

Sumter City-County Board of Zoning Appeals

May 14, 2025

BOA-25-14, Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd. (County)

The applicant (TOCE SC Solar 1, LLC) is requesting that the Sumter City-County Board of Zoning Appeals grant special exception approval for the establishment of a utility scale (+/- 170 MWac) primary photovoltaic solar energy system on multiple parcels of land with frontage along or near Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd. pursuant to *Article 3, Exhibit 5: Permitted Uses in All Zoning Districts; Article 5.b.2: Enumeration of Certain Hazardous and/or Potential Disruptive Land Development Activities*, and *Article 5.b.3.f: Primary Photovoltaic Solar Energy Systems* of the Sumter County Zoning & Development Standards Ordinance (the "Ordinance"). The applicant is also requesting consideration for setback area reductions pursuant to *Article 5.b.3.f.* of the Ordinance. The property is within the Agricultural Conservation (AC) zoning district. The property consists of multiple Sumter County tax map parcels, as follows: TMS# 139-00-01-038, 139-00-01-043, 139-00-02-001, 139-00-02-002, 140-00-02-009, 140-00-02-033, 147-00-01-016, 148-00-03-001, 139-00-01-004, 148-00-02-038, 148-00-02-009, & 147-00-02-042 (part).



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

May 14, 2025

BOA-25-14, Pinewood Rd, Starks Ferry Rd, S. St. Paul's Church Rd, & Gwyndale Rd. (County)

I. THE REQUEST

Applicant: TOCE SC Solar 1, LLC

Status of the Applicant: Authorized Agent

Request: Request for Special Exception approval for the establishment of a utility scale 170 MWac photovoltaic solar energy system on multiple parcels of land with frontage along or near Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd., and a request for 50% project setback reductions along Black River Rd. frontage.

County Council District: District 1

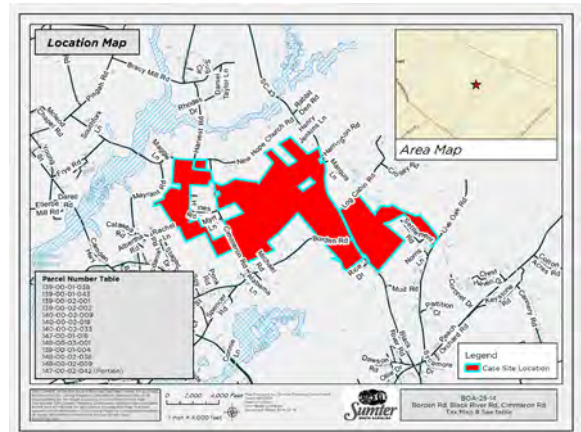
Location: Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd.

Present Use/Zoning: Agricultural/Undeveloped / Agriculture Conservation (AC)

Tax Map Reference: 139-00-01-038, 139-00-01-043, 139-00-02-001, 139-00-02-002, 140-00-02-009, 140-00-02-033, 147-00-01-016, 148-00-03-001, 139-00-01-004, 148-00-02-038, 148-00-02-009, & 147-00-02-042 (part)

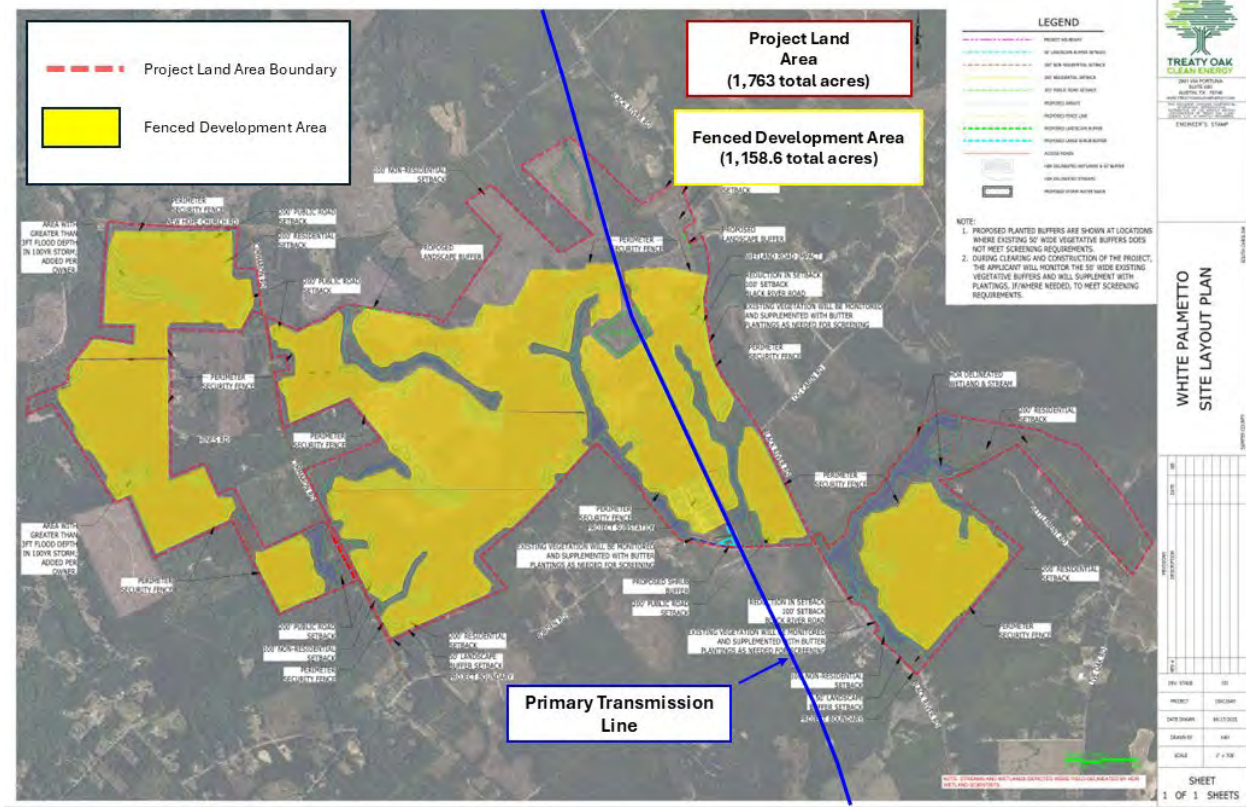
II. BACKGROUND

The applicant (TOCE SC Solar 1, LLC) is seeking approval to establish a Primary Photovoltaic Solar Energy System along or near Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd. The project will be located on an assemblage of land that is +/- 1,763-acres in total size. The fenced development area for the project will be +/- 1,158-acres in total. The facility is being designed to be a 170-megawatt alternating current (MWac),



2277-megawatt direct current (MWdc) single-axis tracker utility scale solar facility. Support facilities will include an interconnection point, substation, transformers, inverters, etc.

The project is located in the north central area of Sumter County, southeast of the Rembert area and north of the Dalzell area. The project area generally extends from New Hope Church Rd. in the north to Borden Rd. in the south and Mayrant Rd. in the west to Black River Rd. and Settlement Rd. in the east. The full limits of the project parcel boundaries, as well the fenced development area boundaries are shown on the project boundary map graphic below.



Above: Project Boundary Map

In accordance with *Article 3, Exhibit 5* of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”), Primary Photovoltaic Energy Systems (NAICS 221114) require special exception approval in all districts where they can be established. The Sumter City-County Zoning Board of Appeals (BOA) reviews all special exception requests for adherence to the applicable criteria outlined in the Ordinance, holds a public hearing, and ultimately decides on whether the request meets all the criteria for approval.

Per submitted application documents, the applicant is a subsidiary of Treat Oak Clean Energy, LLC. According to information on the Treaty Oak Clean Energy, LLC website (www.treatyoakcleanenergy.com), the company develops, builds, and operates utility-scale solar and battery storage project in select U.S. markets. Website information shows the company recently broke ground on a 100-megawatt project in Arkansas, and that the company recently acquired 2 existing facilities with a combined total of 465-megawatts of solar production and

Multiple documents have been submitted to support this request. A table outlining all exhibits is included below. References to these exhibits are made throughout the report.

Exhibit Table	
Exhibit 1	Staff Recommended Conditions of Approval
Exhibit 2	Applicant Letter of Intent & Executive Summary
Exhibit 3	BOA Application Form & Additional Request Narrative
Exhibit 4	Overall Site Layout & 10% Design Plans
Exhibit 5	Interconnection Study Agreement & Generation Queue Report
Exhibit 6	Property Control Agreement Memos
Exhibit 7	Applicant Community Outreach
Exhibit 8	Landscape Buffer Plan
Exhibit 9	Viewshed Analysis
Exhibit 10	Glare Analysis
Exhibit 11	Draft Decommissioning Plan
Exhibit 12	Wetlands & Waterbodies Field Delineation Memo
Exhibit 13	Protected Species Habitat Suitability Report
Exhibit 14	Airfield Buffer Map
Exhibit 15	SCDAH ArchSite Map
Exhibit 16	Project Wildlife Corridor Map

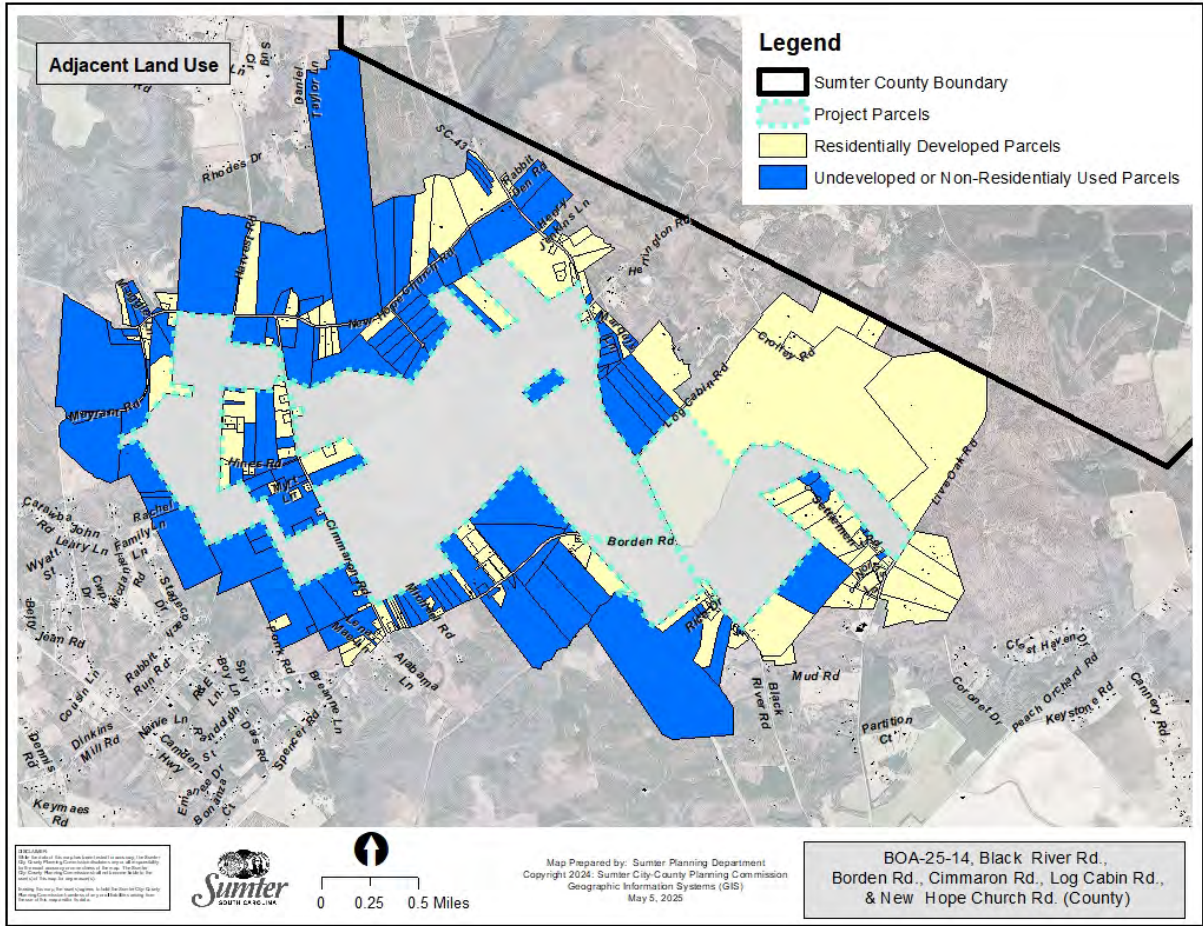
Ordinance Amendment (OA-23-01 & OA-24-06)

Sumter County Council adopted Ordinance Amendment OA-23-01 on December 12, 2023. This amendment put in established comprehensive primary solar facility development requirements. Sumter County Council amended these requirements via Ordinance Amendment OA-24-06 on December 10, 2024. The OA-24-06 revisions primarily refined setback requirements to account for situations not previously anticipated.

III. LAND USE, ZONING, AND CONDITIONS

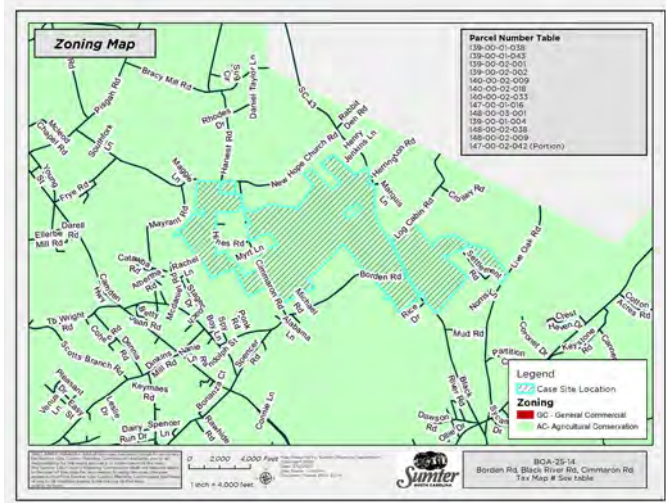
The project area is located in the north-central portion of Sumter County on or around Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd. The land proposed for this project is owned by various individuals and entities, with the applicant entering into lease agreements with these various individuals and entities.

The land in vicinity of the project area is characterized as rural, with a mixture of agricultural land uses, low-density residential land uses, and property that is not developed or used for any man-made purpose. The project area is directly adjacent to both residential uses and undeveloped or non-residentially used parcels. The project area completely bounds a small low density residential enclave or around Cimmaron Rd., Hines Rd., and Malcolm Ln.



Above: Adjacent Land Use Map

The subject property is completely located within the Agricultural Conservation (AC) zoning district. The intent of this district is to protect and preserve areas of the county which are presently rural or agricultural in character and use and are uniquely suited to agricultural use. Where urban development is permitted within the district, strict quality standards should be required. As stated previously in this report, Primary Photovoltaic Solar Energy Systems (NAICS 221114) can be established in the AC zoning district via the special exception approval process.

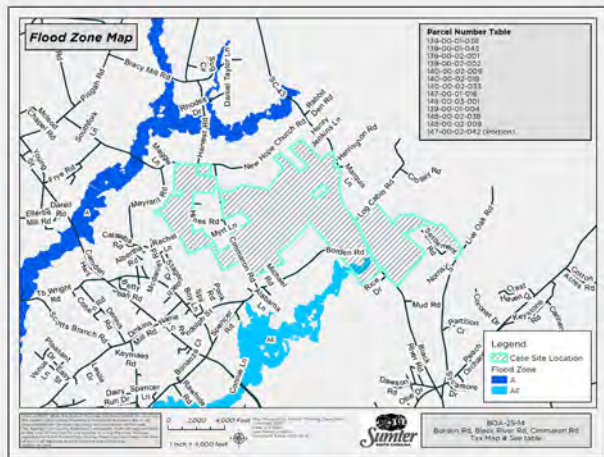


Above: Zoning Map

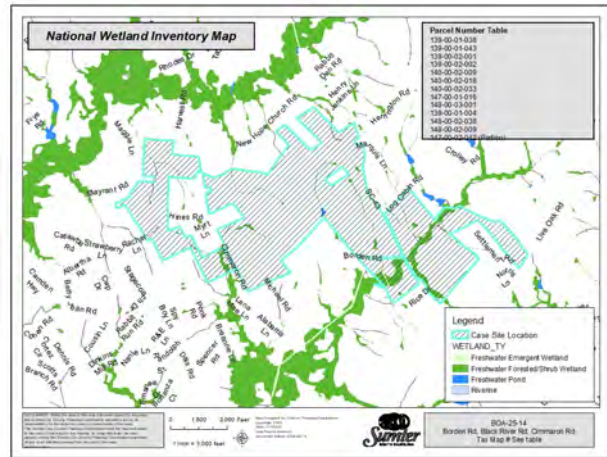
All development shown on submitted plans will occur within FEMA FIRM Panel: 45085C0105F. Land designated as special flood hazard area (SFHA) exists within the project

area to the south of Borden Rd. However, per submitted plans no development is proposed in the SFHA.

National Wetland Inventory (NWI) data identifies potential areas of wetland within the project boundary. Staff notes that NWI data is used as a guide only and is not a substitute for a wetland’s delineation prepared by a qualified professional. The applicant has completed a wetland’s delineation, and these boundaries are shown on the site plan submitted for this request and supporting wetland delineation documentation. The applicant is not proposing to disturb delineated wetland areas or disturb land within 50 ft. of such areas.



Above: Floodplain Map



Above: NWI Map

IV. SPECIAL EXCEPTION REVIEW CRITERIA

In the AC zoning district under *Article 3, Exhibit 5*, Primary Solar Electric Power Generation uses under NAICS 221114 are considered special exception uses requiring the review and approval of the BOA. Such requests are evaluated in accordance with *Article 1.h.4.c.*, and *Article 5.b.3.f.* of the Ordinance.

Article 1.h.4.c.2: Special Exceptions:

Permits for Special Exceptions shall be evaluated by the Board on the basis of the following criteria:

- a. That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.

Staff Review: A full review of the special design criteria outlined in *Article 5.b.3.f* of the Ordinance is provided elsewhere in this report. Outside of *Article 5.b.3.f* items, the project is in general compliance with Ordinance requirements in as much as can be determined from the 10% design plans submitted with this request.

- b. That the special exception will be in substantial harmony with the area in which it is located.

Staff Review: The applicant has submitted site and landscape buffering plans, as well as numerous documents and studies to support their position that the project will be in substantial harmony with the area in which it is located. All such plans, documents, and studies submitted are attached as exhibits to this report and include a Site Layout & 10% Design Plans (See Exhibit 4), Landscape Buffer Plans (See Exhibit 8), a Viewshed Analysis (See Exhibit 9), a Glare Analysis (See Exhibit 10), a Wetlands & Waterbodies Field Delineation Memo (See Exhibit 12), and a Protected Species Habitat Suitability Report (See Exhibit 13).

- c. That the special exception will not discourage or negate the use of surrounding property use(s) permitted by right.

Staff Review: The project area is located in a area of the county characterized as rural and is bounded by land used for either agricultural, residential, or institutional purposes or by land that is otherwise undeveloped. The applicant intends (and must) comply with applicable setback and landscaping requirements. The applicant is proposing to install landscaping buffers in identified areas where existing vegetation will not meet the required standards. As referenced above, the applicant has submitted site and landscape buffering plans, as well as numerous documents and studies to support their position that the project will not discourage or negate the use of surrounding property for uses(s) permitted by right. See referenced exhibits noted above under point b.

Article 5.b.3.f. Primary Photovoltaic Solar Energy Systems (NAICS 221114)

1. All ground-mounted photovoltaic solar energy system projects shall observe the following minimum setbacks:
 - a. From Roadways:
 - i. All Public Roads with a Functional Classification of Principal Arterial or Minor Arterial – 300 ft. from property line.
 - ii. All Other Public roads – 200 ft. from property line.
 - iii. Private Roads – 50 ft. from the platted right-of-way line.

Staff Review: The project area does not have frontage on a public road that is classified as a principal or minor arterial. Proposed setbacks from other public roads, with the exception of Black River Rd., meet the required setback standard. Setbacks shown along all private roads meet the required standard. Pursuant to Article 5.b.3.f.1.f., the BOA may consider up to a 50% setback reduction along non-arterial roadways if the BOA finds that certain conditions can be demonstrated. Further analysis of the setback reduction request is provided below. Setback requirements are restated in the proposed conditions of approval, and the applicant must comply. This will be reviewed again at the time of formal site plan submission.

- b. When abutting adjacent residentially used parcels regardless of zoning district: 200 ft. from property line.

Staff Review: Proposed setbacks from abutting adjacent residential used parcels meet the required standard. Setback requirements are restated in the proposed conditions of approval, and the applicant must comply. This will be reviewed again at the time of formal site plan submission.

- c. When abutting adjacent undeveloped parcels in Residential Zoning Districts: 200 ft. from property line.

Staff Review: The project area is not adjacent to any undeveloped parcels in a residential zoning district. Setback requirements are restated in the proposed conditions of approval, and the applicant must comply. This will be reviewed again at the time of formal site plan submission.

- d. When abutting adjacent non-residentially used parcels in the Agricultural, Conservation, Commercial, and Industrial Zoning Districts: 100 ft. from property line.

Staff Review: Proposed setbacks from abutting adjacent non-residentially used parcels meet the required standard. Setback requirements are restated in the proposed conditions of approval, and the applicant must comply. This will be reviewed again at the time of formal site plan submission.

- e. When a project area is comprised of multiple abutting tax parcels, there shall be no setback required between parcels that are part of the internal project area.

Staff Review: The project consists of multiple parcels of land that will be leased for the purposes of developing this project area. No setbacks are proposed along internal project area parcel lines.

- f. Reductions to project setbacks:
 - i. The Board of Zoning Appeals may reduce the setback along Public Roads that are not classified as principal arterial or minor arterial by up to 50% when it can be demonstrated that specific project site topography and/or environmental conditions on a site necessitate placement closer to a roadway to maintain appropriate separation from environmentally sensitive site features and steep slopes.
 - ii. Individual residential property owners may waive the 200 ft. setback requirement to reduce the setback to 100 ft. It shall be the responsibility of the developer/applicant to acquire the necessary approvals from adjacent residential property owners. Said waiver shall be in the form of a legally

binding notarized agreement. A copy of the executed agreement shall be provided with the formal application for use approval.

Staff Review: The applicant is requesting a 50% setback reduction along Black River Rd., which is functionally classified as a major collector road. The applicant has cited the existence of wetland areas and steep topography associated with a stream and wetland drainage system. The applicant's detailed justification for this reduction request is included in the additional request narrative provided in Exhibit 3.

No setback waivers from adjacent residentially used property are being proposed by the applicant.

- g. The above-referenced setbacks shall be interpreted to apply to all improved areas associated with the project(s). This provision excludes any internal access roads, security fencing, and permanent stormwater facilities, however; internal access roads, fences, and stormwater facilities shall be located behind the buffers required in *Article 5.b.3.f.10*. The established setback shall apply to all arrays, storage areas, battery storage, inverters, and transformers. The poles and aerial lines necessary to deliver electricity to the power grid may be located in the setback so long as all necessary buffering is maintained as required in *Article 5.b.3.f.10*.

Staff Review: Submitted plans indicate substantial compliance with this requirement. Setback requirements are restated in the proposed conditions of approval, and the applicant must comply. This will be reviewed again at the time of formal site plan submission.

2. All access roads and storage areas shall be established on a fire code compliant 20-foot minimum easement to a public right-of-way.

Staff Review: Access roads shown on site plans are described as being 12 ft. wide. No easement area is shown. Additional information is required, as staff cannot determine if the proposal meets this standard. Staff has included this requirement as a recommended conditional of approval. See Exhibit 4.

3. All ground ground-mounted photovoltaic solar energy systems shall be enclosed by a perimeter security fence that is wildlife friendly and of a height that meets the National Electric Code (NEC) without the use of barbed wire. Said fencing shall be installed behind required buffers and shall not be visible from public rights of way. In addition to the use of wildlife friendly fencing, solar developments shall be designed to provide unfenced wildlife passageways of a size, scale, and number appropriate for a given development size in order to allow large mammals such as deer, coyotes, and bears to traverse the area.

Staff Review: Based on information submitted by the applicant, the facility will be enclosed by a wildlife friendly security fence that is (8) feet in height. A drawing detail of the proposed wildlife fence is included in the 10% design plan documents (See Exhibit 4). The

applicant has submitted a graphic demonstrating proposed wildlife passages through the project area (See Exhibit 16).

4. All ground-mounted photovoltaic solar collectors shall be limited to a maximum height of 15 feet above the ground when oriented at maximum tilt. The provision shall not include the interconnection poles, substation equipment, or other devices necessary for the electricity to be delivered to the public utility station.

Staff Review: The applicant acknowledges in their BOA application form that this provision, and all other provisions of *Article 5.b.3.f.* (except for the stated setback exemption request) will be complied within. This requirement is being restated in the proposed conditions of approval document. See Exhibit 3.

5. On-site electrical interconnections and power lines shall be installed underground wherever reasonably practical.

Staff Review: The applicant acknowledges in their BOA application form that this provision, and all other provisions of *Article 5.b.3.f.* (except for state setback exemption request) will be complied with. This requirement is being restated in the proposed conditions of approval document. See Exhibit 3.

6. The applicant has the burden of proving that glare produced from a primary photovoltaic solar energy system will not have a significant adverse impact on aviation interests, motor vehicle traffic, or neighboring properties. Submission of a glare assessment prepared by a qualified professional is required.

Staff Review: A glare analysis prepared by HDR and dated April 18, 2025 has been submitted. The analysis indicates that no glare was shown along the approach paths to the runways at Shaw Air Force Base or at its Air Traffic Control Tower; no glare was shown along roadway routes surrounding the Project; and no glare was shown at eight of nine single observation points nearby the Project. One observation point was modeled to have insignificant glare without adverse effects. See Exhibit 10.

7. For all locations within 5 nautical miles of the center point of the runway for Shaw Airforce Base, Poinsett Electronic Combat Range (ECR) and the Sumter County Airport:
 - a. The applicant shall provide documented proof of having notified the Shaw Airforce Base/Poinsett ECR Military Base Commander, or the Commander's representative and/or the Sumter County Airport Director of a Photovoltaic Solar Energy System proposal.
 - b. The applicant shall allow 21 days for written comments to be provided from these agencies. Any written comments received shall be submitted with the Special Exception use application.

Staff Review: No part of the project area is within 5 nautical miles of the center point of the runway for Shaw Airforce Base or the Sumter County Airport, nor is the project area within 5 nautical miles of the center point for Poinsett Electronic Combat Range. See Exhibit 14.

8. It shall be demonstrated that the Photovoltaic Solar Energy System will not unreasonably interfere with the view of, or from, significant sites of public interest such as public parks and historic sites and resources.

Staff Review: The South Carolina Department of Archives and History (SCDAH) ArchSite Application Database does not indicate that a historic site or resource is within the project area or within a distance to the project area that would cause interference to such a site. There are not any public parks within the general vicinity of the project area. See Exhibit 15.

9. Written documentation of an agreement with an electric utility provider for interconnection of the completed facility shall be submitted at time of Special Exception application. In lieu of a final executed interconnection agreement, documentation from the electric utility provider that such a request is in process and under consideration may be accepted at the discretion of the Sumter City-County Zoning Board of Appeals. Once constructed, the project shall provide a copy of the signed certification of completion from the electric utility prior to issuance of the certificate of occupancy for the system.

Staff Review: The applicant has provided a copy of the interconnection study agreement with Santee Cooper, as documentation supporting the interconnection of the project to the Santee Cooper Dalzell-Camden 230 Kv line. See Exhibit 5.

It is noted that in a typical solar facility project life cycle, permit and use approvals are usually obtained prior to final interconnection approval from an electrical utility.

10. Landscape Buffering: A minimum 50 ft. wide landscape buffer containing evergreen vegetation screening is required to obscure solar energy systems from public rights of way and residential uses on adjacent parcels. Buffers shall meet the following minimum criteria:

- a. *Existing Vegetation:* Existing mature trees and shrubs shall be retained in the required setback areas. Dead trees and shrubs may be removed in the setback area. Said vegetation shall be supplemented to ensure a year-round evergreen vegetative visual screen of at least 6 ft. in height over 3 growing seasons and not less than 20 ft. in height at maturity.
- b. *Additional Plantings:* Where existing vegetation is insufficient for required screening, a planting plan shall be developed and submitted that creates a year-round evergreen vegetative visual screen of at least 6 ft. in height over 3 growing seasons and not less than 20 ft. in height at maturity. The planting plan shall utilize a variety of evergreen species to avoid the creation of a monoculture vegetative buffer.

- c. *Maintenance*: All new plantings must include an irrigation system that shall be maintained until all plant materials are fully established and thriving; dead or diseased plant materials shall be replaced within 60 days of notification by the County. It shall be the developer's responsibility to ensure all buffer plants remain healthy and thriving. Failure to replace dying, diseased or plants failing to thrive constitutes a violation of the Ordinance and may result in enforcement action in accordance with *Article 1* of the Ordinance.

Staff Review: Submitted site and landscape plans indicate that a 50 ft. buffer is provided along public rights of way and residential uses on adjacent parcels. It is noted that existing vegetation within setback areas must be retained as required. The applicant is proposing to primarily use existing vegetation to meet landscape buffering requirements, with buffer yard planting installations in areas not completely screened by existing vegetation. Buffer yard plantings will be installed as shown on plans and supporting information provided by the applicant. See Exhibit 4, Exhibit 8, & Exhibit 9.

- 11. For primary photovoltaic energy systems developed in the Agricultural Conservation (AC) and Conservation (CP) zoning districts – sites shall be designed and developed using native ground cover/vegetation and other best practices as outlined in the Technical Guidance for the Development of Wildlife & Pollinator Habitat at Solar Farms (South Carolina Solar Habitat Act – March 2021) document or similar best practices documents.

Staff Review: The applicant acknowledges in their BOA application form that this provision, and all other provisions of *Article 5.b.3.f.* (except for stated setback exemption request) will be complied within. This requirement is being restated in the proposed conditions of approval document. See Exhibit 3.

12. Decommissioning Plan

- a. Satisfactory completion of a Decommissioning Plan, per Appendix D. The Decommissioning Plan shall be recorded at the Sumter County Register of Deeds and be included with any leasing documents/agreements with the property owner.

Staff Review: A draft decommissioning plan has been submitted with this request. The plan outlines many of the components addressed in Appendix D but includes additional information and commentary. It is a recommended condition of approval that a decommissioning plan addressing all items outlined in Appendix D be recorded at the Sumter County Registers of Deeds prior to building permit approval for the project. See Exhibit 16

13. Decommissioning Surety:

- a. A form of surety equal to 125% of the entire cost to decommission the primary photovoltaic solar energy facility, as approved, is required. Decommissioning costs shall be estimated by an engineer licensed to practice in the State of South Carolina and approved by the Sumter County Administrator and Sumter County Attorney.

Note: Salvage/recycling value of system elements/components may be taken into account as part of the decommissioning cost estimates.

- b. The surety is required to cover the costs of decommissioning the primary photovoltaic solar energy facility. Decommissioning costs shall include all work as described in the recorded Decommissioning Plan.
- c. The surety can be in the form of cash, cashier's check, certified check, certificate of deposit, negotiable U.S. Treasury securities, performance bond, irrevocable letter of credit, or other instrument readily convertible into cash at face value. If utilizing a bond to cover the required surety, the bond shall have a rating of AAA.
- d. The surety can be made directly to Sumter County or be placed in escrow within a financial institution designated as an official depository of Sumter County.
- e. Following initial submittal of the surety, the cost calculation shall be reviewed every (5) years and adjusted accordingly based upon an updated estimate provided by an engineer licensed to practice in the State of South Carolina. Update estimates must be reviewed and approved by the Sumter County Administrator and Sumter County Attorney. In the case of cost increase, the surety instrument used must be updated to reflect 125% of the entire cost to decommission the primary photovoltaic energy facility.
- f. Failure to comply with any of the requirements outlined in *Article 5.b.3.f.13* shall result in the immediate termination and revocation of all prior approvals and permits; further, Sumter County shall be entitled to make immediate demand upon, and/or retain any proceeds of the surety, which shall be used for decommissioning and/or removal of the primary photovoltaic solar energy facility, even if such facility is operational.

Staff Review: The applicant has submitted preliminary cost estimates for decommissioning as part of their decommissioning plan. Such estimates are considered preliminary at this time and must be updated as required if the project is formally approved. All *Article 5.b.3.f.13* items are required and have been included in the recommended conditions of approval. See Exhibit 11.

V. STAFF RECOMMENDATION

Staff has developed recommended conditions of approval for the project that are outlined in Exhibit 1 of this report. **If** the BOA makes the findings necessary to approve this request, **then** it is recommended that such approval be made contingent upon compliance with Exhibit 1 approval conditions.

V. DRAFT MOTIONS FOR BOA-25-14

1. I move that the Zoning Board of Appeals **approve** BOA-25-14, subject to the following findings of fact and conclusions:
2. I move that the Zoning Board of Appeals **deny** BOA-25-14, subject to the following findings of fact and conclusions:
3. I move that the Zoning Board of Appeals enter an alternative motion for BOA-25-14.

NOTE: STATE DEFINITIVE REASONING FOR ANY MOTION MADE

VI. BOARD OF APPEALS – May 14, 2025

Exhibit 1

BOA-25-14 – Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd. (County)

Proposed Conditions of Approval

1. The project shall be developed in substantial conformance with site layout plan titled “*White Palmetto Site Layout Plan*”, prepared by Treaty Oak Clean Energy and site design plans titled, “*10% Solar Photovoltaic Civil Design of White Palmetto for TOCE SC Solar 1*”, prepared by KWRE and presented to the Zoning Board of Appeals on May 14, 2025, after necessary adjustments and revisions are made to bring the project into conformity with all other approval conditions listed below, as applicable.

The project shall be developed in substantial conformance with the landscape buffering plan titled “*White Palmetto Landscape Buffer Plan*” prepared by Treaty Oak Clean Energy and the landscape buffer plan enlargements and planting details prepared by Treaty Oak Clean Energy and presented to the Zoning Board of Appeals on May 14, 2025.

2. The applicant shall submit to the Sumter City-County Planning Department a complete General Development Plan application or Major Site Plan application for the project no later than 6 months after to the date of special exception approval. The applicant shall make continued good faith efforts in completing the General Development Plan or Major Site Plan process after submission.

Note: Refer to Article 1.i.8. of the Sumter County Zoning & Development Standards Ordinance.

3. Documentation of correspondence with and responses from the US Fish & Wildlife Service (UFWS) and the South Carolina Department of Natural Resources concerning the project shall be submitted to the Planning Department prior to major site plan approval for any aspect of this project. Site plans must incorporate and/or address any mitigation measures identified by these agencies.
4. Documentation of correspondence with and responses from the South Carolina Department of Archives and History (SCDAH) or State Historic Preservation Office (SHPO) concerning the project shall be submitted to the Planning Department prior to major site plan approval for any aspect of this project. If a Memorandum of Agreement with this agency or with the Advisory Council on Historic Preservation (ACHP) is required, then an executed copy of this agreement shall be submitted to the Planning Department prior to major site plan approval. Site plans must incorporate and/or address any mitigation measures identified by these agencies.
5. All ground-mounted photovoltaic solar energy systems shall observe the minimum setbacks outlined in Article 5.b.3.f.1.

6. All access roads and project storage areas shall be established on a fire code compliant 20-foot minimum easement to a public right-of-way.
7. All ground-mounted photovoltaic solar energy systems shall be enclosed by a perimeter security fence that is wildlife friendly and of a height that meets the National Electric Code (NEC) without the use of barbed wire. Said fencing shall be installed behind required buffers and shall not be visible from public rights of way.

In addition to the use of wildlife friendly fencing, solar developments shall be designed to provide unfenced wildlife passageways of a size, scale, and number appropriate for a given development size in order to allow large mammals such as deer, coyotes, and bears to traverse the area. At the discretion of the Zoning Board of Appeals, additional passageways from those provided may be required.

8. On-site electrical interconnections and power lines associated with this project shall be installed underground wherever reasonably practical.
9. A final executed copy of the interconnection agreement with the utility provider shall be submitted to the Sumter City-County Planning Department prior to land disturbance permit approval.
10. Landscape buffering for the project shall be required as follows:

A minimum 50 ft. wide landscaping buffer containing evergreen vegetation screening obscuring solar energy system perimeters from public rights of way and residential uses on adjacent parcels. Buffer shall meet the following minimum criteria:

- a. *Existing Vegetation:* Existing mature trees and shrubs shall be retained in the required setback areas. Dead trees and shrubs may be removed in the setbacks area. Said vegetation shall be supplemented to ensure a year-round evergreen vegetative visual screen of at least 6 ft. in height over three growing seasons and not less than 20 ft. in height at maturity.
 - b. *Additional Plantings:* Where existing vegetation is insufficient for required screening, a planting plan shall be developed and submitted that creates a year-round evergreen vegetative visual screen of at least 6 ft. in height over three growing seasons and not less than 20 ft, in height at maturity. The planting plan shall utilize a variety of evergreen species to avoid the creation of a monoculture vegetative buffer.
 - c. *Maintenance:* All new plantings must include an irrigation system that shall be maintained until all plant materials are fully established and thriving; dead or diseased plant materials shall be replaced within 60 days of notification by the County. It shall be the developer's responsibility to ensure all buffer plants remain healthy and thriving. Failure to replace dying, diseased or plants failing to thrive constitutes a violation of the Ordinance and may result in enforcement action in accordance with Article 1 of the Ordinance.
11. Developed areas shall be designed and developed using native ground/cover vegetation as outlined in the Technical Guidance for the Development of Wildlife & Pollinator Habitat

at Solar Farms (South Carolina Solar Habitat Act – March 2021) document or similar best practices document.

12. A Decommissioning Plan addressing all items required per Appendix D of the Sumter County Zoning & Development Standards Ordinance must be recorded at the Sumter County Register of Deeds prior to land disturbance permit approval.

13. The project must comply with the following Decommissioning Surety requirements prior to building/electric permit approval:

- a. A form of surety equal to 125% of the entire cost to decommission the primary photovoltaic solar energy facility, as approved, is required. Decommissioning costs shall be estimated by an engineer licensed to practice in the State of South Carolina and approved by the Sumter County Administrator and Sumter County Attorney.

Note: Salvage/recycling value of system elements/components may be taken into account as part of decommissioning cost estimates.

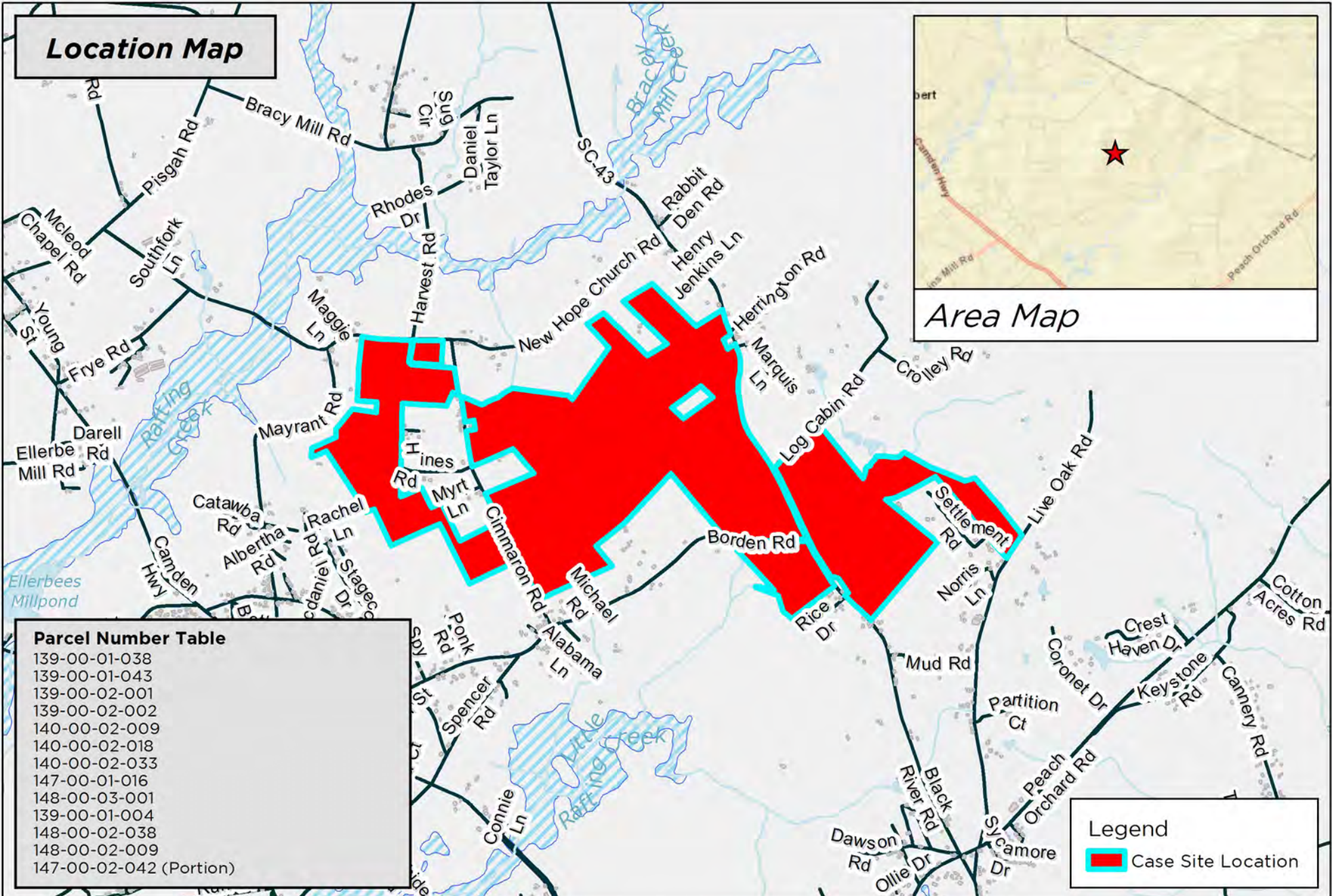
- b. The surety is required to cover the full costs of decommissioning the primary photovoltaic solar energy facility. Decommissioning costs shall include all work as described in the recorded Decommissioning Plan.
- c. The surety shall be in the form of cash, cashier's check, certified check, certificate of deposit, negotiable U.S. Treasury securities, performance bond, irrevocable letter of credit, or other instrument readily convertible into cash at face value. If utilizing a bond to cover the required surety, the bond shall have a rating of AAA.
- d. The surety may be made directly to Sumter County or be placed in escrow within a financial institution designated as an official depository of Sumter County.
- e. Following initial submittal of the surety, the cost calculation shall be reviewed every five (5) years and adjusted accordingly based upon an updated estimate provided by an engineer licensed to practice in the State of South Carolina. Updated estimates must be reviewed and approved by the Sumter County Administrator and Sumter County Attorney. In the case of cost increase, the surety instrument used must be updated to reflect 125% of the entire cost to decommission the primary photovoltaic solar energy facility.
- f. Failure to comply with any of the requirements outlined in *Article 5.b.3.f.13* shall result in the immediate termination and revocation of all prior approvals and permits; further, Sumter County shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the primary photovoltaic solar energy facility, even if such facility is operational.

LIST OF EXHIBITS

Multiple documents have been submitted to support this request. A table outlining all exhibits is included below, with hyperlinks to copies of each exhibit available via web. References to these exhibits are made throughout the report.

Exhibit 1	Staff Recommended Conditions of Approval
Exhibit 2	Applicant Letter of Intent & Executive Summary
Exhibit 3	BOA Application Form & Additional Request Narrative
Exhibit 4	Overall Site Layout & 10% Design Plans
Exhibit 5	Interconnection Study Agreement & Generation Queue Report
Exhibit 6	Property Control Agreement Memos
Exhibit 7	Applicant Community Outreach
Exhibit 8	Landscape Buffer Plan
Exhibit 9	Viewshed Analysis
Exhibit 10	Glare Analysis
Exhibit 11	Draft Decommissioning Plan
Exhibit 12	Wetlands & Waterbodies Field Delineation Memo
Exhibit 13	Protected Species Habitat Suitability Report
Exhibit 14	Airfield Buffer Map
Exhibit 15	SCDAH ArchSite Map
Exhibit 16	Project Wildlife Corridor Map

Location Map



Area Map

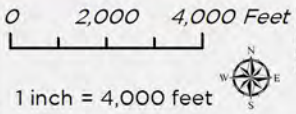
Parcel Number Table

- 139-00-01-038
- 139-00-01-043
- 139-00-02-001
- 139-00-02-002
- 140-00-02-009
- 140-00-02-018
- 140-00-02-033
- 147-00-01-016
- 148-00-03-001
- 139-00-01-004
- 148-00-02-038
- 148-00-02-009
- 147-00-02-042 (Portion)

Legend

Case Site Location

DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter-City County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter-City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter-City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.



Map Prepared by: Sumter Planning Department
 Copyright 2025
 Date: 5/5/2025
 User Name: crobbins
 Document Name: BOA-25-14

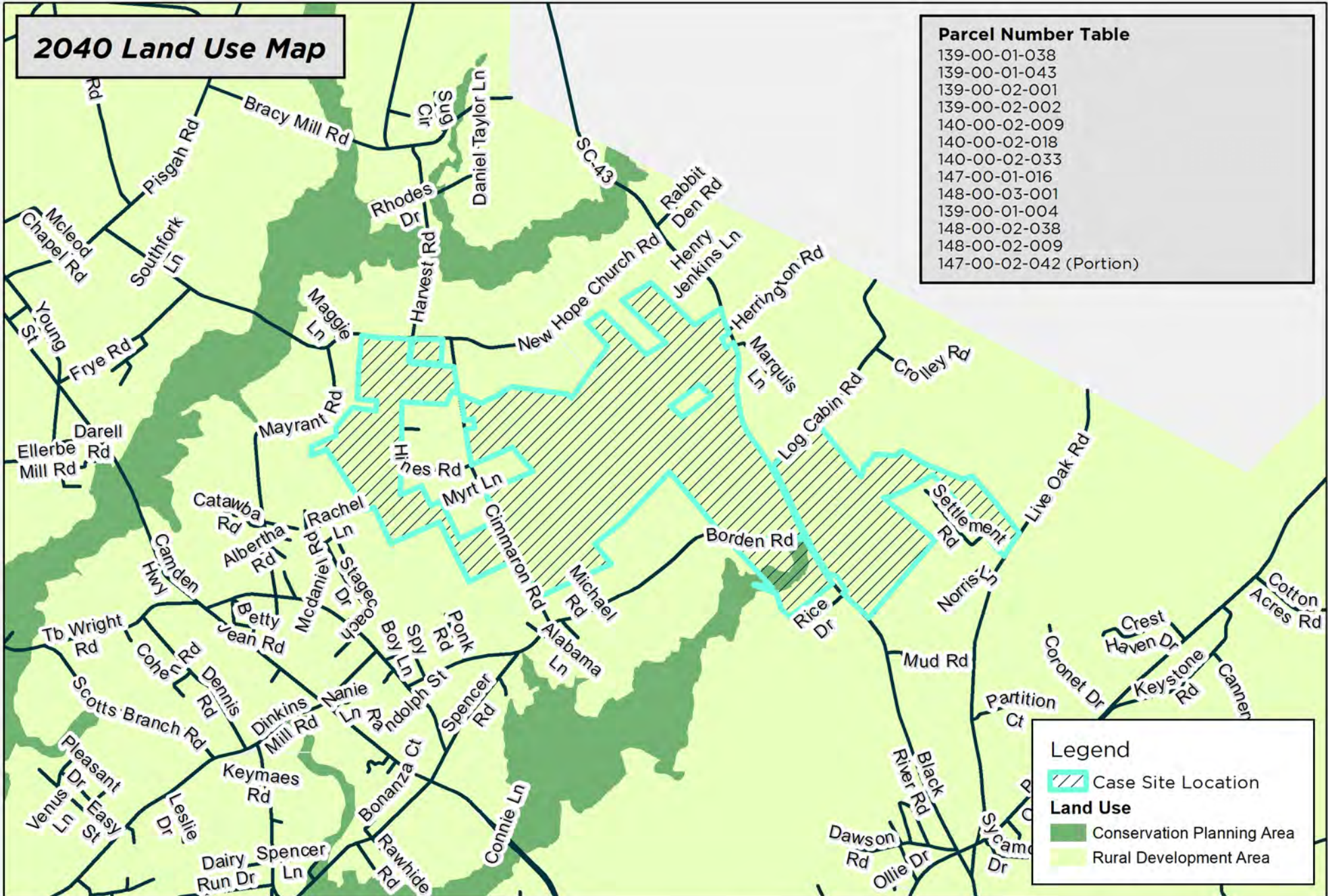


BOA-25-14
 Borden Rd, Black River Rd, Cimmarron Rd
 Tax Map # See table

2040 Land Use Map

Parcel Number Table

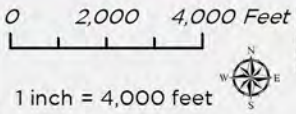
- 139-00-01-038
- 139-00-01-043
- 139-00-02-001
- 139-00-02-002
- 140-00-02-009
- 140-00-02-018
- 140-00-02-033
- 147-00-01-016
- 148-00-03-001
- 139-00-01-004
- 148-00-02-038
- 148-00-02-009
- 147-00-02-042 (Portion)



Legend

- Case Site Location
- Land Use**
- Conservation Planning Area
- Rural Development Area

DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter-City County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter-City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter-City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.



Map Prepared by: Sumter Planning Department
 Copyright 2025
 Date: 5/5/2025
 User Name: crobbins
 Document Name: BOA-25-14

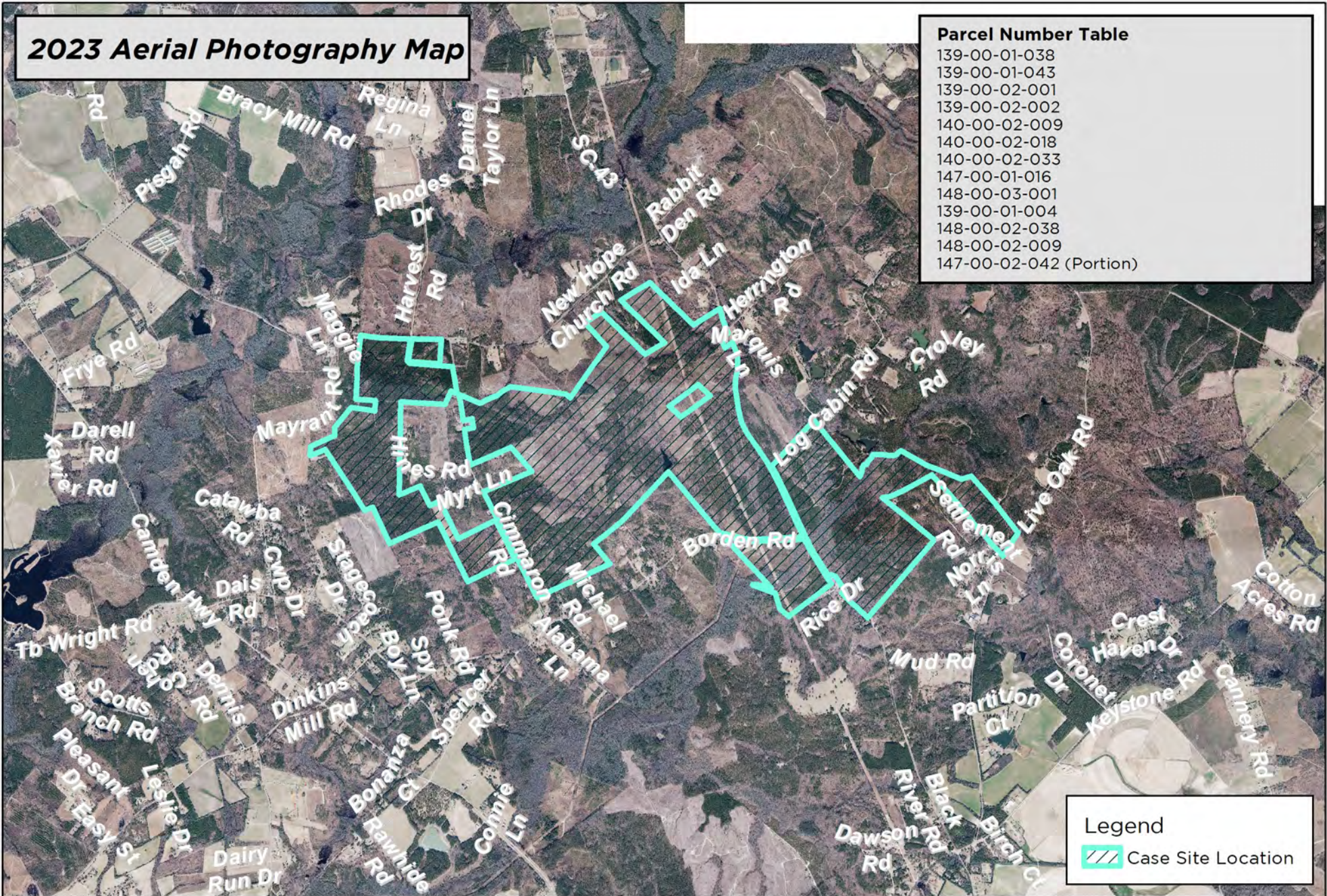


BOA-25-14
 Borden Rd, Black River Rd, Cimmarron Rd
 Tax Map # See table

2023 Aerial Photography Map

Parcel Number Table

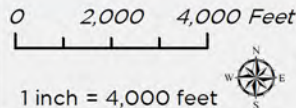
- 139-00-01-038
- 139-00-01-043
- 139-00-02-001
- 139-00-02-002
- 140-00-02-009
- 140-00-02-018
- 140-00-02-033
- 147-00-01-016
- 148-00-03-001
- 139-00-01-004
- 148-00-02-038
- 148-00-02-009
- 147-00-02-042 (Portion)



Legend

Case Site Location

DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter-City County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter-City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter-City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.



Map Prepared by: Sumter Planning Department
 Copyright 2025
 Date: 5/5/2025
 User Name: crobbins
 Document Name: BOA-25-14

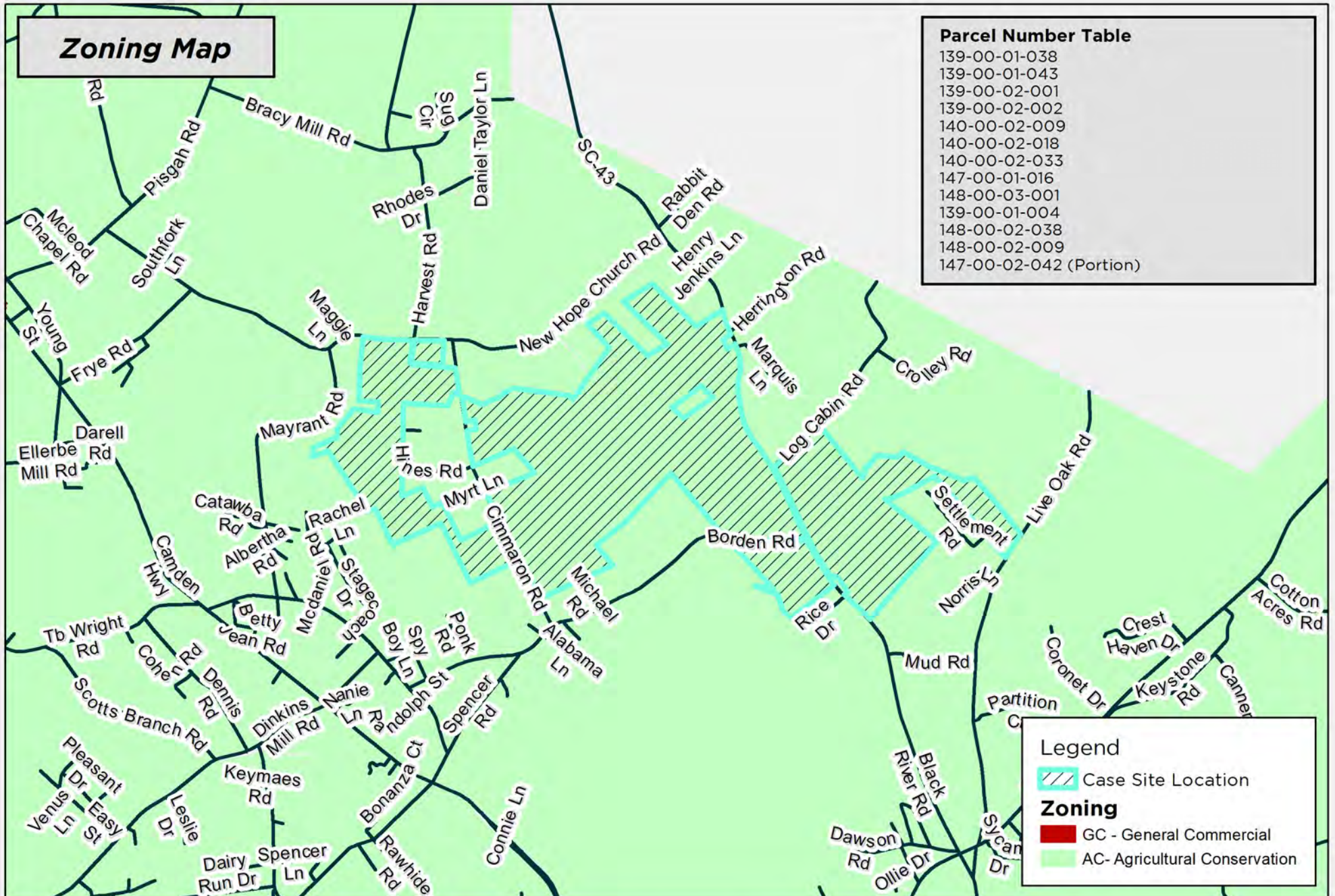


BOA-25-14
 Borden Rd, Black River Rd, Cimmarron Rd
 Tax Map # See table


Zoning Map

Parcel Number Table

139-00-01-038
 139-00-01-043
 139-00-02-001
 139-00-02-002
 140-00-02-009
 140-00-02-018
 140-00-02-033
 147-00-01-016
 148-00-03-001
 139-00-01-004
 148-00-02-038
 148-00-02-009
 147-00-02-042 (Portion)



Legend

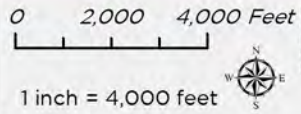
 Case Site Location

Zoning

 GC - General Commercial

 AC- Agricultural Conservation

DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter-City County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter-City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter-City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.



Map Prepared by: Sumter Planning Department
 Copyright 2025
 Date: 5/5/2025
 User Name: crobbins
 Document Name: BOA-25-14

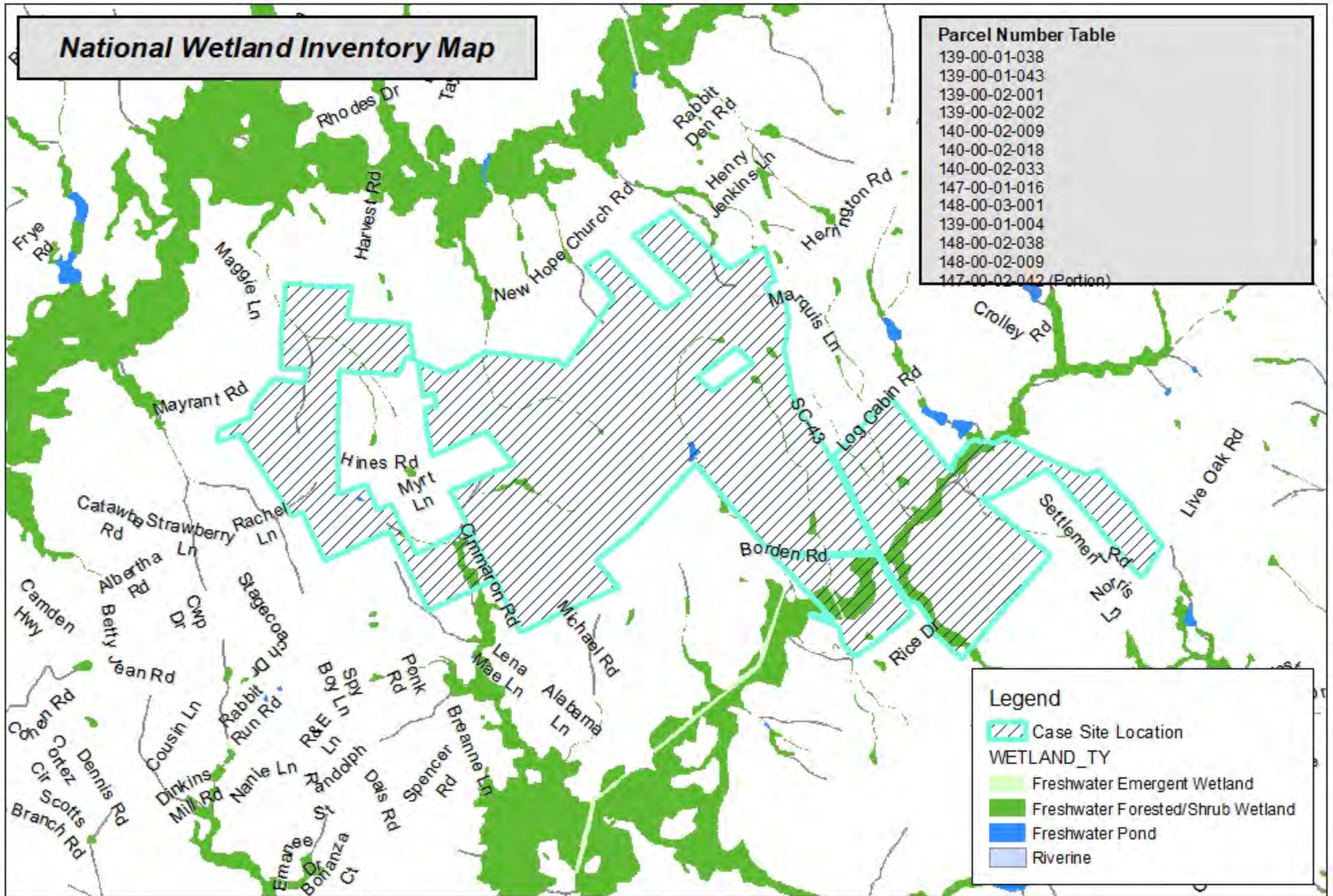


BOA-25-14
 Borden Rd, Black River Rd, Cimmarron Rd
 Tax Map # See table






National Wetland Inventory Map

Parcel Number Table

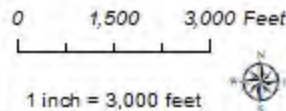
139-00-01-038
 139-00-01-043
 139-00-02-001
 139-00-02-002
 140-00-02-009
 140-00-02-018
 140-00-02-033
 147-00-01-016
 148-00-03-001
 139-00-01-004
 148-00-02-038
 148-00-02-009
 147-00-02-042 (Portion)



Legend

-  Case Site Location
- WETLAND_TY
 -  Freshwater Emergent Wetland
 -  Freshwater Forested/Shrub Wetland
 -  Freshwater Pond
 -  Riverine

DISCLAIMER: While the date of this map has been noted for accuracy, the Sumter City-County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter City-County Planning Commission harmless of any or all liabilities arising from the use of this map.



Map Prepared by Sumter Planning Department
 Copyright 2023
 Date: 3/12/23
 User Name: alexwrt
 Document Name: BOA-25-14

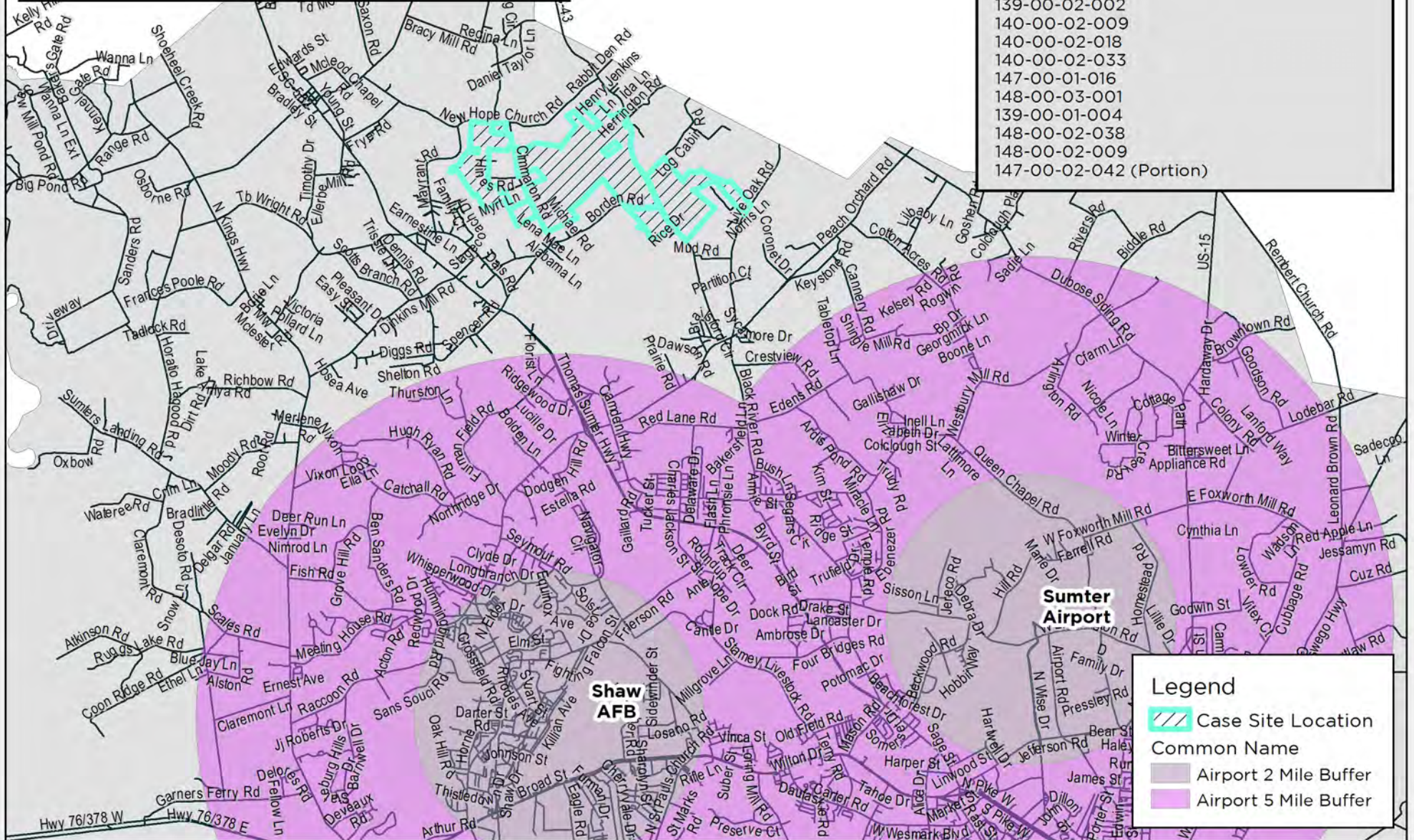


BOA-25-14
 Borden Rd, Black River Rd, Cimmaron Rd
 Tax Map # See table

Sumter Airport and Shaw AFB Buffer Map

Parcel Number Table

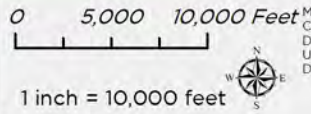
- 139-00-01-038
- 139-00-01-043
- 139-00-02-001
- 139-00-02-002
- 140-00-02-009
- 140-00-02-018
- 140-00-02-033
- 147-00-01-016
- 148-00-03-001
- 139-00-01-004
- 148-00-02-038
- 148-00-02-009
- 147-00-02-042 (Portion)



Legend

- Case Site Location
- Airport 2 Mile Buffer
- Airport 5 Mile Buffer

DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter-County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.



Map Prepared by: Sumter Planning Department
 Copyright 2025
 Date: 5/5/2025
 User Name: cobbins
 Document Name: BOA-25-14

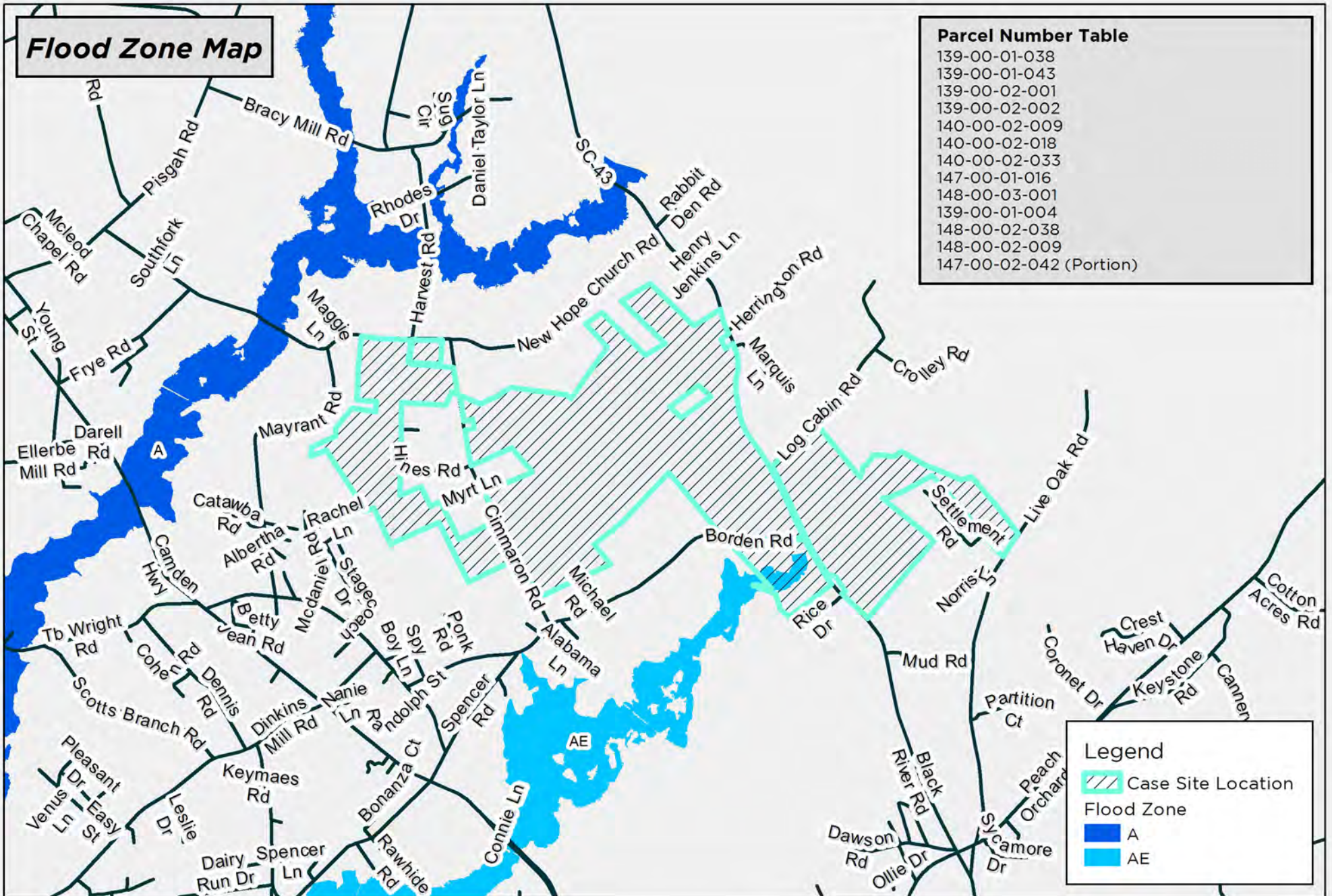


BOA-25-14
 Borden Rd, Black River Rd, Cimmaron Rd
 Tax Map # See table

Flood Zone Map

Parcel Number Table

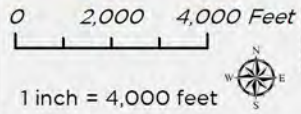
- 139-00-01-038
- 139-00-01-043
- 139-00-02-001
- 139-00-02-002
- 140-00-02-009
- 140-00-02-018
- 140-00-02-033
- 147-00-01-016
- 148-00-03-001
- 139-00-01-004
- 148-00-02-038
- 148-00-02-009
- 147-00-02-042 (Portion)



Legend

- Case Site Location
- Flood Zone A
- Flood Zone AE

DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter-City County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter-City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter-City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.



Map Prepared by: Sumter Planning Department
 Copyright 2025
 Date: 5/5/2025
 User Name: crobbins
 Document Name: BOA-25-14



BOA-25-14
 Borden Rd, Black River Rd, Cimmarron Rd
 Tax Map # See table