



Chatham County Planning Board Agenda Notes

Date: December 6, 2011

Agenda Item: VIII. 5.

Attachment #7

☐ **Subdivision** ☒ **Conditional Use Permit- Revision** ☐ **Rezoning Request**
☐ **Other:**

Subject:	Request by Markus Wilhelm dba Strata Solar, for a revision to an existing conditional use permit on Parcel No. 76255, located at 2835 Farrington Point Rd., on approximately 14.15 acres, formerly the Sandhills Grading Company, to add an additional use for a public utility as a 1.1 MW solar farm.
Action Requested:	See Recommendations.
Attachments:	1. Application packet provided prior to the November 21, 2011 public hearing.

Introduction & Background

A quasi-judicial hearing was held November 21, 2011. Mr. John Morrison, COO, Strata Solar spoke on the request. No one else spoke.

This property is formerly Carolina Utility and Grading, as well as Sandhills Grading, which original approval was December 1997. There were several revisions over the last ten (10) years but the zoning classification has not changed. The uses currently approved for the site are contractor's storage yard, office and staging area for construction contractors including storage and service building and related facilities, selling of retail materials used by the applicant, and to include the rental of contractor equipment to the general public.

Discussion & Analysis

A conditional use permit revision must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

FINDING #1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located. The property is zoned Conditional Use Light Industrial. Under Section 10.13 Table of Permitted Uses with the Chatham County Zoning Ordinance, a public utility facility serving regional areas is a permitted use. Because the site is approved under conditional use, the use/s must be added through a revision to the existing permit. It planning staff opinion this finding may be made.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. This project is projected to create approximately 15-20 full time positions during the construction of the project. The applicants will also seek opportunities to work with the local community college to help train students/workers in solar energy and help them get certifications.

There are currently no solar energy facilities of this size in Chatham County. This project will provide clean energy to approximately 120 homes in the county. It is planning staff opinion this finding may be made.

FINDING #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 addition of approximately 4,800 solar panels to the site is the only modification/additions being requested. The property is currently screened and fenced from view of the public roadway. The applicants have stated they will need to remove the driveway trees installed by the previous owner in order to prepare the sites for the panels. This request has not gone before the Chatham County Appearance Commission (CCAC), but is expected to at their next available meeting. It is anticipated there will be minimal changes to the site. Due to topography, the entire site will not be shielded from view of the public roadway or all adjoining parcels.

Other than construction traffic, there is not expected to be any increase in traffic than what currently exists. There will be no noise associated with the operation of the solar panels and there is no new additional lighting proposed with this request.

On preliminary review, the Chatham County Building Inspections Supervisor will require a compaction test on all the areas where beneficial fill has been placed where panels will be erected. This will be conditioned below.

There will no chemicals or hazardous materials used during construction or operation of the site. The existing sign will be used; no additional signage is requested. No additional lighting will be added to the site. It is planning staff opinion this finding may be made.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. The Land Conservation and Development Plan outline many objectives and goals for the county. Page 11 mentions several with one being to promote a diversified and sustainable business community. There has been a business on this property since 1997 and it has continued to operate in some capacity since. Page 12 includes ensuring commercial development pays for itself and encourages “green” industries to locate in the county in an interest to implement sustainable practices.

Page 26 of the Plan encourages the continuation of existing industrial and commercial areas. Major conditions and trends show the county’s economic well-being is tied to the larger regional economy and activity outside the county’s borders. This will be opportunity to gain sustainable energy from a county established business.

Page 36 of the Plan encourages the use of sustainable business enterprises. They include businesses which support the long term interests of a region through ventures which combine the resources of the community.

The watershed classification for this site is WSIV-PA within the Jordan Lake buffer rules. The applicant does not anticipate needing a land disturbing permit or an increase in the existing stormwater management area. The Environmental Quality Director stated the solar panels will not count towards impervious surface. This site is allowed up to 36% maximum impervious surface. It is not known at this time what the existing impervious surface is. A condition may be placed on this approval requiring an updated survey for impervious surface be supplied. It is planning staff opinion this finding may be made.

FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county’s plans, policies, and regulations. This project will not require any additional water usage, wastewater increases, or new access drives. The existing NCDOT commercial driveway permit is adequate and should any other permitting be required, the applicants will comply with those requests (i.e. erosion and sedimentation control, stormwater, compaction tests, etc). It is planning staff opinion this finding may be made and may be further supported with conditions listed below.

Recommendation

It is planning staff recommendation to approve this request. The Planning Board has up to three (3) meetings in which to make a recommendation to the Board of Commissioners. Should your recommendation be a favorable one, it is requested you review the below conditions as part of this approval.

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, if any, 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, Building Inspections, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

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.