visibility from neighboring properties or right of ways. The Project design complies with all setbacks established within the Solar Ordinance.

The Project area will be enclosed by black vinyl coated or equivalent security fencing not less than seven feet in height and installed on the interior of the vegetative buffer and maintained throughout the life of the Project. The vegetative buffer will be installed along the perimeter of developed Project parcels in compliance with the Solar Ordinance Section 26-4.03.26(c)(1-6) as applicable. The vegetative buffer will utilize existing vegetation where adequate to attain the required depth. Where existing vegetation is not adequate to attain the required depth, supplemental vegetation will be planted. Vegetation will only be supplemented in upland areas and no supplemental vegetation will be planted within 50 feet of WOTUS as required by GEPD. Fencing and landscaping will be established, monitored, maintained, and repaired as needed by the Applicant in accordance with the Solar Ordinance.

The planted landscape buffer, where required, will consist of a mixture of non-invasive plant species, pollinator-friendly and wildlife-friendly native plants, shrubs, trees grasses, forbs, and wildflowers. A

Vegetative Buffer Soils Report is included as ***Appendix D*** to show conduciveness of selected vegetative species to the in situ soil conditions. Additionally, a Visual Impact Assessment (VIA) completed in accordance with Section 26-4.03.26.01(i)(j) of the Solar Ordinance is included as ***Appendix E (VIA)*** to demonstrate that the Project vegetative buffers fully obscure view of Project equipment at all times.

Any disturbed areas on the interior of the Project will be stabilized with native vegetation. Vegetative stabilization of the Site will help prevent erosion and sediment transport as well as create habitat for small mammals and ground nesting birds. The Applicant has included a Landscape Buffer Plan with a native plant list as ***Figure 1.3 (Buffer and Fencing Plan)*** for review as part of the Application.

3 Natural & Cultural Resources Due Diligence

In addition to the County's review of this Application, Applicant is required to comply with state and federal environmental regulations, including coordinating with applicable agencies. As part of this process, the following natural and cultural resource studies have been completed to date for the proposed Site

- **Phase I Environmental Site Assessment**
- **Wetland Desktop Evaluation**
- **Wetland Delineation** – To be submitted to the Army Corps of Engineers for Jurisdictional Determination.
- **Threatened & Endangered Species (T&ES) Desktop Evaluation**
- **T&ES Habitat Suitability Survey** – To be submitted to the United States Fish and Wildlife Service (USFWS) for next steps and mitigation if needed.
- **Cultural Resources Phase IA Survey** – To be submitted to the Georgia State Historical Preservation Office (SHPO) for concurrence.

Prior to final design, any proposed impacts to natural or cultural resources will be coordinated, approved, and permitted, as necessary, through the appropriate regulatory agency. Natural and cultural resource information as well as regional floodplain information is included in ***Appendix C (EIA)***.

4 Impact on Adjacent & Nearby Properties

The Project is designed to minimize impact on neighboring properties depicted on ***Figure 1.1 (Project Parcel Existing Conditions and Adjacent Parcel Plan)*** and the general public. The Project design includes setbacks and vegetative buffers as depicted on Figure 1.3 (Buffer and Fencing Plan) to ensure that the Project infrastructure is adequately set back and visually obscured in compliance with the LDC.

During construction, there will be a temporary increase in vehicular traffic and noise associated with construction activities at the Project. The Applicant will follow all Georgia Department of Transportation (GDOT) and County procedures for Site entrance approval and nearby roadway traffic safety/mitigation during construction. The Applicant will work with GDOT on a Transportation and Construction Plan. All points of ingress and egress will adhere to the LDC and will be designed in compliance with GDOT regulations. The Project will have BMPs in place to reduce dust generation and reduce nuisances to neighboring properties during construction.

Prior to commencement of operations, Applicant will develop an Emergency Response Plan ("ERP") in collaboration with the local fire departments and emergency response personnel to address potential impacts to public health and safety during both construction and operations of the development. As part of this emergency management preparation, appropriate local fire and EMS personnel will be provided with training on the solar and emergency response protocols.

Once operational, solar is a low-impact land use with minimal to no impact on the County's resources. Other forms of development require additional services such as roads, utilities, schools, and law enforcement.

The operational Project is mostly passive. During operations, the Project will not generate sound at levels that is a nuisance to or adversely impacts the use of adjacent property. For example, the inverters produce a low-level humming only during daylight hours when the system is generating energy. This noise level has been described as roughly equivalent to that of a dishwasher. The Project design locates inverters and other potential noise generating components internal to the site and a substantial distance from the perimeter of the Project to contain noise within the Project boundary and minimize or avoid adverse impacts to adjacent property. Vegetative buffers around the Project perimeter also work to ensure that any noise is well-contained within the Project area.

The Applicant is committed to protecting receiving waters (e.g., streams and wetlands) and downstream properties from discharges of stormwater during and after construction that could pose water quality degradation and/or flooding risks in compliance with GEPD permit requirements. The Project design avoids and minimizes impacts to such waters, provides for buffers around water features, and includes erosion control BMPs.

The Project design internally sites major equipment components (i.e. inverters, transformers and panels) to the extent practical and incorporates setbacks from property lines and vegetative buffers, which reduces visibility, mitigates and attenuates potential noise, and integrates the Project with the surrounding area.

A table of adjacent parcels and adjacent property owner addresses is included as ***Appendix J (Adjacent Parcel Table).***

5 Impact on Existing Public Infrastructure & Facilities

The Project is anticipated to operate mostly passively, typical of solar energy facilities, which do not typically generate significant attendance, use, physical activity, or associated nuisances or hazards. During the construction phase, there will be a temporary increase in local traffic; however, this will be effectively managed through the implementation of a well-planned internal construction traffic management plan. Access to the Project Site will be facilitated through existing curb cuts, which will be evaluated to confirm their capacity to handle the expected morning and evening traffic volumes during the construction period without overburdening the local transportation infrastructure.

Once operational, the Project will require minimal staffing, with only about four to five full-time employees needed on-site for regular inspections and routine maintenance. This limited number of employees ensures that the impact on local infrastructure and facilities post-construction will be minimal. Project-related attendance and vehicular movements are expected to be extremely limited and are considered negligible after construction.

The approved Georgia Power 2025 Integrated Resource Plan (IRP) covers renewable expansion in Georgia Power's service area and reflects a capacity need of 9,000 MW by 2031 with an incremental addition of 4,000 MW of renewable resources to the Georgia Power system by 2035. Section 8.1.1 of the IRP covers Growing Renewable Energy Needs and the need to add significant amounts of renewable resources to the system due to planning model results which indicate that the addition of cost-effective renewable energy to the system will provide value to all Georgia Power customers through a diverse energy mix and the growing needs of new and existing customers with sustainability/carbon goals, who depend on new renewable energy resources to lower carbon in the overall system mix.

Applicant is providing an opportunity for Burke County to help address Georgia's need for new electricity generation and provide a diverse, reliable, and clean source of electricity for citizens within the County and across the state.

The Project shall not lead to a use that could cause excessive or burdensome impacts of existing public infrastructure and facilities.

6 Economic Impact

The Project is forecasted to generate significant fiscal contributions, with an estimated $28 million in cumulative local property tax revenue over the 30+ year operational life, far exceeding the revenue generated by the current use of the Property. These figures provide valuable context, as the average annual property tax revenue from the Project of approximately $800,000 represents a significant increase over the Property's current use, which generates approximately $11,300 annually. During peak construction, the Project is expected to employ over 300 full-time equivalent workers, providing a one-time economic boost to the County. In its ongoing operational phase, the Project is anticipated to support four to five full-time jobs on the Project Site.

Additional information on economic impact is available in ***Appendix F (Economic & Fiscal Impact Assessment).***

7 Site Decommissioning & Restoration

The proposed utility scale solar energy producing system is expected to be capable of operation for a minimum of 30 years, with decommissioning at a time to be agreed upon by the system owner and the landowners leasing the land to the system owner. At the end of the Project's life, a list of activities will be completed to decommission the system.

Decommissioning activities will be based on current procedures and experience, which will likely improve in the coming years such as technology, construction processes, and recycling infrastructures. Decommissioning activities standardly consist of the physical removal of all solar energy system structures and equipment from the Site, disposal of all waste in accordance with local, state, and federal disposal regulations, and stabilization/re-vegetation of the Site. Decommissioning Plans are designed to outline specific activities and how they are to be carried out according to applicable regulations and industry best management practices, after obtaining any necessary permits for the decommissioning. Decommissioning Plans standardly include assurances that financial resources will be available to fully

decommission the Site to the agreed upon standard. A Conceptual Decommissioning Plan is in ***Appendix H (Conceptual Decommissioning Plan)***. The Conceptual Decommissioning Plan is for illustrative purposes only.

Project decommissioning and financial assurance arrangements are required by Georgia law (O.C.G.A. §§ 46-3-67-69.1), which became effective July 1, 2024.

The Applicant will submit a final Decommissioning and Reclamation Plan for review and approval by the Burke County Planning Department in conjunction with the Building Permit application after the final Project design has been developed. Decommissioning for the Project will be in accordance with Section 26-04.03.26.03 of the Solar Ordinance.

8 Additional Solar Farm Permitting Requirements

If Applicant is successful in obtaining a CUP for the Project, then there are a number of additional steps before the Applicant will proceed with construction. The following documents shall be submitted to Burke County prior to issuance of a building /development permit in accordance with Solar Ordinance Section 26-04.03.26.03:

1. Final Project design with equipment layout for approval by Burke County.
2. Additional relevant studies, reports, approvals, or certifications that have been completed or attained since receipt of CUP approval.
3. A GEPD NPDES permit.
4. A Georgia Department of Natural Resources (GADNR)/USFWS threatened and endangers species concurrence letter.
5. Proof of concept letter from utility company.
6. Documentation of legal authority to construct on the Project parcels in the way of land ownership, lease agreement, operating agreement, or other similar document.
7. Signed contract and/or affidavit ensuring perpetual maintenance of vegetative buffer and landscaping during operation of the Project.
8. A buffer maintenance surety bond shall be provided to ensure perpetual maintenance of planted buffers.
9. A final decommissioning and restoration plan, including compliance with applicable state law or other requirements regarding financial assurance arrangements to ensure proper clean up and restoration of the property if the principal or owner does not decommission and restore the property to its original state.

9 Conclusion

Applicant has submitted a complete Application in compliance with the LDC, including the Solar Ordinance. Applicant respectfully requests approval of the Application by Burke County, on the conditions as may be adopted by the County in its approval including specifically:

A. Because solar farms are inherently different than other conditional uses, Applicant is requesting to increase the cessation period of the CUP set forth in LDC Section 26-2.03.01(b)(3) to five (5) years.

B. As depicted in ***Figure 1.3 (Buffer and Fencing Plan)*** and ***Appendix E (Visual Impact Assessment)***, to meet industry standards and blend with fencing on neighboring and area properties, any fence installed by Applicant shall be seven feet (7') instead of ten feet (10') in height, notwithstanding the provisions of LDC Section 26-4.03.26.01(b).

Applicant will provide any additional supplementary information and address any inquiries that may arise from County staff, neighbors, the Planning Commission, and the Board of Commissioners.