

## **..TITLE**

Legislative public hearing and vote on a request to approve from Enerparc Solar Development LLC for a text amendment to the Chatham County Watershed Protection Ordinance to add the use of Solar Farms to Attachment A of uses permitted.

## **..ABSTRACT**

### **Action Requested:**

Public hearing and vote on a request from Enerparc Solar Development LLC for a text amendment to the Chatham County Watershed Protection Ordinance to add the use of Solar Farms to Attachment A of uses permitted.

### **Introduction & Background:**

Eric Desmarais with Enerparc Solar Development LLC submitted an application for a text amendment to add Solar Farms as an allowable use in Attachment A in the Watershed Protection Ordinance (see attachment #1). The Watershed Review Board reviewed the request during their June 9, 2016 meeting.

### **Discussion & Analysis:**

The Watershed Protection Ordinance includes Attachment A, which is a list of permitted uses for the following watershed districts – WS-II Balance of Watershed, WS-III Critical Area, WS-IV Critical Area, and River Corridor (see map included as attachment #2). The list of uses applies in both zoned and unzoned areas of the county. In the zoned areas of the county, a use must be permitted in both the Watershed Protection Ordinance and Zoning Ordinance to be considered allowable on a property within one of the applicable watershed districts. There are also more stringent non-residential built upon area limits within these districts ranging from 12% (WS-II BW, WS-III CA, and RC) to 24% (WS-IV CA)

Attachment A includes a list of uses that are intended to have a limited impact within the applicable watershed districts (see attachment #3). Examples of uses include single family dwellings, day care centers, public utility facilities, and public utility transmission lines. The rationale behind the limitation is to reduce impacts on drainage areas to critical area water supply watersheds, which are ½ mile from the normal pool elevation of Jordan Lake or 1 mile from water supply intakes along the rivers. This also applies along the river corridors, which are drainage areas within 2,500 feet of the rivers or major waterways in the county.

The text amendment application requests the addition of the following use- Solar Farms. Solar Farms have been approved in other watershed districts in the county that do not regulate use and there are no built upon area limits for solar panels as long as the underlying soil is not impervious.

The Watershed Review Board reviewed the request during their June 9, 2016 meeting and discussion included concern about the removal of existing tree canopy and possible use of solar panels with hazardous chemicals. The board discussed that since built

upon area limits do not normally apply to solar farms, unless gravel or hard packed surfaces are used between panels, they could result in the removal of existing tree canopy to maximize the number of panels installed on a solar farm. They also discussed that solar panel technology is evolving and some solar panels are being developed that use hazardous chemicals which could leak into surrounding soils. Although these types of panels are an emerging technology, the board thought that additional restrictions should apply. The Watershed Review Board by a vote of 8 to 1, recommends approval of the text amendment with the following modifications – *Solar Farms that: 1) Disturb tree cover less than the built-upon area percentage for the corresponding watershed (i.e., Solar Farms in WS-III can disturb less than 12% of existing tree cover). 2) Use only crystalline silicon solar photovoltaics.*

Since the Watershed Review Board has reviewed the request and has made a recommendation, the Board of Commissioners can vote on the request at the conclusion of the public hearing.

**Recommendation:**

Hold the public hearing and vote on a request to amend the Watershed Protection Ordinance. The Watershed Review Board by majority vote (8 to 1) recommends approving the addition of *Solar Farms that: 1) Disturb tree cover less than the built-upon area percentage for the corresponding watershed (i.e., Solar Farms in WS-III can disturb less than 12% of existing tree cover). 2) Use only crystalline silicon solar photovoltaics.*

to Attachment A and adoption of an Ordinance Amending the Watershed Protection Ordinance of Chatham County.