

**VANCE COUNTY BOARD OF ADJUSTMENTS**

The Vance County Board of Adjustments met at a regular and duly advertised meeting on January 9, 2014 at 4:00 p.m. in the Commissioners Meeting Room of the Vance County Administrative Building at 122 Young Street in Henderson, NC.

MEMBERS PRESENT

Blake Haley –Chairperson  
Agnes Harvin – Vice Chairperson  
Ruth Brummitt  
Thomas Shaw  
Rev. Roosevelt Alston  
Alvin Johnson, Jr.  
Phyllis Stainback

ALTERNATES PRESENT

Ruxton Bobbitt – Alternate #1 – no members absent to replace

MEMBERS ABSENT

None

STAFF PRESENT

Jordan McMillen, Planning Director  
Jonathan Care, County Attorney

Chairperson Haley called the meeting of the Board of Adjustment to order and asked for a review of the minutes from the October 10, 2013 meeting. Mr. Thomas made a motion to approve the minutes with 1 minor spelling correction. Ms. Harvin seconded said motion and all present were in favor. VOTES: 7-0.

\*\*\*\*\*

Chairperson Haley introduced the first case explaining the order of business, gave an opportunity for board members to express any conflicts, hearing none and then declared the public hearing open.

**Revision of BOA CASE NO. 20130321-1; Carolyn P. Adcock (owner), BearPond Solar Center, LLC(applicant) – Due to revised layout, request is for approval of revised site plan for 4.99 MWh solar farm.**

Chairperson Haley swore in Mr. McMillen, Mr. Scott Pryor (Director of Development for SunEdison – Bearpond Solar Center, LLC) and Ms. Carolyn Adcock (property owner). Chair Haley then asked Mr. McMillen to present the staff comments. Mr. McMillen presented the staff comments as follows:

**Staff Comments**

The Board provided an approval on March 21, 2013 based upon the following conditions: (1) the inclusion of a 35 ft. rear setback (2) submittal of executed interconnection agreement (3) revision of fence height to 8 ft. (4) Submittal of NC DOT driveway permit.

Since this time the solar farm ownership has changed and the site layout has changed during the design phase of the project. For the most part the solar farm has changed shape and is now closer to the front of the property. It is important to note that with the change, the farm is still 500+ feet from BearPond Road. Due to the significant change in the site layout, staff felt it necessary to have the revised and final site plan reviewed by the Board of Adjustment.

The applicant is requesting a revision to the previously approved conditional use permit to construct a 4.99MW solar farm. As proposed, the solar farm will still be leased from the current property owner and would cover approximately 25 acres. The previous submittal covered approximately 29 acres. The revised submittal does include an 8 ft. fence as previously required. No discussion has taken place to determine whether lighting is proposed within the revised submittal. Previously security lighting was planned to be located at least every 10 ft. along the perimeter.

The revised plan does not change the type of solar panels. They will still have no moving parts and will have a relatively low profile with a maximum height of 8 feet (ordinance requires less than 25 ft). The project area will be a minimum of 375 ft. from any dwelling unit, and will have a minimum 35 ft. setback for the rear of the property. Due to the solar farm location, the revised plan continues to have minimal visual impacts.

Mr. McMillen clarified for the board that the change of ownership or any future changes in ownership of

the solar farm would not impact the zoning requirements that are imposed upon the farm. As an example, Mr. McMillen mentioned that the property owner is the ultimate responsible party (in the case of a lease) to ensure that an abandoned solar farm is cleaned up appropriately. This would not change if the farm operator changed or was not in place in the future.

Ms. Brummitt questioned why the initial application had an additional owner (Sherwood Parks) listed. Mr. Care responded that it would be appropriate to ask for the property deed to clarify this as a condition of approval.

Ms. Harvin questioned whether any additional screening was proposed in the revised plan. Mr. McMillen mentioned that the original proposal did not have any screening included as existing vegetation appears to be in place separating the solar farm from any residences in the area.

**THOSE SPEAKING FOR THE REQUEST**

*Mr. Scott Pryor* (Director of Development for SunEdison – Bearpond Solar Center, LLC) addressed the board and explained the solar farm ownership change. He explained that this is fairly common in the solar industry.

As a result of the geotechnical work done during the design phase it was necessary to reconfigure the farm layout.

Ms. Stainback questioned whether lighting and/or screening would be installed. Mr. Pryor mentioned that lighting is not common within their designs and he did not believe this would be included which will cut down on the light pollution. Ms. Harvin pointed out that there are no requirements for lighting within the ordinance. Mr. Pryor also mentioned that no additional screening is planned as this will not be visible from the main road. The board discussed the screening requirement and determined that the existing screening shall remain in place for the life of the project. If the screening situation changes in the future then adequate screening will be a requirement at that time.

Ms. Harvin questioned whether any additional power poles would be included. Mr. Pryor mentioned that there would be overhead power poles between the interconnect point and the solar farm. Ms. Harvin pointed out that the new utility line should be located underground as per the zoning ordinance. Mr. Care questioned Mr. Pryor whether Duke-Progress Energy or the solar farm operator controlled the interconnection point. Mr. Pryor was unaware of the entity that would control this location. Mr. Care recommended to the board that they condition the approval upon having information provided pursuant to the ordinance which explains the basis for not having the line fully underground to Bearpond Road. Mr. McMillen mentioned that the interconnection point will need to be shown on the site plan to help in determining the underground utility requirement.

**THOSE SPEAKING AGAINST THE REQUEST**

None present

*Chairperson Haley declared the public hearing closed.*

**DECISION:**

Ms. Harvin made a motion to approve the revised site plan with the following conditions: (1) Confirmation by deed that Carolyn Adcock is the only owner (2) Inclusion of the interconnection point on the site plan and submittal of information in accordance with the ordinance that addresses underground utilities – requirement shall be verified by Mr. McMillen (3) No additional screening requirements are needed at this time, but the existing screening which meets the standards of the ordinance must remain for the life of the solar farm. These conditions are in addition to the conditions from the March 21, 2013 hearing approval. Mr. Shaw seconded said motion and all present were in favor. VOTES: 7-0.

\*\*\*\*\*

**OTHER BUSINESS:** Election of new chairperson and vice chairperson.

Motion made by Ms. Brummitt to appoint Mr. Thomas Shaw as the Chairperson; second by Ms. Harvin. Votes: 7-0.  
Motion made by Ms. Brummitt to appoint Mr. Alvin Johnson as the Vice-Chairperson; second by Ms. Harvin. Votes: 7-0.

**ADJOURNMENT:** There being no further business, Chair Haley declared the meeting adjourned.