

VANCE COUNTY BOARD OF ADJUSTMENTS

The Vance County Board of Adjustments met at a regular and duly advertised meeting on November 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
Phyllis Stainback – Vice Chairperson
Ruth Brummitt

ALTERNATES PRESENT

Ruxton Bobbitt

MEMBERS ABSENT

Agnes Harvin
Blake Haley
Alvin Johnson, Jr

STAFF PRESENT

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 October 13, 2016 meeting. Mrs. Stainback made a motion to approve the minutes, Mr. Bobbitt seconded the motion. All present were in favor. VOTES: 4-0.

Mr. Shaw introduced the first case on the agenda, 20161110-01 a CUP request for Bullock Solar LLC. Mr. Shaw swore in several people to speak on the project. Ms. Sandidge introduced the project and stated the project was located at 5495 Jacksontown Road and specifically parcel ID 0581 02028. Ms. Sandidge also stated that the property was zoned AR which allows for a solar farm with an approved CUP. Ms. Sandidge described the property as being 543 acres in total with a solar footprint of 312 acres. The proposed farm will be 50MW. The discussion then moved toward the specifics of the landscape buffer plan which will include an 8' chain link fence with inserted fencing slats around the perimeter to create an opaque screening around the entire perimeter. The developers of the site have also proposed to install landscape evergreen trees to be planted at a minimum height of 6' tall and those shall meet the required 8' height within the three year time period as required by the ordinance. Ms. Sandidge indicated some natural buffer may be retained in a very small portion of the site but the applicant has not provided the exact details at the time of the staff report being written. Ms. Sandidge then referenced a handout that she had provided to the Board regarding the species of trees that the applicant had selected which were not available at the time the staff report had been prepared.

Ms. Sandidge then described the 25' easement that dissects the property. She indicated the easement is being provided to allow property owners along the western border of the Bullock property to have access to their land and for access to an existing cemetery. The easement will be a formal easement that covers and describes an existing path that is currently being used and is established on the site. Ms. Sandidge stated that the ordinance calls for a 100' setback from right-of-ways but the applicant was requesting to reduce this down to 15'. It was also noted that the applicant should be required to provide a recorded copy of this easement as a condition of the CUP approval.

Ms. Sandidge went on to describe how the size and shape of the property would allow the development to be in phases, with the first phase starting on the north end along Wilson Brothers Road. The applicant has designated a construction staging area at the midway point on the site plan but there would be several of them located throughout the farm as construction progress but at no point will the right-of-way along Jacksontown Road or Wilson Brothers Road be used for parking or staging areas.

Ms. Sandidge then asked if anyone on the Board had questions. Mrs. Brummit asked if the Oak Level Church is an active church and Ms. Sandidge stated it was. Mr. Bobbitt asked where the easement point of beginning was located and Ms. Sandidge and Ms. Trahos presented a large scale display of the entire site to the Board and detailed the exact entrance and path of the easement to the entire Board. Mrs. Stainback inquired about clearing the areas around the ponds and it was mentioned that the clearing limits were within the State requirements. Mrs. Stainback asked if the construction would be continuous and

Ms. Sandidge stated it would be and the staging areas would roll with the construction progress. Mrs. Brummitt asked about the LLC ownership and if the maintenance of the site would be affected if the ownership changed; Ms. Sandidge stated that the maintenance would run with the land and the CUP regardless of ownership.

Ms. Trahos with Smith, Moore, & Leatherwood introduced herself and members of the Bullock family. She provided handouts to the Board and indicated her panel of experts would be happy to answer individual questions versus doing full presentations if the Board so choose. Ms. Trahos began by providing a brief overview of the site and the project. She indicated that community outreach had been provided to the neighbors near this site and they had adjusted the site to meet comments from those meetings and she shared that the developers had provided a two acre tract to the church to meet their future expansion needs. She detailed the farm paths that would become the easements for neighboring properties and how they would improve those paths. She spoke about the requested reduction to the right-of-way setbacks and how in her professional opinion she believed those setback requirements were designed for public roads and that the reduction to 15' on this easement would provide access while still providing safety to the solar panels and traffic movement. Mr. Bobbitt asked if this easement and the fire access were the same thing and Ms. Trahos explained they were different and used the large scale presentation pieces to show the locations of each. Mrs. Stainback asked what the over width of the easement and the setbacks would be and Ms. Trahos stated it would be 55' total. Mrs. Stainback asked for details regarding the ponds and verified the development would stay 50' away from the streams and pond areas. Mrs. Brummitt asked how the landscape buffers would be maintained and was informed that water trucks and/or gorilla bags would be used on the site.

Mr. Gerry Dudzik with Carolina Solar was the next speaker. He spoke about how the technology would work and how this site would differ from the 5MW farms. The energy will be sold to Duke Energy Progress and will provide approximately 92,585,000 kilowatt hours. He stated the construction will take about 6-8 months and will employ approximately 350 people. They plan on holding job fairs to fill those positions. Mr. Dudzik also explained the safety procedures that the farm would have to help electronically monitor the efficient operation of the site. He explained how the opaque fencing strips would work and that the color is impregnated into the strip to prevent fading. He went on to describe the various agencies that had reviewed the site and detailed how the Army Corp of Engineers had given the final stamp of approval for the pond/wetland preservation plan. He then explained to the Board the economic impact of the farm; it will generate approximately \$192,930 in property taxes per year. Mr. Bobbitt asked if the easement met the county requirements and Ms. Sandidge addressed the question and verified the easement does meet the requirements. Mrs. Stainback asked what would happen if the owner of the farm went bankrupt and Mr. Dudzik explained it was a revenue generating asset and would be sold to another investor if that were to occur. He further explained to the Board that the current salvage rates on a project similar in size were over \$5.5 million.

Chris Sandifer is an electrical engineer also spoke to the Board regarding safety operations on the farm. The question of lead came up and he indicated the structures used did not contain lead and the parts used could safely be disposed of in a landfill.

Claiborne Woods from Manson spoke against the project. He stated he wanted to live in the country and supported green energy but he was worried about how the farm would be disposed of at the end of its life. He also stated that screening would not be sufficient in his opinion and he didn't want to look at the solar farm every day. Ms. Trahos assured him significant planting at a height of 6' were planned for the site.

Phillip Martin with Cypress Creek spoke about the plans for the screening and the specific plantings that were planned.

Chairman Shaw moved into discussion. Mrs. Stainback asked about the elevations within the site and if they would be screened and Ms. Trahos said the panels and the trees would follow the land elevations.

The Board went through the Conditional Use Permit checklist and found all items to be in true in favor of the project.

Mr. Bobbitt made a motion to approve the CUP with the approval of the variance to reduce the setbacks to 15' from 100' on either side of the easement. He included the condition that the interior layout of the farm meet all applicable fire code standards and all construction staging be within the interior portions of the property. Staff review items were included as conditions. The motion was seconded by Mrs. Brummitt. Passed 4-0.

Chairman Shaw opened the next item on the agenda, consideration to extend the CUP's granted to Sunlight Partners in October 2015. The specifics were BOA CASE NO. 20151015-1; Robin Zinda (property owner); Sunlight Partners, LLC – Jordan Solar, LLC (Applicants) – Conditional Use Permit to allow a 5 MW Solar farm at 3876 Weldon's Mill Road (Tax Parcel 0549 01015) and BOA CASE NO. 20151015-1; Cindy Reavis (property owner); Sunlight Partners, LLC – Blue Bird Solar, LLC (Applicants) – Conditional Use Permit to allow a 5 MW Solar farm at 1134 Mabry Mill Road (Tax Parcel 0609 02003).

Ms. Sandidge explained to the Board that the Ordinance allows the Board to grant an extension to projects if they so choose. She briefly explained that the two cases were separate but that the reason for the continuation request was the same for both and the Board could grant an extension for either project or both projects or deny the request based on the testimony. Both projects were approved with the condition that the interconnection agreement be submitted prior to the CUP being issued. The CUP's for both projects were approved with a one year time frame.

Michael Wallace with Sunlight Partners explained how his company had started work on an interconnection agreement with Duke Energy back in 2014. Mr. Wallace stated that final approval of the interconnection agreement is still outstanding but was a requirement of the CUP. He stated that these two projects are distribution solar farms and the review process by Duke Energy is backlogged by approximately 80 projects and that has caused delays in receiving the connection agreement. Mr. Wallace gave a detailed description of the revised review system that solar farms must now go through and the extended time that it adds to a project. He stated these two projects are near the top of the current review list and he is hopefully they will be fully reviewed and approved by the June 2017 and construction could commence by the end of summer 2017.

Mr. Bobbitt asked how long it takes for Duke to review a project and Mr. Wallace stated it was about 30-40 hours of review time. He also stated that the projects are reviewed in order and these projects are near the top.

Mr. Care asked what the timeframe once the interconnection agreement is approved to move forward with construction would be and Mr. Wallace stated they are ready to submit construction plans within 30 days.

Mrs. Stainback asked how long of an extension would be appropriate and Mr. Wallace stated 12-18 months.

Mr. Bobbitt asked if they could do an automatic renewal and Mr. Care said the Board should do a defined time for the extension.

Mrs. Brummitt asked how these projects which were approved under an older version of the solar farm ordinance differed from the new requirements. Ms. Sandidge and Mr. Care both responded that is was the 100' setback requirement in the new ordinance.

Mr. Bobbitt made a motion to provide an extension to both projects through December 31, 2017. Motion was seconded by Mrs. Brummitt. Motion passed 4-0.

Chairman Shaw then adjourned the meeting.

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