

**Planning and Development Department**

156 CHURCH STREET, HENDERSON, NC 27536

(252) 738-2080 / FAX 738-2089

**Staff Report 09/11/2014**

**Owner:** James & Kimberly Champion (0375 01015) and John Bennett, Jr. & Ronald Bennett (0375 01001)

**Applicant:** FLS Energy, LLC

**Parcel ID:** 0375 01015 and a portion of 0375 01001

**Location:** Stagecoach Road, approx. 0.6 miles west of Kelly Road

**Current Zoning:** (A-R) Agricultural Residential

**Public Hearing:**  
09/11/2014

**Prepared by:**  
David Robinson

**Description of Conditional Use Permit Request:**

The applicant is requesting a conditional use permit to allow construction of a 4.99 MW solar farm under the use category of "Solar Energy System, Large Scale".

**Exhibits as follows:**

- Exhibit 1.** Application
- Exhibit 2.** Applicant's supporting materials
- Exhibit 3.** Surrounding zoning and property owner map
- Exhibit 4.** Solar Farm regulations (as per zoning ordinance)
- Exhibit 5.** Conditional Use Permit Check List

**DRAFT Findings of Fact**

1. The request is for a conditional use permit to allow a 4.99 MW solar farm on a parcel zoned (A-R) Agricultural Residential.
2. James & Kimberly Champion own a 25 acre parcel (0375 01015) and John Bennett, Jr. and Ronald Bennett own a 200 acre parcel (0375 01001). FLS Energy, LLC is to purchase 0375 01015 (in its entirety) and a portion (17 acres) of 0375 01001.
3. The property is located on the south side of Stagecoach Road across from Crowder Farm subdivision, approximately 0.6 miles west of Kelly Road.
4. The property consists of 42 +/- acres of which 26.4 acres will be the array footprint. The property currently is partly wooded with no structures.
5. The lot is currently zoned (A-R) Agricultural Residential.
6. The application requesting a conditional use permit was filed on August 20<sup>th</sup>, 2014.
7. The adjoining property owners were notified on August 26<sup>th</sup>, 2014.
8. The property was posted on August 29<sup>th</sup>, 2014.
9. The legal notice was run in the Henderson Daily Dispatch on August 27<sup>th</sup> and September 3<sup>rd</sup>, 2014.

**Staff Comments**

The applicant is requesting a conditional use permit to construct a 4.99 MW solar farm. As proposed, the solar farm project would involve the purchase of a 25 acre parcel (0375 01015) and a portion of a 200 acre parcel (0375 01001) for a total property area of 42 acres. The proposed array footprint area will be 26.4 acres. The intent of FLS Energy, LLC is to record a recombination survey to reflect the new property boundaries and acreage of the project area. It is recommended that the board require completion and recordation of the recombination survey prior to staff releasing the conditional use permit.

The proposal states that FLS will leave natural wooded buffers in place to reduce visibility, with no tree removal to take place within 20 feet of neighboring properties. Side setbacks will range from 129 feet to 209 feet, rear setbacks will be greater than 150 feet, and the minimum front setback will be 70 feet. Following construction, FLS proposed to fence in the solar farm with a chain link fence with a height of at least eight feet. Access to the site will be controlled via keyed locks. No details have been provided on whether lighting would be provided, the type of groundcover that would be utilized, or how the groundcover/weeds will be controlled within the site.

The solar panels will have no moving parts and will have a relatively low profile with a maximum height of 7.5 feet (ordinance requires less than 25 feet).

	<p><b>Initial Review Items:</b></p> <ol style="list-style-type: none"><li>1. NCDOT - The application includes correspondence with DOT regarding a driveway permit. DOT inspected the Stagecoach site and will require vegetation to be cut along road frontage to achieve the minimum site distance.</li><li>2. NCDENR – Division of Water Quality has no objections to project, but requires an erosion and sedimentation control plan. It is recommended that the NCDENR certificate of completion be submitted prior to issuance of the local certificate of occupancy.</li></ol>
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# Vance COUNTY

NORTH CAROLINA

## Conditional Use Permit Application

Vance County Planning & Development Department

156 Church Street, Suite 3  
Henderson, NC 27536  
Ph: (252) 738-2080  
Fax: (252) 738-2089

### For Administrative Use Only:

Case #	20140911-1
Fee Paid	\$250.00 ck
BOA Date	9-11-2014

### Property Owner Information

Property Owner: James T. Champion and Kimberly P. Champion  
Mailing Address: 200 Nutbush Drive  
City: Manson State: NC Zip Code: 27533  
Phone #: ( 252 ) 213 - 0099 Fax #: ( ) -  
E-mail Address: kksnws@vance.net

### Applicant Information

Applicant: FLS Energy, Inc. on behalf of Stagecoach Owner, LLC  
Mailing Address: 130 Roberts Street  
City: Asheville State: NC Zip Code: 28801  
Phone #: ( 828 ) 350 - 3993 Fax #: ( ) -  
E-mail Address: greg@flsenergy.com

### Property Information *For multiple properties please attach an additional sheet.*

Property Address: Stagecoach Road (unimproved land with no E911 address currently)  
Tax Map Number: 112 PIN (parcel identification #): 0375 01015  
Type of Petition: Conditional Use Permit  
Existing Zoning: A-R Proposed Zoning: A-R  
Acreage: +/- 25 acres Road Frontage: +/- 750 feet  
Existing Use: unimproved, mostly wooded land

### Deed Reference

- ☐ Metes and bounds description attached
- ☐ Site plan/sketch of proposal attached



# Vance COUNTY

NORTH CAROLINA

## Conditional Use Permit Application

Vance County Planning & Development Department

156 Church Street, Suite 3  
Henderson, NC 27536  
Ph: (252) 738-2080  
Fax: (252) 738-2089

### For Administrative Use Only:

Case #	20140911-1
Fee Paid	\$250.00 CF
BOA Date	9-11-2014

### Property Owner Information

Property Owner: John T. Bennett, Jr. & Ronald E. Bennett  
Mailing Address: 3300 Stagecoach Road  
City: Henderson State: NC Zip Code: 27537  
Phone #: ( 252 ) 425 - 5928 Fax #: ( ) -  
E-mail Address: hillsidefarms13@yahoo.com

### Applicant Information

Applicant: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: ( ) - Fax #: ( ) -  
E-mail Address: \_\_\_\_\_

### Property Information *For multiple properties please attach an additional sheet.*

Property Address: Stagecoach Road  
Tax Map Number: \_\_\_\_\_ PIN (parcel identification #): 0375 01 001  
Type of Petition: Conditional Use Permit  
Existing Zoning: AR Proposed Zoning: AR  
Acreage: 15 acres Road Frontage: +/- 380 feet  
Existing Use: unimproved wooded land

### Deed Reference

- ☐ Metes and bounds description attached
- ☐ Site plan/sketch of proposal attached



# Vance COUNTY

NORTH CAROLINA

## Conditional Use Permit Application

Vance County Planning & Development Department

### Statement of Justification

1. Application is hereby made for the following use: *Please explain below:*

Solar Energy System, Large Scale. The project will provide renewable electricity to  
Duke Energy Carolinas local distribution point.

2. The intent is to : *Check all that apply:*

- ☒ Construct a new structure for a conditional use;
- ☐ Repair the existing structure for the conditional use;
- ☐ Alter and/or expand the existing structure for the conditional use;
- ☐ Other

3. The following requirements have been provided: *Check all that apply:*

- ☒ Site plan;
- ☒ Property description;
- \* ☐ NC DOT entrance permit (if applicable);  
*Please see attached e-mail from NC DOT.*

4. Additional information:

FLS Energy is one of the U.S. 's top developers, and a long term owner of  
best-in-class solar energy projects. We are also unique in that we own, not lease the  
land.

**In order to issue a Conditional Use Permit, the Board shall consider each of the following conditions, and based on the evidence presented at the hearing(s) make findings in regards to each and must find that the issuance of the Conditional Use Permit is in the best interest of the county.**

A. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located.

Yes ☒ No ☐

FLS takes pride in being a low-impact neighbor, and as an owner of both the project  
and the land, of maintaining an attractive project.

B. The use or development is located, designed and proposed to be operated so as to maintain or promote the public health or safety;

Yes ☒ No ☐

All of our projects are developed to not exceed 7.5' in height, and use top tier  
equipment having low glare (with anti-reflective coating) and barely audible noise.



# Vance COUNTY

NORTH CAROLINA

## Conditional Use Permit Application

Vance County Planning & Development Department

- C. The use or development complies with all required regulations of the Zoning Ordinance and all applicable specific conditions and specifications;

Yes ☒ No ☐

The project will meet and exceed requirements for setbacks and will be another model for best practices for similar solar projects.

- D. The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of adjoining or abutting property, or that use or development is a public necessity;

Yes ☒ No ☐

Using best practices, included preserving natural buffers, and using large setbacks, FLS intends minimize the impact on the adjacent rural and residential areas.

- E. The use or development will be in harmony with the area in which it is located and will be in general conformity with the plan of development of the County.

Yes ☒ No ☐

Solar farms are a safe, low-impact development that require very little maintenance during their life. The lack of traffic and impact works well in low density areas.

### Property Owners Signature

James T. Champion Kimberly P. Champion  
Please sign in blue or black ink

Date 8-11-14

### Applicants' Signature

Greg N...  
Please sign in blue or black ink

Date 8/11/14



# Vance COUNTY

NORTH CAROLINA

## Conditional Use Permit Application

Vance County Planning & Development Department

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Yes ☐ No ☐

- D. The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of adjoining or abutting property, or that use or development is a public necessity;

Yes ☐ No ☐

- E. The use or development will be in harmony with the area in which it is located and will be in general conformity with the plan of development of the County.

Yes ☐ No ☐

**Property Owners Signature**

*Ronald E. Bennett, John T. Bennett*

*Please sign in blue or black ink*

Date

8-13-14

**Applicants' Signature**

Date

*Please sign in blue or black ink*





# Vance COUNTY

NORTH CAROLINA

## Conditional Use Permit Application

Vance County Planning & Development Department

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Yes ☒ No ☐

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Using best practices, included preserving natural buffers, and using large setbacks, FLS intends minimize the impact on the adjacent rural and residential areas.

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### Property Owners Signature

\_\_\_\_\_  
Please sign in blue or black ink

Date \_\_\_\_\_

### Applicants' Signature

Stagercoach Owner, LLC  
Please sign in blue or black ink

Date 8/13/14

By: FLS 2014 B Manager, LLC, its Manager

By: FLS Energy, Inc., its Manager

By: [Signature]  
Dale Frendenberger, CEO





In support of the Conditional Use Permit Application for the property located along **Stagecoach Road**, and enclosed herein, we offer the following:

1. A check in the amount of **\$250.00** representing the application fee;
2. Completed and executed Application;
3. E-mail from Roger Elliott (NCDOT) commenting on our proposed driveway;
4. General Warranty Deeds for the Bennett (15 acres of the larger parcel) and Champion properties;
5. National Wetland Inventory Map from U.S. Fish and Wildlife surface showing that the property is outside of wetland areas;
6. Letter from the NC State Clearinghouse commenting on the suitability of the site for the proposed solar project;
7. E-mail from Duke Energy Carolinas (Progress Energy) stating that the project is capable of being connected at the proposed site;
8. One page sheet discussing the proposed technology;
9. Business Plan (covering both projects);
11. Site Plan over survey with setbacks and proposed vegetative buffers (10 Copies);
12. Phase I Environmental Site Assessment;
13. Tax Cards.

The Vicksboro Road and the Stagecoach road solar farms are late stage projects in the FLS Energy 2014-2015 pipeline. As such, the FLS engineering team and operations associates are working diligently to ready this project for construction, pending government approvals. We currently have purchase agreements in place for the property and plan to own the land in fee simple following closing. In addition to FLS Energy owning the underlying land, FLS would also install, own, operate, maintain and remove the equipment.

During the construction process, the procedure followed is to follow NC DWQ Best Management Practices related to stormwater management and to design ground cover as pervious to the maximum extent possible. Solar photovoltaic projects such as the ones proposed require very little maintenance; however, the sites offer ample room for parking service vehicles in the event such maintenance is required. Following construction, the solar farm will be fenced in a chain link fence with a height of at least six feet (6'); with such fence being continuously maintained for the duration of the project. Access to the site shall be controlled via keyed locks; however, Emergency Services shall have access to the site at all times.

With respect to the **Stagecoach Road** site, FLS will leave in place the natural wooded buffers to reduce visibility from the adjoining property owners, and to provide for a transition between uses. In addition, the model solar ordinance prepared with a working group of local planners and government agencies recommends 20' – 30' front; 15' side and 25' rear setbacks. Our design method, which may serve as a benchmark in the industry, takes an aggressive



approach to setbacks, and thus allows for large buffers on all sides. For instance, on the current site, side setbacks range from 129' at the minimum up to 209' at maximum. Rear setbacks are over 150'.

With respect to the **Vicksboro Road** site, the proposed use promotes a legitimate public purpose in that it contributes to the revitalization of the property, it promotes economic stability of the region, and helps diversify the power mix of the neighborhood. During the development process, FLS had conversations with James Falk, the representative for the cemetery within the parcel, as well as with local officials regarding the septic tanks on the premises. Based on environmental considerations and respect for the families of the individuals buried on the property, FLS will only develop the back portion of the site. We've worked with the Falk family to create an access drive away from the current driveway to the cemetery. Similar to Stagecoach, the property will leave in place the natural wooded buffer adjacent to the Farmington subdivision to reduce visibility to neighbors.

The projects will consist of tier-one, third party tested, high warranty solar modules installed in arrays, which are then mounted on racks. The panel height shall be no greater than seven and a half (7.5) feet (where typically they can be over 20'). During construction approximately fifty deliveries of major equipment will reach the site, generally over the course of three to four weeks. Construction will take between two and three months to reach substantial completion. Following construction, no materials will be stored on-site. Within six (6) months after completion of construction of the solar project, FLS shall restore its property to a condition reasonably similar to its condition prior to construction; and in the event FLS sells the property for a use other than for solar energy, FLS shall remove the equipment from the property and restore the site to a condition that will offer us the highest re-sale value. The equipment has a useful life beyond 20 years and continues to produce eighty percent of its revenue, even at that time.

Solar energy projects like the ones proposed represent valuable assets in the community – creating local construction jobs, workforce training, economic development, increased property tax base, and ongoing educational opportunities. FLS has completed several projects throughout North Carolina, including one of the state's first solar farms on top of a closed landfill. Because of the nature of the technology (no air or noise pollution) and low amount of maintenance required of such projects, there will be no discernible effects on traffic in the area, and otherwise, the project will have no adverse impact on the health, safety or welfare of Vance County or the general public.

We believe that the proposed development of the property is in keeping with responsible land use, is most suitable for A-R zoned areas, and the project will provide a model for best practices for future projects by either FLS Energy, Inc. or other developers in the state. Our goal in working with Vance County will be to create two well-planned solar project that is built to the greatest extent possible in harmony with the area in which it is located and in general conformity with the Vance County Zoning Ordinance.



I look forward to once again collaborating with your office and the public in the process. Please feel free to contact me directly if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Ness", is positioned below the word "Sincerely,".

Greg S. Ness  
Assistant General Counsel, FLS Energy, Inc.  
(828) 233-8130/[greg@flsenergy.com](mailto:greg@flsenergy.com)

**J. Patrick Price**  
**Environmental Consultant**

**PHASE 1**  
**ENVIRONMENTAL SITE ASSESSMENT**

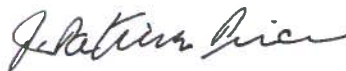
**Champion Property**  
**1911 Stagecoach Road**  
**Henderson, North Carolina 27357**

*Prepared for:*

**Stagecoach Owner, LLC**  
**FLS Energy, Inc.**  
**130 Roberts Street**  
**Asheville, NC 28801**

*Date:*

**July 8, 2014**



**J. Patrick Price**  
**Certified Environmental Assessor**

**26 Zephyr Drive, Asheville, NC 28806**  
**Phone/Fax: 828-252-1118**  
**E-mail: patrickprc@aol.com**



## I. EXECUTIVE SUMMARY/RECOMMENDATIONS

A Phase I Environmental Site Assessment, as specified by ASTM E1527-13, and the Standard Guide for Vapor Encroachment Screen on Property, ASTM 2600-10, has been completed with respect to the property located at 1911 Stagecoach Road, Henderson, NC 27357. There are no structures on the property. The acreage of the property is approximately 25 acres. The property was clear cut in May, 2012 and is now an open field with shrubs and small trees. The adjacent properties on both the east and west sides are heavily wooded. There is a residential development across Stagecoach Road.

No non-compliance issues were noted during data collection or during site visit.

- I have performed a Phase 1 Environmental Site Assessment in conformance with the scope and limitation of ASTM Practice 1527-13 of the property located along Stagecoach Road, Henderson, NC. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.
- I have the specific qualification based on education, training and experience to assess a property of the nature, history and setting of the subject property. I have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR 312.

**Greg Ness**

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**From:** Tal Ingram  
**Sent:** Tuesday, August 05, 2014 3:50 PM  
**To:** Greg Ness  
**Subject:** FW: Vance County- Driveway permit

Any further questions while I have his attention?

Talbott Ingram  
Project Manager, FLS Energy Inc.  
130 Roberts Street | Asheville, NC | 28801  
O 828.350.3993 | C 828.279.1131

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**From:** Elliott, Roger M [<mailto:relliott@ncdot.gov>]  
**Sent:** Tuesday, August 05, 2014 3:37 PM  
**To:** Tal Ingram  
**Cc:** Winstead, Stephen D  
**Subject:** RE: Vance County- Driveway permit

Talbott,  
Went out and looked at sites you submitted. I offer these preliminary comments: the Vicksboro Road site meets our minimum required sight distance for an entrance onto NCDOT highway system, the one on Stagecoach road will require vegetation to be cut(on your property frontage) to achieve the minimum sight distance. Hope this is the information you needed. If not please let me know.  
Sincerely,

Roger Elliott

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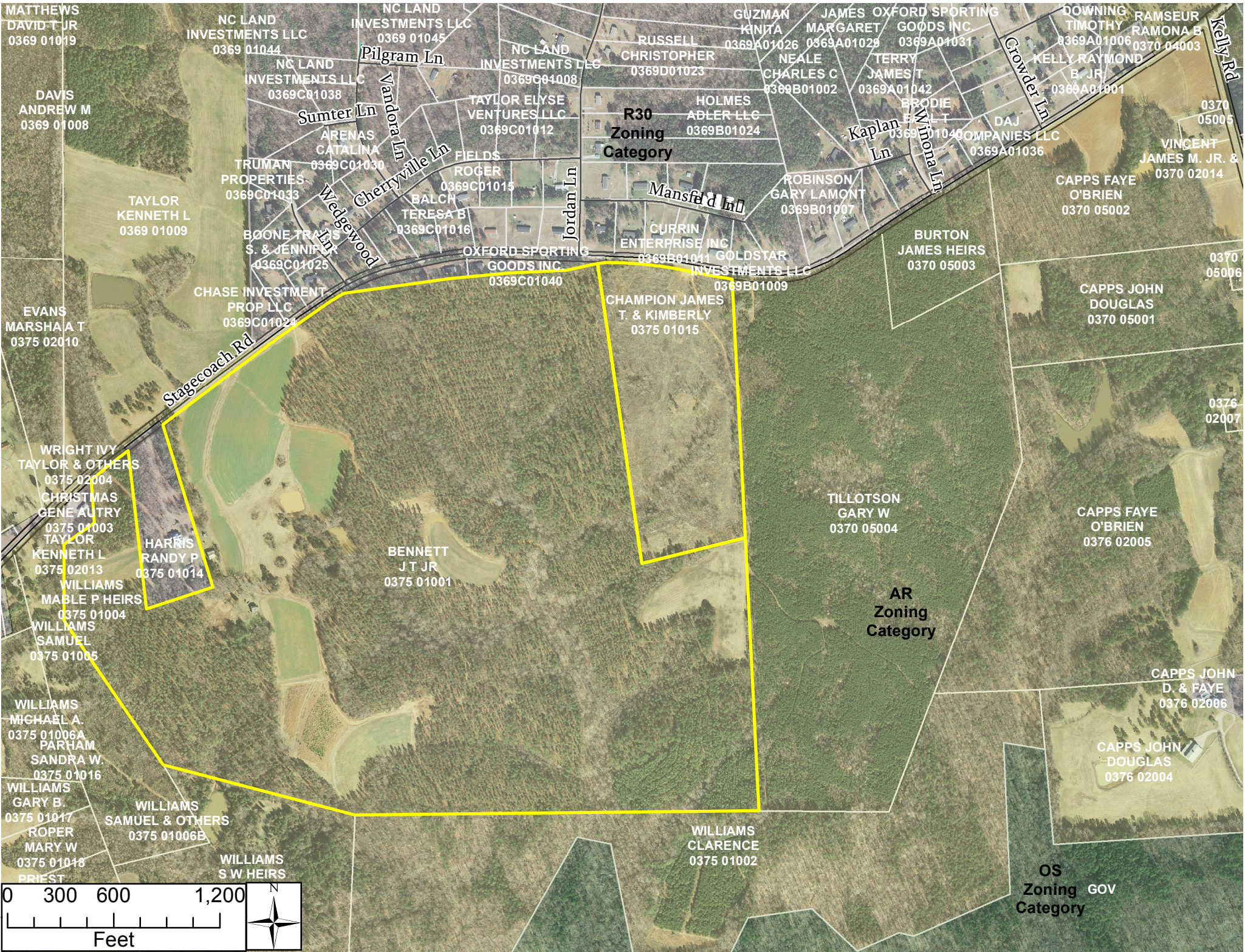
**From:** Tal Ingram [<mailto:tal@flsenergy.com>]  
**Sent:** Monday, August 04, 2014 10:27 AM  
**To:** Elliott, Roger M  
**Subject:** Vance County- Driveway permit

Roger,  
To follow up on my recent call. Josh Crumpler recommended I speak with you about how to proceed on acquiring a driveway permit in Vance County. Currently, they will not approve a permit without an approved DOT driveway permit. However, they will not release an E911 address until the conditional use permit is approved. I have attached out site plan layouts for reference. If these look acceptable, would you say these driveway locations are suitable and could be approved so the county will release an E911 to us?

Could you please give me a call this morning to discuss possible options on how to proceed? My cell below is the best place to reach me.  
Thank you,

Talbott Ingram  
Project Manager, FLS Energy Inc.  
130 Roberts Street | Asheville, NC | 28801  
O 828.350.3993 | C 828.279.1131







Use Type	AR	R30	R20	R10	RMHC	HC	GC1	LI	IM	EIA	OI	OS	WOZ	Parking-Loading
Adult Establishments	X	X	X	X	X	CU	CU	CU	X	X	X	X	X	Parking: 4 per 1,000 SF Loading: N/A
Airports	CU	X	X	X	X	X	CU	CU	CU	CU	CU	X	X	Special Study Required***
Commercial Communications Towers (Cell Towers)	CU	X	X	X	X	CU	CU	CU	CU	CU	CU	CU	CU	Parking: 2 per tower Loading: 1
Cemetery (Church, Family)	P	P	P	CU	X	X	X	X	X	X	X	P	CU	N/A
Cemetery (Commercial)	P	CU	X	X	X	X	X	X	X	X	X	CU	CU	Parking: 6 per 1,000 SF of office-building Loading: 1
Shooting Ranges	CU	X	X	X	X	X	X	X	X	X	X	CU	CU	Parking: 1.5 per shooting station Loading: 1
Solar Collector (Accessory)	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Solar Energy Systems, Large Scale (Solar Farms)	CU	X	X	X	X	X	X	CU	CU	CU	CU	X	X	Parking: 1/ every 2 employees on shift of greatest employment
<b>TEMPORARY USES</b>														
Commercial (temporary-see Definitions) Outdoor Sales	P	P	X	X	X	P	P	P	P	P	P	P	P	Parking: staff review Loading: N/A
Concrete/Asphalt Operations	X	X	X	X	X	X	X	CU	P	X	X	X	X	Parking: staff review Loading: 1 per vehicle
Contractor's Office (located at project site for duration of project)	CU	CU	X	X	X	CU	CU	CU	P	CU	CU	X	CU	Parking: 1 per 200 SF Loading: N/A
Farmstand	P	P	X	X	X	P	P	P	X	X	X	P	P	Parking: 8 spaces Loading: N/A
Manufactured Housing Unit for Office and/or Exhibition	CU	CU	CU	CU	P	P	P	P	X	X	CU	CU	CU	Parking: 1 per vehicle Loading: N/A
Manufactured Home for Hardship	CU	CU	CU	CU	P	X	X	X	X	X	X	X	CU	Parking: 2 per dwelling unit Loading: N/A
Public Interest Event and/or Special Event	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	Parking: 1/patron Loading: 1 per vehicle
Temporary Miscellaneous Sales (see Definitions)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	Parking: 1 per vehicle Loading: N/A
***See Section 6.10.L														

- c. *Warning signs.* Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at one hundred-foot intervals along the entire perimeter of the shooting range facility and along the entire perimeter of the property lines in the same intervals.
  - d. *Distance from occupied dwelling.* All shooting stations, targets, and firing lines shall be located at least one-half (1/2) mile from any existing, occupied dwelling.
  - e. *Access to facility.* Access to the facility and shooting range shall be secured and controlled, with ingress and egress permitted only during operating hours as established below. Prior to issuance of a permit, a valid driveway permit must be obtained from North Carolina Department of Transportation.
  - f. *Written variance.* The distance requirements of this section may be varied with written permission in the form of an affidavit from all adjoining property owners and all rightful leaseholders of dwellings located within the ½ mile surrounding area affected thereby, except that written approval is not needed for any adjoining land owned by the State of North Carolina.
5. **Operational Requirements:**
- a. *Maintenance.* Where not otherwise specified within this ordinance, shooting range facilities shall be operated and maintained in a manner that shall meet or exceed the guidelines as specified by the Range Technical Team Advisor upon inspection going by the guidelines in the NRA's Range Source Book: A Guide to Planning and Construction, current edition.
  - b. *Best Management Practices.* Outdoor Shooting Ranges shall provide a plan outlining its Best Management Practices (BMPs) relating to lead management. Said plan shall meet or exceed the guidelines as specified by the Environmental Protection Agency's (EPA) Best Management Practices for Lead at Outdoor Shooting Ranges, current edition.
  - c. *Hours of operation.* Shooting Ranges shall be allowed to operate between sunrise and sunset Monday through Saturday, except that the hours may be extended after sunset for purposes of subdued-lighting certification of law enforcement officers, or may be extended for other purposes only when a permit allowing such activity is issued in advance by the Sheriff's Office.
  - d. *Liability insurance.* The permittee shall be required to carry a minimum of three million dollars (\$3,000,000.00) per occurrence of liability insurance. Such insurance shall name Vance County as an additional insured party and shall save and hold Vance County, its elected and appointed officials, and employees acting within the scope of their duties harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of the acts or omissions of the permittee, his/her group, club, or its agents or representatives. The County shall be notified of any policy changes or lapses in coverage.

#### **N. Solar Energy Systems, Large Scale (Solar Farms)**

- 1. Height: Systems, equipment and structures shall not exceed twenty-five (25) feet in height when ground mounted. Excluded from this height requirement, however, are

electric transmission lines and utility poles. Roof mounted systems shall not exceed the maximum height for the applicable zoning district.

2. Setback: Active solar system structures must meet the following setbacks:
  - a. Ground mounted– Ground mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the zoning district in which it is located.
3. Screening and Fencing: Adequate fencing shall be provided along the perimeter of the area (with all entrances gated) to prevent trespassing on the property.
4. Lighting: All lighting shall be arranged and shaded so as to reflect the light away from adjoining properties and streets.
5. Noise: Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.
6. Power Transmission Lines: To the extent practical, all new power transmissions lines to any building, structure or utility connection shall be located underground. Existing above ground utility lines shall be allowed to remain in their current location.
7. Approved Solar Components: Electric solar system components must have a UL listing.
8. Compliance with Building and Electrical Codes: All solar farms shall be in conformance with the requirements of the State Building and Electrical Codes (current addition), the State of North Carolina and Vance County. All active solar systems shall be inspected by a Vance County building inspector.
9. Utility Notification: No grid tied photovoltaic system shall be installed until evidence has been given to the Planning and Development Department that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
10. Abandonment: It is the responsibility of the owner to notify the County and to remove all obsolete or unused systems within twelve (12) months of cessation of operations. Reusable components are to be recycled whenever possible.

O. WIRELESS COMMUNICATIONS TOWERS (“CELL TOWERS”)

1. The purpose of the following requirements is to promote and to protect the public health, welfare, and safety by regulating existing and proposed communication towers. The requirements are intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of designated areas.
2. *General Requirements.* When allowed, such towers and associated equipment shall be subject to the following additional requirements:
  - a. Towers shall not interfere with normal radio and television reception in the vicinity. Commercial messages shall not be displayed on any tower. Violations shall be considered zoning violations and shall be corrected under the enforcement provisions.
  - b. Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if lighting is required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.
  - c. Towers shall be constructed and maintained in conformance with all applicable building code requirements.
  - d. In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide appropriate

### Conditional Use Permit Check Sheet

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

2. The use or development is located, designed and proposed to be operated so as to maintain or promote the public health or safety.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

3. The use or development complies with all required regulations of the Zoning Ordinance and all applicable specific conditions and specifications.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

4. The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of adjoining or abutting property, or that the use is a public necessity;

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	

5. The use or development will be in harmony with the area in which it is to be located and will be in general conformity with the plan of development of the County.

	True	False		True	False		True	False	TOTAL
Alston:	<input type="checkbox"/>	<input type="checkbox"/>	Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	