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A request by Strata Solar for a Conditional Use Permit on Parcel No. 12233, located of US 64 W, Hickory Mountain Township, for a solar farm on approximately 42 acres. The parcel is split between R-1 zoning and unzoned. The R-1 zoning is the portion subject to this CUP request which is approximately 23.3 acres.

..ABSTRACT

Action Requested:

A request by Strata Solar for a Conditional Use Permit on Parcel No. 12233, located of US 64 W, Hickory Mountain Township, for a solar farm on approximately 42 acres. The parcel is split between R-1 zoning and unzoned. The R-1 zoning is the portion subject to this CUP request which is approximately 23.3 acres.

Introduction & Background:

A quasi-judicial public hearing was held on September 15, 2014. Planning staff introduced the request and Henry Campen, Jr., attorney for the applicant, presented. Also speaking were Brent Nieman and Richard Kirkland, representatives for the applicant, and two adjoining landowners Susan Sigman and Marty Rainer. Concerns noted were the potential for reception issues, landscaping type, vegetation types, potential hazards to animal life, and the impact on Hillside Dairy Road.

Until 2007 this portion of US 64 was unzoned. That year the Board of Commissioners approved an initial zoning of property along that corridor that extends 1500 feet on each side of US 64. Residential zoning was adopted in an effort to maintain rural and residential character and to allow for existing businesses to continue operating. Non-residential uses were given the choice to leave the new zoning classification of R-1 Residential or have it rezoned to meet the use/s on the property. Several businesses took advantage of the reclassification and are considered conforming to the ordinance.

The tract under consideration for the conditional use permit was originally larger. In 2013, the landowner created an approximately 17 acre tract where the new Alpaca farm is located. The remainder of the tract is currently split zoned between R-1 Residential on the US 64 side and unzoned on the Hillside Dairy Road side. The property is not under any land use deferments or use exemptions at this time.

The Planning Board met at their regularly scheduled meeting on October 7, 2014. Minor concerns were raised but all were addressed to the satisfaction of the board. One concern was the longevity of the solar farm and what happens when solar panels are no longer in use. Brent Nieman advised the life span is expected to be 30 years and that the solar panels can be replaced, or the property will be used for some other purpose. The removal of panels and equipment will be the responsibility of Strata Solar and as stated within the Zoning Ordinance of Chatham County, Section 17.6.D. One other concern was over the elevation of the property and the proximity to US 64. Strata stated the panels are designed to

absorb light, not reflect it, and will come with an anti-reflective coating to prevent traffic issues on US 64. The Planning recommended approval of the request.

Discussion & Analysis:

A conditional use permit 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.

Solar farms greater than two (2) acres in size are listed as permitted with a conditional use permit and are directed to follow the standards shown in Section 17.6 of the ordinance.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. Under NC Senate Bill 3 (G.S. 62-113.8), public policy is to promote renewable energy and electric companies are now required to purchase an increasing amount of renewable energy. The applicant filed an application with the NC Utilities Commission regarding this location for a Certificate of Public Convenience and Necessity. An order issuing Certificate and Accepting Registration was approved by the commission on August 13, 2014 citing a good cause to approve for public convenience and necessity for the generating facility.

With this project there would be no fuel consumption, no emissions, or continued traffic to and from the site. Construction generally takes approximately three to four months to complete. Once complete, the only traffic to the site will be for maintenance or inspection.

There are currently four other approved solar sites under the county's land use jurisdiction.

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. This is an unmanned facility. There will be no additional services required from emergency personnel, public utility, or wastewater. The project will require monthly maintenance only and no road improvements are needed. NCDOT will issue a commercial driveway permit for the site for the access on US 64.

An appraisal report was provided showing no negative impact on surrounding property values associated with this use.

Although the perimeter of the site will maintain a portion of the existing natural vegetation, they will be supplementing with additional landscape screening as recommended by the Chatham County Appearance Commission and agreed to by the

applicant. Because the supplemental landscaping will be placed on the inside of the existing, wooded and vegetated perimeter buffer, it is not anticipated there would be any impact on adjacent animal life. The applicant also indicated during the public hearing they would contact the adjoining property to discuss the plantings and dietary restrictions for farm animals. There will be a 50 foot perimeter around the entire site with the exception of the 100 foot setback from US 64. The entire project area will be fenced.

No lighting is proposed on this project and noise is limited to the humming sound from the centrally located inverters and transformers which should not be heard off-site. Signage will be limited to small signs attached to the perimeter fence. No large signage is proposed.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. The applicant states this project meets several of the defined policies of the Plan. By providing low-impact, low-profile “green” development, the rural character and landscape is better protected. This project helps in retaining sustainable development and ensures long-term quality and availability of ground and surface waters resources

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. There are no public or private water or wastewater services to be provided, NCDOT will be issuing a commercial driveway permit for the access, and no lighting is proposed.

The parcel is located within the Local Area Watershed district. Up to 36% impervious surface can be developed on the property. Per Watershed regulations, solar panels are not considered to be impervious. Any other structures and access roads will be counted. Approximately 2% impervious surface is estimated. An Erosion and Sedimentation Control permit will be required and Stormwater measures will also be permitted before any land disturbing activity on the site can begin.

It is Planning staff opinion all five (5) findings may be made.

Recommendation:

The Planning Board, by vote of 8-0-1, recommends adoption of a resolution approving the conditional use permit with the conditions listed below.

Site Specific Conditions

1. The applicant shall follow the recommendations of the Chatham County Appearance Commission and install said plantings at the next optimal planting season following the issuance of the first building permit.

Standard Site Conditions

2. The application, standards and adopted regulations of the applicable ordinances and policies, and the 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. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
4. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.

Standard Administrative Conditions:

5. 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 inspections.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. 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.