

**COUNTY COMMISSIONERS**

Brian Bock, *Chairman*
Walter Petty, *Vice Chairman*
Mike Cross
Sally Kost
Pam Stewart

COUNTY MANAGER

Charlie Horne

P. O. Box 1809, Pittsboro, NC 27312-1809 • Phone: (919) 542-8200 • Fax: (919) 542-8272

A RESOLUTION APPROVING A REVISION TO A CONDITIONAL USE PERMIT REQUEST

BY Markus Wilhelm dba Strata Solar

WHEREAS, Markus Wilhelm dba Strata Solar has applied to Chatham County for a revision to an existing conditional use permit on Parcel No. 76255 located at 2835 Farrington Point Road, Williams Township, to add an additional use for a public utility as a 1.1 MW solar farm, and;

WHEREAS, the Chatham County Board of Commissioners having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The approved and proposed use/s continue to be allowed within the district in which it was originally approved being Conditional Use Light Industrial.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, there is currently no solar energy facility of this size within Chatham County. This project will provide clean energy to approximately 120 homes in the county and will be regulated by the state.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. The property is currently fenced and screened and additional plantings as approved by the CCAC will be installed. There will be about 4800 solar panels added to the site. There will be no additional traffic or noise associated with the operation of this facility.
4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, Page 11 promotes diversified and sustainable business communities. There has been an industrial type business on this property since 1997. Pages 12 and 26 encourage the continuation of existing operations and ensuring development pays for itself through "green" industries that implement sustainable practices.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through any additional conditions placed on its approval as seen below. The site currently has an approved commercial driveway permit. The site is located within the WSIV-PA of Jordan Lake watershed and is permitted up to 36% impervious surface. The addition of solar panels will not count towards impervious surface.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan submitted by the Applicant, Markus Wilhelm dba Strata Solar, and incorporated herein by reference with specific conditions as listed below;

Site Specific Conditions

1. Before construction of the panels can take place on the property, a soils compaction test will be required, as directed by the Buildings Inspections Supervisor, and submitted to the building inspections and planning department offices. Upon approval from the building inspections supervisor, placement of the panels may begin.
2. The recommendations by the CCAC shall be followed. Any new plantings are required to be installed at the next optimal planting season following this approval. Landscaping and screening shall be maintained at all times.

Standard Site Conditions

3. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
4. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the mulching operation.

Standard Administrative Conditions

6. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.

7. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
8. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
9. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
10. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 17th day of January 2012

By: _____

Brian Bock, Chair
Chatham County Board of Commissioners

ATTEST:

Sandra B. Sublett, CMC, NCCC, Clerk to the Board
Chatham County Board of Commissioners