

..TITLE

Request by Strata Solar for a conditional use permit on approximately 21 acres out of a 98.54 acre tract being Parcel No. 18869, located at 151 Vicker's Rd., for a 1.99 MW solar farm.

..ABSTRACT

Action Requested:

Request by Strata Solar for a conditional use permit on approximately 21 acres out of a 98.54 acre tract being Parcel No. 18869, located at 151 Vicker's Rd., for a 1.99 MW solar farm.

Introduction & Background:

A quasi-judicial public hearing was held on this request January 21, 2014. Planning staff presented the request and the applicant, with their attorney and other staff, were present for questions. There was no opposition to the request and no concerns stated.

The proposed site is approximately 21 acres which includes the solar panel area and the access road leading to the site. The entire tract is approximately 98.54 acres.

The Planning Board met at their regularly scheduled meeting on February 4, 2014. There was one area of concern regarding one of the landscaping features recommended by the Chatham County Appearance Commission (CCAC). See notes below under finding No. 3. No other issues were raised.

Discussion & Analysis:

Generally, in order for a matter to be considered for approval, there are five findings that must be addressed and proof given that each one can be supported. They are:

- 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.
- FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.
- 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.
- FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.
- 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.

It is Planning staff opinion, **Finding #1** may be supported. The Chatham County Zoning Ordinance, Section 10.13 lists solar farms, greater than two (2) acres in size, as

permitted with approval of a conditional use permit with specific standards outlined in Section 17.6. The filing of this application satisfies this finding.

It is Planning staff opinion, **Finding #2** may be supported. Included in the application's supporting documentation is a letter from the State of North Carolina Utilities Commission in Raleigh states, dated signed January 8, 2013 which states "the registration by Vickers Farm for its solar PV facility as a new renewable energy shall be and is hereby accepted". The applicant is required by state law to report to the utilities commission who monitors the site on an annual basis.

Supporting documentation was also based on NCGS 62-2, Senate Bill 3, which became law in 2007, where electric utility companies are required to purchase an increasing amount of renewable energy. This solar farm is being constructed under that policy and will be connected to the Duke Energy power grid.

The collected tax on the property, once the solar farm is in place, is expected to be approximately \$10,000 annually.

It is Planning staff opinion **Finding #3** may be supported. The applicants met with the CCAC as required prior to submittal of the application. The site plan landscaping was approved with recommended modifications. There were also agreements made during the community meeting regarding planted buffers, screening, and lighting. The applicants stated they would add a buffer to the southeast quadrant with full height shrubs to be used to screen the entire height of the buffer, a six foot high black vinyl coated fence to be installed to soften the appearance of the fence with three feet of barbed wire on top, and no lighting was proposed.

The applicant stated Strata's engineer was not comfortable with one aspect of the CCAC recommendation. The Carolina Jessamine is a vine and they were concerned it would be a maintenance problem and could get incorporated with other invasive vines such as honeysuckle. This could create an issue with the panels if the maintenance wasn't watched carefully. The Planning Board agreed and therefore requested an alternate that would accomplish the same type screening in that section of fencing only.

The applicant has recommended installing vinyl slats on that section of fence that will accomplish the opaque requirement of the ordinance and the intent of the CCAC recommendation. The Planning staff and Planning Board accept the recommendation.

There will be no noise, lighting, or large signage associated with this site. Signage will be limited to small, attached sign on the perimeter fencing.

The Environmental Quality Director reviewed the Environmental Impact Assessment and determined it met the submittal requirements.

Other than an NCDOT commercial driveway permit, there are no other road improvements needed or required.

It is Planning staff opinion **Finding #4** may be supported. The applicant believes this project is in harmony with the Land Conservation and Development Plan through several defined policies. This site will preserve the rural character of the site by locating on approximately 18 acres within the 98 acre tract.

The use ensures the long-term quality of surface water resources by maintaining a small impervious surface percentage and replanted ground cover. Should the solar farm no longer be in operation, the zoning ordinance requires the facility to be dismantled at the owner's (solar farm owner) expense. The land can then be returned to agricultural use if desired.

It is Planning staff opinion **Finding #5** may be supported. There are no public utilities needed to serve this site except power and no wastewater is needed. An NCDOT commercial driveway permit will be needed.

Erosion and sedimentation control permits and storm water permits will be issued if required. Non-residential land disturbances 20,000 sq ft or higher trigger plan review and approval for all land disturbing activity.

It is the Planning staff opinion, based on the five (5) findings being supported, this request can be recommended for approval.

Recommendation:

The Planning Board by unanimous vote and Planning staff recommends approval of the request with the following conditions:

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission, with the exception of the installation of the Carolina Jessamine, and other modifications as agreed by the applicant at the community meeting, shall be followed and implemented by the end of the next optimal planting season following the issuance of the building permit. It shall be the applicant's responsibility to ensure the survival and maintenance of all landscaping required.
2. As agreed by the applicant, vinyl slats shall be installed in the area where the previously recommended Carolina Jessamine was to be installed in order to provide an opaque screening of that particular area.

Standard Site Conditions

3. 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.
4. 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.
5. A Certificate of Occupancy/Compliance shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or the conditional use permit becomes null and void.

Standard Administrative Conditions:

6. 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.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. 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.