

RESOLUTION R-042-24

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WALKER COUNTY FOR THE PURPOSE OF ENACTING A TEMPORARY EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ZONING APPROVALS, BUILDING PERMITS, LAND DISTURBANCE PERMITS, AND ANY OTHER APPROVALS OR PERMITS, OR PROCESSING OF OR ISSUANCE OF DECISIONS ON ANY SUCH APPLICATIONS, REGARDING NEW SOLAR ENERGY SYSTEMS OR THE EXPANSION OF EXISTING OPERATIONS THAT PRODUCE SOLAR POWER

WHEREAS, the Board of Commissioners (“Board”) is the governing authority for Walker County, Georgia; and

WHEREAS, the Georgia Constitution and general laws of the State of Georgia grant the local governing authority of each county jurisdiction to control all county property and to further adopt such ordinances and regulations as necessary to protect the public health, public safety, and general welfare of its citizens;

WHEREAS, for the purpose of this Resolution, a solar energy system is defined as any equipment or operation designed to capture energy from the sun and convert it to electricity for the purpose of feeding an electric utility’s power grid; and

WHEREAS, solar panel developers and utility scale solar energy systems require large areas of real property, and the County’s current zoning ordinance does not address the appropriate zone or zones for solar energy systems, as well as necessary buffers and setbacks;

WHEREAS, solar energy systems also require large areas of primarily flat real property that are currently used for farming purposes; and

WHEREAS, it is in the best interests of the County and its citizens to have zoning ordinances and other ordinances in existence for the orderly operation of solar energy systems; and

WHEREAS, renewable energy generated from solar energy systems is a valuable source of energy for commercial, industrial, and residential use in Walker County; and

WHEREAS, the Board desires to strike an appropriate balance between the use of solar energy and the other issues set forth above; and

WHEREAS, the Georgia Supreme Court has held that a moratorium with response to the application of a zoning ordinance may be put in place for a reasonable period of time without the necessity of complying with the notice requirements of the Georgia Zoning Procedures Law; and

WHEREAS, the Board is currently in the process of preparing appropriate amendment(s) to the County zoning ordinance regarding solar energy systems and needs time to hold public hearings required by law, and to adopt such amendment(s); and

WHEREAS, Resolution R-018-24 was adopted by the Board on May 9, 2024 and has since expired;

THEREFORE, BE IT RESOLVED that the Board hereby enacts a temporary emergency moratorium as follows:

1. This moratorium is enacted for temporary and emergency purposes only, and shall be in effect immediately upon the adoption of this Resolution and shall continue in existence for a total of 180 days from its adoption, until it is repealed, or a new ordinance addressing solar energy systems is adopted, whichever event occurs first;
2. This moratorium applies to all applications for any permit approval or issuance required for the construction, expansion, or operation of a new or expanded solar energy system;
3. Neither the County nor any of its staff or departments shall accept applications for zoning approval, building permits, land disturbance permits, or any other approvals or permits, or process or issue any decisions on any such applications regarding facilities or structures for new or expanded solar energy system;
4. No action taken by any person or entity during this temporary moratorium shall serve to vest any rights to develop or operate any solar energy system operation;
5. Previously approved solar energy systems shall not be prevented by this moratorium under and consistent with prior final approval.

SO RESOLVED AND ADOPTED this 14th day of November, 2024.

ATTEST:

WALKER COUNTY, GEORGIA



JESSICA R. STATON

JESSICA STATON, Deputy Clerk



SHANNON K. WHITFIELD

SHANNON K. WHITFIELD, Chairman



The foregoing Resolution received a motion for approval from Commissioner Bakemore, second by Commissioner Hart, and upon the question the vote is 4 ayes, 0 nays to approve the Resolution.