



Staff Report 12/10/2015

Owner: Claude Jackson

Applicant: ESA
Henderson NC, LLC

Parcel ID: 0224 02021

Location: 1444 Facet
Road (ESA Henderson 2,
LLC)

1454 Facet Road (ESA
Henderson NC, LLC)

Current Zoning: (LI)
Light Industrial

Quasi-Judicial Hearing:
12/10/2015

Prepared by:
Jordan McMillen

Description of Conditional Use Permit Request:

The applicant is requesting a conditional use permit to allow construction of a 5 MW solar farm under the use category of "Solar Energy System, Large Scale".

Exhibits as follows:

- Exhibit 1.** Application & signature pages with Decommissioning Plans
- Exhibit 2.** Site Survey (to be recorded upon approval) & Aerial Zoning Map
- Exhibit 3.** NCDOT Driveway Permit and NPDES Stormwater Compliance
- Exhibit 4.** Variance approval letter allowing 2 solar farms w/in 1,000 feet
- Exhibit 5.** Site Vegetation Photos
- Exhibit 6.** Solar Farm regulations (as per zoning ordinance)
- Exhibit 7.** Conditional Use Permit Check List
- Exhibit 8.** Site Plan (ESA Henderson – 43 acres)
- Exhibit 9.** Site Plan (ESA Henderson 2 – 28 acres)

DRAFT Findings of Fact

1. The request is for a conditional use permit to allow a 5 MW (ESA Henderson NC, LLC) solar farm and a 2 MW (ESA Henderson 2, LLC) solar farm on a parcel zoned (LI) Light Industrial. The parcel will be subdivided prior to issuance of a conditional use permit.
2. The property is owned by Claude Jackson.
3. The property is located at 1454 Facet Road (EDA Henderson NC, LLC) and 1444 Facet Road (ESA Henderson 2, LLC) or more specifically as tax parcel ID 0224 02021.
4. The property consists of 71.4 acres of which would be divided into a 43.16 acre parcel containing a 5 MW solar farm and divided into a 28.25 acre parcel containing a 2 MW solar farm.
5. The majority of the property is wooded.
6. The application previously was approved for a variance allowing the separation distance between two solar farms of 1,000 to be removed. This is due to the solar farms being directly adjacent once the lot is subdivided.
7. The application requesting a conditional use permit was filed on October 13, 2015.
8. The adjoining property owners were notified on November 25, 2015.
9. The property was posted on November 30, 2015.

Staff Comments

The board previously approved a conditional use permit for a 10 MW solar farm on 8/14/2014 which expired after 12 months of inactivity. Since this time, it was necessary to split the solar farm into two separate solar farms (one 5 MW and one 2 MW). The board previously approved a variance on 9/17/2015 to allow these two solar farms to be within 1,000 feet of each other. The applications being considered as a part of this submittal are for two separate conditional use permits for each of the 2 solar farms. Both applications are combined within this single staff report and action can be taken together as long as both applicants are identified within the action.

ESA Henderson NC, LLC is the applicant proposing to construct a 5 MW solar farm on 43 acres on the rear of the property and ESA Henderson 2, LLC proposes to construct a 2 MW solar farm on 28 acres on the front of the property adjacent to Facet Road. Each of the properties would be leased from the property owner, Claude Jackson and each farm would share an entrance and have separate addresses. An NCDOT driveway permit and E-911 addresses have all been obtained and submitted to staff. A condition of approval should be the finalization of the subdivision survey creating tracts 1 and 2. Prior to

finalizing building inspections, each address will need to be posted at the main entrance along Facet Road.

Overall the property is gentle and rolling in terrain with a low point running through the property where the wetlands and blue line stream are located. The property slopes up from the stream to Facet Road and slopes up as you travel along Facet Road from North to South to the intersection with Bearpond Road. Each of the solar farms show 100 foot front setbacks and 50 foot side setbacks in accordance with the revised solar farm regulations. It does not appear that the 100 foot buffer extends from the proposed 30 foot access easement extending across the front of tract 2. This will need corrected on the site plan. The site plan does show an 8 ft. fence topped with barb wire. The site plan also shows use of existing vegetation for the most part as a vegetative buffer which will be supplemented as needed with 1 evergreen tree and 18 evergreen shrubs per 100 linear feet within a 20 foot screening area. As per the ordinance the entire width of the screening area would need to be a minimum of 30 feet wide and no details are provided as to the specific extent of new plantings vs. existing vegetation. Also, from reviewing the planting layout on the site plan, it does not appear that the shrubs will meet the minimum 8 foot height requirement. Staff would recommend using existing vegetation to the greatest extent possible and when new plantings are necessary a denser planting of trees to ensure an adequate screening is created. Pictures of the existing vegetation are included to show the condition/height of the existing vegetation.

The solar panels will have no moving parts and will have a relatively low profile with a height of less than 10 feet (ordinance requires less than 25 feet). The project area will be approximately 300 ft. from the nearest structure (Bearpond Vol. Fire Department building) and the solar panels will be approximately 550 feet from the building.

Staff Review Items

- The subdivision survey needs to be finalized and recorded.
- Prior to final inspections approval, both addresses must be posted at the site entrance.
- Overall detail on use of existing vegetation versus planting new vegetation is very minimal; If new vegetation is to be used, it does not appear to be dense enough to provide adequate screening and will need increased to 30 feet wide as per the zoning ordinance. Staff recommends using existing vegetation to the maximum extent possible.
- The setback area does not appear to be adequate along the newly proposed access easement. This will need to be 100 feet from the edge of the access easement.
- A non-disturbance area of 50 feet must be maintained surrounding the stream.
- The executed pages of the interconnection agreement with Duke Energy Progress needs to be submitted prior to releasing conditional use permit – could be condition of approval.
- NCDENR has reviewed the site, but an erosion and sedimentation control permit will need to be obtained prior to issuance of conditional use permit – could be condition of approval.



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 #	
Fee Paid	
BOA Date	

Property Owner Information

Property Owner: Claude Jackson

Mailing Address: 100 West Winds Road

City: Macon State: NC Zip Code: 27551

Phone #: (863) 657 - 2520 Fax #: () -

E-mail Address: verianandclaud@embarqumail.com

Applicant Information

Applicant: ESA Henderson NC, LLC

Mailing Address: 4150 St. Johns Parkway, Suite 1000

City: Sanford State: FL Zip Code: 32771

Phone #: (407) 915 - 5436 Fax #: () -

E-mail Address: kcampbell@esarenewables.com

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

Property Address: 611 Bearpond Road

Tax Map Number: _____ PIN (parcel identification #): 0224 02021

Type of Petition: Conditional Use permit

Existing Zoning: LI Proposed Zoning: LI

Acreage: Total: 68.15/Developed: 42.577 Road Frontage: 2017

Existing Use: Vacant

Deed Reference

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



Vance COUNTY

NORTH CAROLINA

Conditional Use Permit Application

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Statement of Justification

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

Ground Mount Solar Farm

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);

4. Additional information:

Vance County Board of Adjustments met on September 17, 2015 and approved a variance request for solar farms on tax parcels 022402021 and 022402026.

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

The property is currently zoned as Light Industrial.

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

The use and development is located, designed, and proposed to be operated to maintain and promote public health and safety.

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Vance COUNTY

NORTH CAROLINA

Conditional Use Permit Application

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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 complies with all required regulations of the Zoning Ordinance and all applicable specific conditions and specifications.

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

The project is located, designed and will operate to enhance the value of adjoining property through job creation, creation of clean renewable energy, and increase to the tax base. It will be landscaped to screen the project from view and will have no emissions or make any noise affecting the neighbors.

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

The 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.

Property Owners Signature
Glenn T. Jackson
Debra Jackson

Date 5/30/15

Applicants' Signature
[Signature]

Date 6-30-15

Decommissioning Plan

Decommission Plan for ESA Henderson NC, LLC
Prepared and Submitted by ESA Henderson NC, LLC

Date: 10/09/2015

As required by Vance County as a requirement of the *Ordinance for Solar Energy Zoning*, ESA Henderson NC, LLC presents this decommissioning plan.

Decommissioning will occur as a result of any of the following conditions:

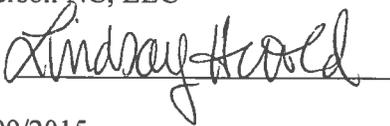
1. The land lease ends.
2. There is no power production for more than twelve consecutive months.

The operator of the facility will do the following as a minimum to decommission the project.

1. Remove all non-utility owned equipment, conduits, structures, fences, and foundations, unless the owner of the leased real estate requests in writing for it to stay in place. If owner of the leased land requests for any of the above mentioned items to remain on the property then he/she will be responsible for any future clean-up and removal.
2. This equipment shall be removed within 180 days after the land lease ends.
3. Restore the land to its condition before the solar energy system was installed.

The operator of the farm, currently ESA Henderson NC, LLC, is responsible for this decommissioning. The operator of the farm will provide Vance County planning department and the Register of Deeds with a copy of this plan.

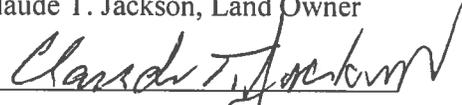
ESA Henderson NC, LLC

Signature: 

Date: 10/09/2015

Title: Manager

Claude T. Jackson, Land Owner



Date: 10-13-15

VERIFICATION

STATE OF Florida COUNTY OF Seminole

[Signature]
Signature of Owner's Representative or Agent

Manager
Title of Representative or Agent

Typed or Printed Name of Representative or Agent Lindsay Herod

The above named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this 9th day of October, 2015.

My Commission Expires: DECEMBER 3, 2018

[Signature]
Signature of Notary Public

CRAIG LIVINGSTON
Name of Notary Public – Typed or Printed



VERIFICATION

STATE OF N.C COUNTY OF Warren

Claude T. Jackson
Signature of Landowner

Typed or Printed Name of landowner Claude T. Jackson

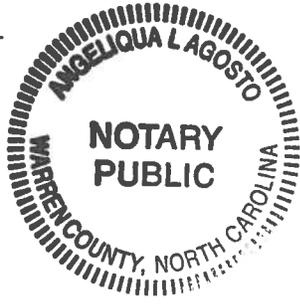
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WITNESS my hand and notarial seal, this 13th day of Oct, 2015.

My Commission Expires: 7-11-2019

Angeliqua L Agosto
Signature of Notary Public

Angeliqua L Agosto
Name of Notary Public – Typed or Printed





Vance COUNTY

NORTH CAROLINA

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**Vance
COUNTY**
NORTH CAROLINA

Conditional Use Permit Application
Vance County Planning & Development Department

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Yes No

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Property Owners Signature:

Clayton T. Jacobson
Verian Jackson

Please sign in blue or black ink

Date

5/29/15

Applicants' Signature

[Signature]

Please sign in blue or black ink

Date

6-30-15

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Prepared and Submitted by ESA Henderson 2, LLC

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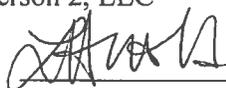
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ESA Henderson 2, LLC

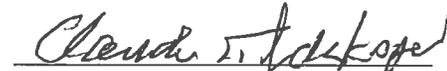
Signature: _____



Date: 10/0/2015

Title: Manager

Claude T. Jackson, Land Owner



Date: _____

10-13-15

VERIFICATION

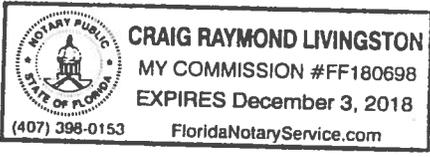
STATE OF Florida COUNTY OF Seminole
Lindsay Herms manager
Signature of Owner's Representative or Agent Title of Representative or Agent
Typed or Printed Name of Representative or Agent Lindsay Herms

The above named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this 9th day of October, 2015.

My Commission Expires: DECEMBER 3, 2018

Craig Livingston
Signature of Notary Public
CRAIG LIVINGSTON
Name of Notary Public – Typed or Printed



VERIFICATION

STATE OF N.C. COUNTY OF Warren

Claude T Jackson
Signature of Landowner

Typed or Printed Name of landowner CLAUDE T JACKSON

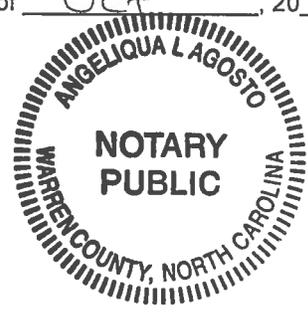
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My Commission Expires: 7-11-2019

Angeliqua L Agosto
Signature of Notary Public

Angeliqua L Agosto
Name of Notary Public – Typed or Printed





REFERENCES:
BEING A PROPOSED DIVISION OF THE LAND DESCRIBED IN DEED BOOK 1149, PAGE 251
AND SHOWN IN PLAT BOOK "Y", PAGE 379 AND ALL OF THE LAND
DESCRIBED IN DEED BOOK 1162, PAGE 269.

VARIETY WHOLESALERS
PIN 0224 02 001
PIN 0224 02 026

CURVE	RADIUS	TANGENT	LENGTH	CHORD	CH BEARING
C-1	3689.72'	237.83'	475.00'	474.67'	S 16°30'01"W
C-2	3689.72'	10.85'	21.70'	21.70'	S 21°08'00"W
C-3	3689.72'	128.68'	237.26'	237.21'	S 29°05'01"W
C-4	686.20'	236.35'	455.24'	446.94'	S 50°10'36"W

NOTE:
This plot is subject to all
assessments, agreements, and
rights-of-way of record prior
to the date of this plot.

VICINITY MAP - NOT TO SCALE

State of North Carolina
County of VANCE
I, VANCE, Review Officer
of VANCE County, certify
that the map or plat to which this
certification is affixed meets all
statutory requirements for recording.

CLAUDE T. JACKSON
DEED BOOK 814, PAGE 270
PIN 0224 02 009

Review Officer

FINAL APPROVAL CERTIFICATE

I hereby certify that the subdivision plat shown hereon
has been found to comply with the Subdivision Regulations
of Vance County, has been approved by the Vance County
Planning Board and that this map has been approved
for recording in the Office of the Register of Deeds.

Date: _____
Subdivision Administrator: _____

OWNERSHIP CERTIFICATE

I (we) hereby certify that I am (we are) the owner(s) of the property
shown and described hereon, which was conveyed to me (us) by deed
recorded in the Vance County Register of Deeds on Book _____
Page _____ and that I (we) hereby adopt this plan of subdivision
with my (our) free consent, established minimum building setback
lines, and dedicate all roads, alleys, walks, parks and other sites and
easements to public or private use as noted. Further, that the land
shown hereon is within the subdivision regulation jurisdiction of Vance
County, North Carolina.

Owner: _____ Date: _____
Owner: _____ Date: _____

CERTIFICATION

I, Barry H. Oakes, as hereby certify that this map was
drawn by me or under my direction and supervision from
_____ on actual field survey made by me or under my
direction and supervision, from references noted hereon;
that the ratio of precision as computed from latitudes
and departures is 1:_____ that the lines not actually
surveyed are drawn as broken lines plotted from
references noted hereon; that this map was prepared
in accordance with G.S. 47-30 as amended. Witness
my original signature, seal and registration number.
This _____ day of _____, 2015.

PRELIMINARY PLAT

Barry H. Oakes, PLS L-3061
CLAUDE T. JACKSON
PIN 0224 02 002

CERTIFICATION

I, Barry H. Oakes certify that this survey is of another
category, such as the recombination of existing parcels, a
court-ordered survey, or other exception to the definition of
subdivision.

Barry H. Oakes, PLS L-3061

- NOTES:
1. DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 2. PROPERTY IS ZONED LIGHT INDUSTRIAL.
 3. NO RESIDUAL ACRES REMAINS.
 4. COURSES FROM "A" TO "B" MAY OVERLAP ONTO NCDOT R/W

Barry H. Oakes Surveying, P.A.
6650 Sidney Cottrell Road
P.O. Box 2059
Oxford, North Carolina 27565
Tel # (919) 693-3260
Email: bhoaspa@gmail.com
C-1581

TRACT 1
43.160 ACRES
BY THE COORDINATE METHOD

TRACT 2
28.247 ACRES
BY THE COORDINATE METHOD

LEGEND

- EIP Existing Iron Pipe
- IPS Iron Pipe or Pin Set
- EIS Existing Iron Spigot
- NIS New Iron Spigot
- R/W Right-of-Way
- EPK Existing PK Nail
- NPK New PK Nail
- ECM Exist. Concrete Mon.
- PP Power Pole
- CP Computed Point
- MBL Minimum Building Line
- ES Existing Steel Spindle
- OHUL Overhead Utility Line
- EN Existing Nail
- EMN Existing Magnetic Nail
- MNS Magnetic Nail Set
- SSMH Sanitary Sewer Manhole
- STSDI Storm Sewer Drop Inlet
- RCP Reinforced Concrete Pipe
- ERWD Existing Right-of-Way Disk
- ERB Existing Rebar

Centerline
Right-of-Way
Property line (not surveyed)

COURSE	BEARING	DISTANCE
L-1	S 48°25'30"E	20.11'
L-2	S 13°24'07"E	35.96'
L-3	N 80°22'40"E	26.95'
L-4	S 46°04'55"E	38.60'
L-5	N 79°23'54"E	26.95'
L-6	N 51°10'18"E	12.10'
L-7	S 82°25'09"E	79.55'
L-8	S 30°23'15"E	45.00'
L-9	N 89°28'05"E	78.40'
L-10	S 50°50'13"E	82.77'
L-11	N 88°40'29"E	26.41'
L-12	S 55°17'19"E	44.88'
L-13	N 80°48'44"E	55.00'
L-14	S 77°22'58"E	37.13'
L-15	N 51°49'47"E	36.26'
L-16	S 72°39'31"E	28.53'
L-17	S 47°11'03"E	33.75'
L-18	N 81°55'49"E	40.86'
L-19	S 68°22'07"E	30.73'
L-20	S 31°18'15"E	64.79'
L-21	N 58°46'43"E	21.00'
L-22	N 50°16'25"E	72.32'
L-23	N 89°05'51"E	80.21'
L-24	S 82°05'25"E	85.78'
L-25	N 81°08'05"E	58.53'
L-26	N 58°58'50"E	60.00'
L-27	S 67°48'09"E	31.36'
L-28	S 11°36'35"W	57.90'
L-29	S 78°23'25"E	45.00'
L-30	S 68°43'34"W	99.39'
L-31	01°13'41"W	78.73'
L-32	N 68°48'42"W	10.00'
L-33	S 20°34'36"W	49.87'
L-34	S 69°02'01"W	10.00'
L-35	S 17°12'36"E	9.82'

PROPOSED DIVISION FOR:
CLAUDE T. JACKSON
HENDERSON TOWNSHIP, VANCE COUNTY, NORTH CAROLINA
DATE: AUGUST 7, 2015 SCALE: 1" = 150' FILE NO.: 15-0358



NORTH REFERENCED TO N.C. GRID NORTH MAD 83/86



RECEIVED AUG 14 2014
RECEIVED AUG 14 A.M.

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

DIVISION OF HIGHWAYS
Division Five

ANTHONY J. TATA
SECRETARY

321 Gillburg Road
Henderson, North Carolina 27537
Telephone (252) 492-0111
Fax (252) 492-0123
8/4/2014

DRIVEWAY PERMIT: D53-91-14-003

COUNTY: Vance

ESA Henderson LLC
801 S. International Pkwy, Ste 500
Mary, FL 32746

SUBJECT: Driveway Permit Onto SR 1231 (2100 ft. north of the intersection of SR 1115 and SR 1231)

Attached for your file is a copy of the Driveway Permit which you requested.

This permit is approved with the understanding the owner/agent is responsible for the proper construction of the above drive and subject to the attached Special Provisions.

Please refer to Permit D53-91-14-003 in all future correspondence with this office concerning this drive. Should you have any questions, please contact this office at (252) 492-0111.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Winstead".

Stephen D. Winstead, P.E.
District Engineer

cc: J. W. Bowman , P. E., Division Engineer
County Maintenance Engineer

D53-91-14-003

VERIFICATION OF COMPLIANCE WITH ENVIRONMENTAL REGULATIONS

(Check Appropriate Box)

Permits from the N.C. Department of Environment and Natural Resources and the U.S. Army Corp of Engineers are not required for this project. However, all applicable federal and state regulations have been followed.

The required permits from the N.C. Department of Environment and Natural Resources and the U.S. Army Corp of Engineers have been obtained for this project. Copies of permits and Completion Certificates are attached.

Currently applied for

All applicable NPDES Stormwater Permit requirements have been met for this project. (The applicant should contact the N.C. Division of Water Quality in Raleigh to determine if a stormwater permit is required.)

Currently applied for

The project is in compliance with all applicable sedimentation and erosion control laws and regulations.

Currently applied for

Project Name: Henderson Solar Farm

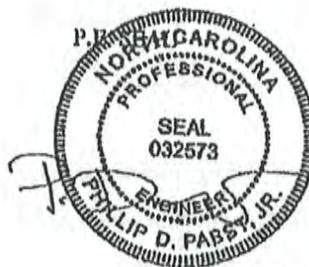
Township: Henderson County: Vance

Project Engineer: P. Dan Pabst, PE Phone No.: 919-848-4399

Project Contact: P. Dan Pabst, PE

Applicant's Name: Lindsay Herold

Date Submitted: July 31, 2014



7-31-14

**National Pollutant Elimination System (NPDES)
Stormwater Permit Compliance Certification**

I Lindsay Herold, a duly authorized representative of
ESA Henderson NC, LLC, an industrial/commercial/residential
facility requesting attachment to a North Carolina Department of Transportation
highway drainage system at Facet Road in
Vance County, do hereby certify the following:

Check appropriate box and circle type of facility

- The Industrial / Commercial / Residential facility does not require an NPDES stormwater permit.
- The Industrial / Commercial / Residential facility does require an NPDES stormwater permit. The permit has been obtained and a Stormwater Pollution Prevention Plan (SPPP) is in place. Appropriate structural stormwater best management practices (BMP) are designed and installed as required by the Department of Environment and Natural Resources (DENR) and/or the local governing agency. All structural stormwater BMP's are located outside of NCDOT right-of-way.

Currently applied for

I understand if the Department of Transportation determines the facility is not in compliance with NPDES stormwater requirements, the Department will report the noncompliance to the DENR Division of Water Quality. I also understand that falsification of this certification may result in penalty of law against the facility and me as prescribed in the North Carolina General Statutes.

Signature: 

Date: July 31, 2014

Note: If the applicant has a question as to whether an NPDES stormwater permit is required, he or she may contact the N.C. Division of Water Quality in Raleigh at (919) 733-5083 (ask for Stormwater and General Permits Unit).



Vance COUNTY

NORTH CAROLINA

Planning and Development Department

www.vancecounty.org

156 Church Street, Suite 3
Henderson, NC 27536

Ph: (252) 738-2080
Fax: (252) 738-2089

September 17, 2015

ESA Henderson, NC LLC
ESA Henderson 2, LLC
4150 St. Johns Parkway, Suite 1000
Sanford, FL 32771

**Re: Approval of Variance from Conditional Use 1,000 foot separation distance requirement
(Solar Farms located along Facet Road, Henderson, NC 27537)**

Dear Applicants,

The Vance County Board of Adjustments met on September 17, 2015 to consider your request for a variance to allow 2 solar farms to be located within 1,000 feet of each other located on tax parcels 0224 02021 and 0224 02026 along Facet Road in Vance County, North Carolina. **Based upon the evidence presented, the Board has approved this variance request.**

The next step in this process is to provide 2 separate complete submittals for conditional use permits to allow the solar farm uses at this location. Recently the Vance County Board of Commissioners revised the solar farm regulations inclusive of the fee for solar farm conditional use permit submittals.

If you need additional information or assistance in reviewing the regulations, feel free to contact our office and we will be happy to guide you through this process.

Sincerely,

Jordan McMillen
Deputy County Manager / Director of Planning and Development

cc: Claude Jackson, 100 West Winds Road, Macon, NC 27551 (property owner)

ESA Henderson 2, LLC – Property Frontage along Facet Road



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	X	X	X	X	X	X	X	P	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
TEMPORARY USES														
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:** Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment including fences a minimum of 100 feet from street right-of-ways and 50 feet from other property lines. The Board of Adjustment may reduce such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining properties or public right-of-ways.
 3. **Screening and Fencing:** Systems, equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 8 feet. A thirty (30) foot vegetative buffer consisting of a compact evergreen hedge or other type of evergreen foliage shall be required along the entire perimeter of the facility. The buffer shall be planted at a minimum of three (3) feet tall and reach the height of at least eight (8) feet within three years and shall be maintained in good condition. Failure to maintain the buffer shall constitute a violation of this ordinance. Earth-berms, other topographical features and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view and are maintained.
 4. **Lighting:** If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
 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. **Installation and Design:** Electric solar system components must have a UL listing and must be designed with anti-reflective coating(s). Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
 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. **Inspections:** Each solar farm shall be required to have the facility inspected annually for 3 years following the issuance of the zoning permit to verify continued compliance with the Zoning Ordinance. Additional inspections necessitated by complaints or otherwise shall not replace the annual inspection requirement.
 10. **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.
 11. **Abandonment and Decommissioning:** It is the responsibility of the solar system owner and landowner 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.

A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with the permit application.

- a. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)

- b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations
- c. Restoration of property to condition prior to development of the solar farm.
- d. The timeframe for completion of decommissioning activities.
- e. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
- f. The party currently responsible for decommissioning.
- g. Plans for updating this decommissioning plan.

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 Federal Communications Commissioner (FCC) documentation indicating that the power output levels do not exceed federally approved levels.
 - e. In allowed districts, towers of 75 feet or more require that a Conditional Use Permit be granted by the Board of Adjustment. The Board of Adjustment may consider variances up to 10 % of the setback requirements for such towers as a part of the Conditional Use Permit approval.
 - f. To encourage shared use of towers, no new tower shall be located within one (1) mile of an existing tower. The Board of Adjustment may allow a tower to be placed within one (1) mile of an existing tower upon being presented written documentation that (1) appropriate space on the tower is not available, (2) the new sponsor has made good faith efforts to negotiate an agreement with the owner of the current tower, or (3) equipment currently on the tower is not compatible with the proposed equipment. If the petitioner cannot locate on an existing tower and a new tower has to be constructed, the height of the tower cannot exceed two hundred feet (200’). The new tower cannot be located closer than one mile from an existing tower.

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
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"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<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
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"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<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.

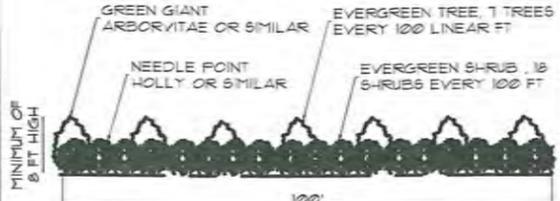
	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>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

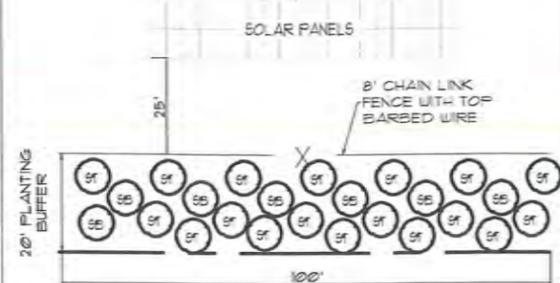
5. The use or development will be in harmony with the area in which it is to be located and will be in general conformity with the plan of development of the County.

	True	False		True	False		True	False	TOTAL
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"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				



PLANTING LAYOUT, Front view

SCALE 1/200'

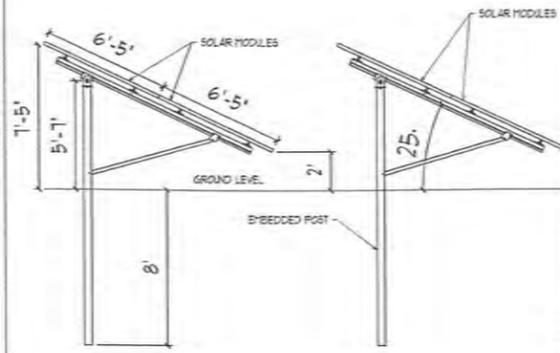


TYPICAL LANDSCAPE PLAN

- 1 evergreen trees and 16 evergreen shrubs per 100 linear feet 20 feet wide. Trees to reach out a minimum height of 8' in three years.
- New plantings to occur only where existing landscape buffer is insufficient. Setbacks from property line to the fence will be covered with existing vegetation to be used as existing landscape buffer.
- Evergreen Tree: Green Giant, Arborvitae or similar.
- Evergreen Bush: Needle Point, Holly or similar.

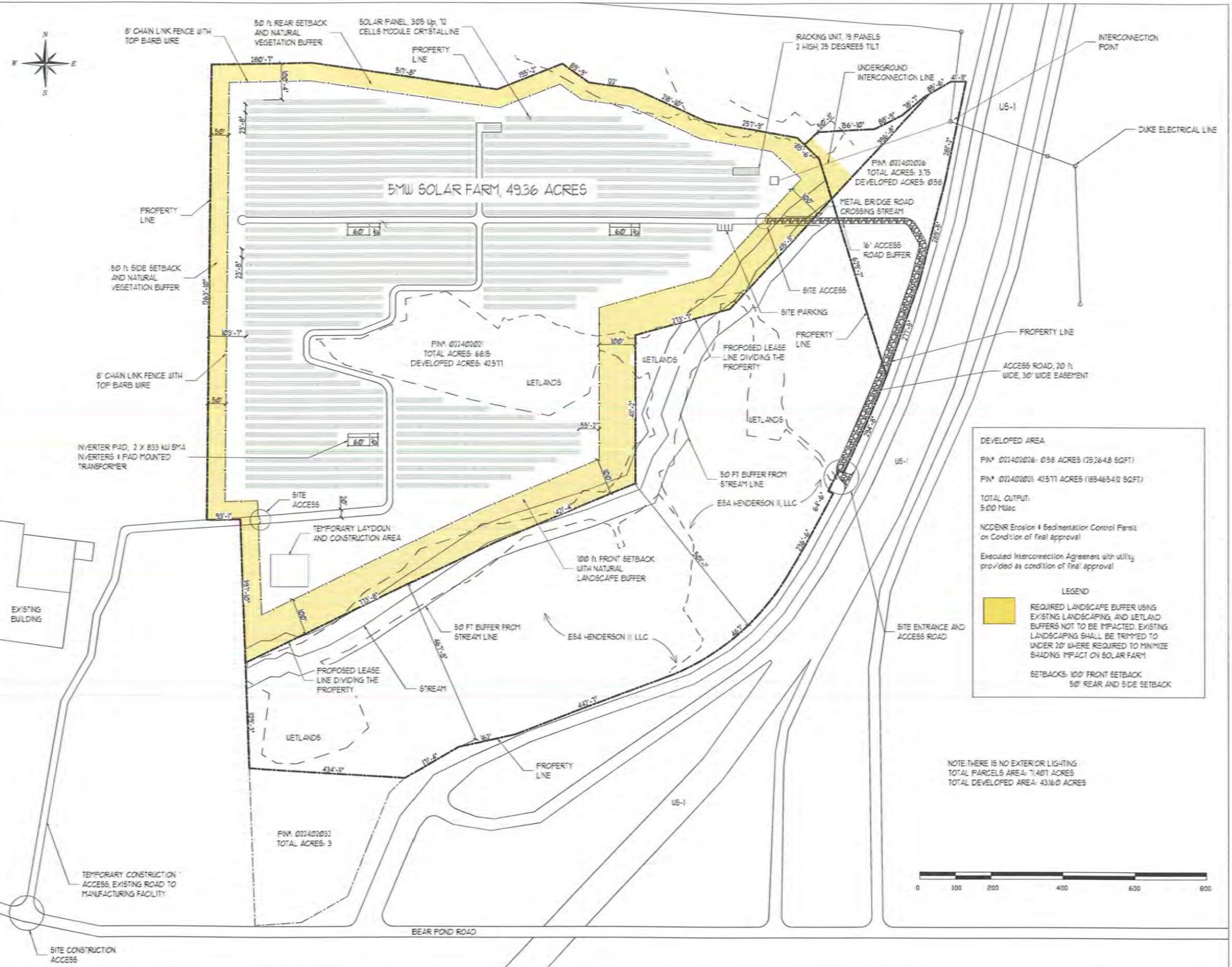
PLANTING LAYOUT, Top view

SCALE 1/200'



RACKING SECTION

SCALE 1/50'



DEVELOPED AREA

FIN# 021402016: 0.58 ACRES (252648 SQFT)

FIN# 021402021: 41.511 ACRES (185465410 SQFT)

TOTAL OUTPUT:
5.00 MWac

NCDENR Erosion & Sedimentation Control Permit on Condition of final approval

Executed Interconnection Agreement with utility provided as condition of final approval

LEGEND

REQUIRED LANDSCAPE BUFFER USING EXISTING LANDSCAPING AND WETLAND BUFFERS NOT TO BE IMPACTED. EXISTING LANDSCAPING SHALL BE TRIMMED TO UNDER 10' WHERE REQUIRED TO MINIMIZE SHADING IMPACT ON SOLAR FARM

SETBACKS: 100' FRONT SETBACK, 50' REAR AND SIDE SETBACK

NOTE: THERE IS NO EXTERIOR LIGHTING
TOTAL PARCELS AREA: 71,401 ACRES
TOTAL DEVELOPED AREA: 43,160 ACRES



REV	DATE	REVISION DESCRIPTION	DRW	CHK	APP	REV	DATE	REVISION DESCRIPTION	DRW	CHK	APP
00	2/14/14	FIRST RELEASED	JL	JL	JL	01	05/08/14	INTERCONNECTION REQUEST MODIFICATION	JL	JL	JL
01	05/08/14	INTERCONNECTION REQUEST MODIFICATION	JL	JL	JL	02	06/10/14	ZONING MODIFICATIONS	JL	JL	JL
02	06/10/14	ZONING MODIFICATIONS	JL	JL	JL	03	07/10/14	DOT DRIVEWAY PERMIT	JL	JL	JL
03	07/10/14	DOT DRIVEWAY PERMIT	JL	JL	JL	04	07/17/14	WETLANDS / STREAMS	JL	JL	JL
04	07/17/14	WETLANDS / STREAMS	JL	JL	JL	08	12/01/14	SIZE MODIFICATION, FROM 10 TO 5 Miles	JL	JL	JL
08	12/01/14	SIZE MODIFICATION, FROM 10 TO 5 Miles	JL	JL	JL	09	06/15/15	SITE PLAN	JL	JL	JL

REV	BRN	CHKD	APPROV	PROJECT NAME	SHEET TITLE
12	DC	JL	JL	ESA HENDERSON NC, LLC, GROUND MOUNT SOLAR FARM	SITE PLAN

DATE: 2015/10/09

ESA RENEWABLES LLC

4150 St. Johns Parkway, Suite 1000
Sanford, FL 32771
phone: (407) 268-6455

PROJECT NAME: ESA HENDERSON NC, LLC, GROUND MOUNT SOLAR FARM
ADDRESS: 811 BEARPOD ROAD, HENDERSON, NC 27536

ENGINEER: DAVID CLUCK

FORM# 24" x 36"
DRAWING # G-202
DATE 2015/10/09

