

## VANCE COUNTY BOARD OF ADJUSTMENTS

The Vance County Board of Adjustments met at a regular and duly advertised meeting on March 10, 2016 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

Thomas Shaw – Chairperson  
Agnes Harvin  
Blake Haley

### ALTERNATES PRESENT

Ruxton Bobbitt

### MEMBERS ABSENT

Phyllis Stainback – Vice Chairperson  
Alvin Johnson, Jr.  
Ruth Brummitt

### STAFF PRESENT

Jordan McMillen, Planning Director  
Amy Sandidge, Planner

Chairperson Shaw called the meeting of the Board of Adjustment to order and asked for a review of the minutes from the February 11, 2016 meeting. Mr. Bobbitt made a motion to approve the minutes with the correction of adding Mike Fox as a speaker for the BOA CASE NO 20160211-2. Ms. Harvin seconded the motion. All present were in favor. VOTES: 4-0.

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Chairperson Shaw introduced the first case and stated that it was continued from the February 11, 2016 meeting. Mr. Shaw then explained the order of business and gave an opportunity for board members to express any conflicts. Mr. Shaw declared the hearing opened for the following case:

***BOA CASE NO 20160211-2; Joyce Duke (property owner); Sunlight Partners, LLC (Applicant) – Conditional Use Permit to allow a 5 MW solar farm at 6372 NC Hwy 39 South (Tax Parcel 0550 01015 & 0550 01015A).***

Chairperson Shaw swore in witnesses. Witnesses sworn in previously include Mr. Jordan McMillen, Mr. Michael Wallace, Mr. Tommy Cleveland, Mike Fox and Mr. Richard Kirkland. Ms. Sara Negus was sworn in today. Mr. McMillen presented recap of the project and explained that the applicant provided a plat for review that met the requirements discussed at the February 11th meeting. He also reviewed the revised draft findings of facts as follows:

### **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”.

### **Findings of Fact**

1. The request is for a conditional use permit to allow a 5 MW solar farm on a parcel zoned (A-R) Agricultural Residential.
2. The property is owned by Ms. Joyce Duke.
3. The property is located at 6372 NC Hwy 39 South and includes area within two parcels (Tax parcels 0550 01015 and 0550 01015A). The parcels are to be reconfigured and a proposed recombination plat is included in the application materials.
4. Both parcels together consist of 71 acres of which approximately 24 acres will be the array footprint.
5. The majority of the property is open with portions of existing woodland on the eastern, western and northwestern sides. The applicant plans to clear approximately 11.8 acres.
6. The property was rezoned from R-30 to A-R on December 7, 2015. A solar farm is an eligible conditional use within the A-R zoning district.
7. The application requesting a conditional use permit was filed on August 24, 2015.
8. The adjoining property owners were notified on January 27, 2016.
9. The property was posted on January 29, 2016.
10. Project was continued to the March 11, 2016 Board of Adjustment meeting to allow the applicant

the opportunity to revise the site plan and provide copies for review.

#### **Staff Comments**

Mr. McMillen provided a brief recap of the project and stated that applicant had provided a plat that showed the lot division. This lot division provided the required separation between solar farms. He stated the staging areas were added to the site plan and the driveway permit has been received. He said recordation of the survey should be a condition of approval and that all activity should be outside of the ROW. He asked the Board to include the findings of fact in any approval. Ms. Harvin asked if the note regarding the staging was sufficient and Mr. McMillen said that as long as they stayed out of the ROW the note was acceptable.

#### **THOSE SPEAKING FOR THE REQUEST**

*Sara Negus – Tuggle Duggings Attorneys at law, 100 N. Greene St., Ste. 600, Greensboro, NC 27401 - (Attorney representing Applicant) – Ms. Negus presented a packet of information and requested that it be included as evidence. She then provided a summary of the speakers that were prepared to present and answer questions for the Board.*

*Michael Wallace, PE – Sunlight Partners, 27 Pearl Street, Portland, ME - (applicant) addressed the board and provided a summary of the updated site plan. He stated that the driveway permits, erosion control permits, and wetland preservation had all been completed. Mr. Bobbitt asked about the requirements for clearing from the state level and Mr. Wallace said that DENR looks at several things including clearing and rain water run-off and they would be onsite at some point to make sure the site was being prepped properly. Mr. Wallace stated the site is developed from the back side working forward and that they would use larger areas for the lay down area than what was shown on the site plan as is typical for all such developments. He also indicated that silt fencing was not permanent and is usually left in place until the grass had grown in strong enough to handle the runoff.*

#### **OTHER INTERESTED INDIVIDUALS OR THOSE SPEAKING AGAINST THE REQUEST**

None.

#### **BOARD DISCUSSION**

The Board went through the Conditional Use Permit check list.

**DECISION:** Mr. Bobbitt made a motion to approve the CUP and finalize the findings of facts with the conditions that the property recombination be recorded and that no vehicles or activity will be in the right-of-way, and that the executed interconnection agreement be submitted. Ms. Harvin seconded the motion.  
**VOTES:** 4-0.

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