



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT  
PLANNING BOARD**

**Special Meeting Agenda**

NC Cooperative Extension-Agricultural Center  
3309 Burlington Road, Greensboro, NC 27405

**JUNE 21, 2021**

6:00 PM

**A. Roll Call**

**B. Agenda Amendments**

**C. Approval of Minutes**

**D. Rules and Procedures**

**E. Continuance Requests**

**F. Old Business**

**G. New Business**

**Evidentiary Hearing Item(s):**

**SPECIAL USE PERMIT CASE #21-05-GCPL-04192: Solar Collector (Principal)**

Located on the west side of Mt Hope Church Rd, approximately 1500 feet northwest from its intersection of McConnell Rd, approximately 880 acres, Guilford County Tax Parcel #116807, #116805, #116804, #116799, #120643, and #120662 zoned AG-SP, and owned by Stewart JH Family Limited Partnership, Richard and Margie Brinkley, Needham Farm LLC, and Bryan Morris Associates LLC

The petitioners are seeking a Special Use Permit to operate a Solar Collectors (Principal), subject to the submitted Site Plan along with the following proposed conditions: 1.) Along the western and southern boundaries of Parcel #120643, West River Solar will observe minimum setbacks of 125' from the nearest panel to adjoining property lines as shown on the SUP site plan submitted May 12, 2021, 2.) Along the western and southern boundaries of Parcel #120643, West River Solar will plant or preserve a minimum of 50' of vegetation for screening purposes as shown on



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the SUP site plan submitted May 12, 2021 and 3.) To the extent practicable, West River Solar will plant native grasses or pollinator plant species within the project footprint and install wildlife friendly fencing that meets or exceeds the standards of the National Electrical Code.

**H. Adjourn**



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

Planning Board  
Special Use Permit  
Application

Date Submitted: 5-12-2021 Fee **\$526.00** Receipt # \_\_\_\_\_ Case Number 21-05 - GCPL - 04192  
(includes \$26 recording fee)

**Provide the required information as indicated below.** Pursuant to the Guilford County Development Ordinance, this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references and signature blocks are available upon request.

Pursuant to Section 3-13 of the Guilford County Development Ordinance, the undersigned hereby requests Guilford County to authorize a Special Use Permit for the property described as being located along Mt. Hope Church Rd. and Stewart Mill Rd. in Jefferson Township; Being a total of: approximately 880 acres. The proposed use(s) of land is(are) solar collectors (principal) more commonly referred to as a solar farm.

Further referenced by the Guilford County Tax Department as:

- |                                  |                                  |
|----------------------------------|----------------------------------|
| Tax Parcel # <u>116807</u> _____ | Tax Parcel # <u>116799</u> _____ |
| Tax Parcel # <u>116805</u> _____ | Tax Parcel # <u>120643</u> _____ |
| Tax Parcel # <u>116804</u> _____ | Tax Parcel # <u>120662</u> _____ |

*Additional sheets for tax parcels are available upon request.*

**Check One:**

- The property requested for a special use permit is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for a special use permit is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and a map are attached.

**Check One:**

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

**Check One:**

- The applicant is the property owner(s)
- The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.
- The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease to be submitted if the owner's signature is not provided (financial figures may be deleted).
- The applicant has no connection to the property owner and is requesting a third party rezoning.

**Special Use Permit Requirements:**

- Approved Site Plan.** A site plan approved or conditionally approved by the Technical Review Committee, illustrating conditions related to the request and applicable development standards must be attached for all special use permit requests. Refer to Appendix 2, Map Standards of the Guilford County Development Ordinance.
- Special Use Conditions.** Development conditions may be provided, list on following page. Refer to uses as listed in Table 4-3-1 of the Guilford County Development Ordinance. If conditions are not proposed, indicate 'not applicable'.



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Special Use Permit  
Application**

Please address the following and be prepared to present as sworn or affirmed testimony and evidence for the scheduled quasi-judicial hearing:

- 1. A written application was submitted and is complete in all respects.
- 2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based the following:

*Please See attached information regarding*

- 3. The use, a \_\_\_\_\_, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on the following:

*ll ll ll ll*

- 4. That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity with the plan of development of the Jurisdiction and its environs. This is based on the following:

*ll ll ll ll*

- 5. The use will not substantially injure the value of adjoining or abutting property or the use is a public necessity. This is based on the following:

*ll ll ll ll*



GUILFORD COUNTY
PLANNING AND DEVELOPMENT

Planning Board
Special Use Permit
Application

Development Conditions

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Guilford County Development Ordinance:

- 1) Along the western and southern boundaries of Parcel Number 120643, West River Solar will observe minimum setbacks of 125' from the nearest panel to adjoining property lines as shown on the SUP site plan submitted May 12, 2021.
2) Along the western and southern boundaries of Parcel Number 120643, West River Solar will plant or preserve a minimum of 50' of vegetation for screening purposes as shown on the SUP site plan submitted May 12, 2021.
3) To the extent practicable, West River Solar will plant native grasses or pollinator plant species within the project footprint and install wildlife friendly fencing that meets or exceeds the standards of the National Electrical Code.
4)
5)
6)
7)
8)

YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING

A Special Use Permit Application must be signed by the current property owner(s).

I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

Respectfully Submitted,

Karen M. Kemerait

Property Owner Signature Signature for Applicant's and Property Owners' Attorney

Karen M. Kemerait

Name

434 Fayetteville Street, Suite 2800

Mailing Address

Raleigh, NC 27601

City, State and Zip Code

(919) 755-8764

Phone Number

KKemerait@foxrothschild.com

Email Address

West River Solar, LLC: [Signature]

Owner/ Representative/Applicant Signature (if applicable)

Ben Catt

Name

130 Roberts Street

Mailing Address

Asheville, NC 28001

City, State and Zip Code

772-214-5773

Phone Number

sandersen@pgreenewables.com

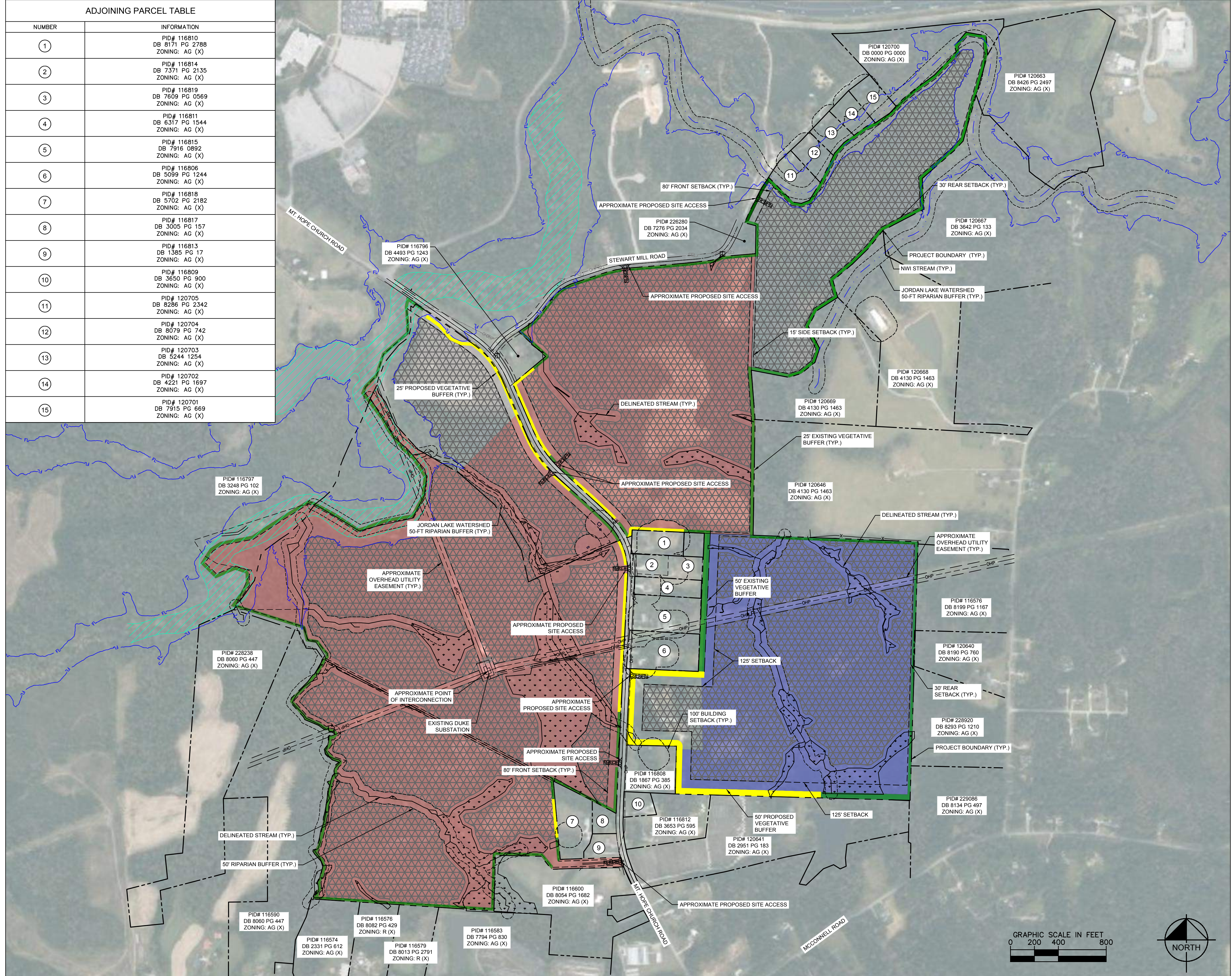
Email Address

Additional sheets for conditions and signatures are available upon request.

**INSERT COLOR  
PAGE**

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

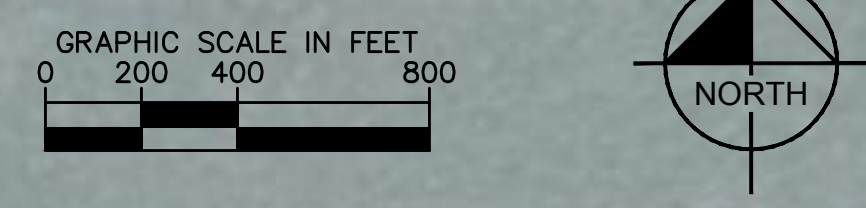
| ADJOINING PARCEL TABLE |  |
|------------------------|--|
| NUMBER                 | INFORMATION                                      |
| 1                      | PID# 116810<br>DB 8171 PG 2788<br>ZONING: AG (X) |
| 2                      | PID# 116814<br>DB 7371 PG 2135<br>ZONING: AG (X) |
| 3                      | PID# 116819<br>DB 7609 PG 0569<br>ZONING: AG (X) |
| 4                      | PID# 116811<br>DB 6317 PG 1544<br>ZONING: AG (X) |
| 5                      | PID# 116815<br>DB 7916 0892<br>ZONING: AG (X)    |
| 6                      | PID# 116806<br>DB 5099 PG 1244<br>ZONING: AG (X) |
| 7                      | PID# 116818<br>DB 5702 PG 2182<br>ZONING: AG (X) |
| 8                      | PID# 116817<br>DB 3005 PG 157<br>ZONING: AG (X)  |
| 9                      | PID# 116813<br>DB 1385 PG 17<br>ZONING: AG (X)   |
| 10                     | PID# 116809<br>DB 3650 PG 800<br>ZONING: AG (X)  |
| 11                     | PID# 120705<br>DB 8286 PG 2342<br>ZONING: AG (X) |
| 12                     | PID# 120704<br>DB 8079 PG 742<br>ZONING: AG (X)  |
| 13                     | PID# 120703<br>DB 5244 1254<br>ZONING: AG (X)    |
| 14                     | PID# 120702<br>DB 4221 PG 1897<br>ZONING: AG (X) |
| 15                     | PID# 120701<br>DB 7915 PG 669<br>ZONING: AG (X)  |



| SITE DATA TABLE  |  |
|--|--|
| PROJECT AREA   | ±880 ACRES   |
| PARCEL ID #<br>SUP 18-10-GCPL-06575<br>(APPROVED 11/16/2018)                       | 120643   |
| PARCEL ID #<br>SUP 18-08-GCPL-0511<br>(APPROVED 9/13/2019)                         | 116804; 116805; 116807; 116799   |
| ADDITIONAL PARCEL ID #   | 120662; 116804 (REMAINING PARCEL ACREAGE); 120643 (REMAINING PARCEL ACREAGE)   |
| APPROXIMATE POWER CAPACITY   | 40 MW AC   |
| ZONING JURISDICTION  | GUILFORD COUNTY  |
| ZONING   | AGRICULTURAL (X)   |
| CURRENT LAND USE   | AGRICULTURAL, FORESTED   |
| PROPOSED LAND USE  | SOLAR ENERGY   |
| MAXIMUM IMPERVIOUS AREA  | 15%  |
| SETBACKS   | GUILFORD COUNTY:<br>80' MIN. FRONT SETBACK<br>15' MIN. SIDE SETBACK<br>30' MIN. REAR SETBACK   |
| LANDSCAPE BUFFERS<br>COUNTY REQUIREMENTS<br>(SECTION 6.3-2 GUILFORD<br>COUNTY UDO) | PROPOSED SCREENING SHALL MEET OR EXCEED TYPE B<br>PLANTING YARD RATE PER SECTION 6.3-2:<br>-MINIMUM WIDTH: 25 FT<br>-INCLUDE 3 CANOPY TREES PER 100 LF<br>-INCLUDE 5 UNDERSTORY TREES PER 100 LF<br>-UNDERSTORY TREES MAY BE SUBSTITUTED FOR CANOPY<br>TREES<br>FINAL PLANTINGS TO BE DETERMINED AT TIME OF<br>CONSTRUCTION DRAWING SUBMITTAL. |

- GENERAL NOTES**
1. ORIGINAL PARCEL SURVEY PROVIDED BY MCKIM & CREED DATED JULY 30, 2019. ADDITIONAL PROJECT PARCELS OBTAINED FROM GUILFORD COUNTY GIS.
  2. EXISTING CONDITIONS AND ENVIRONMENTAL FEATURES ARE BASED ON BOTH PUBLICLY AVAILABLE INFORMATION AND DETAILED DELINEATION INCLUDING GUILFORD COUNTY GIS, DELINEATION BY PILOT ENVIRONMENTAL INC WETLANDS REPORT DATED 8/11/2017, AND NWI GIS DATA ACCESSED ON 4/8/2021.
  3. A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AS SHOWN ON THE FLOOD INSURANCE RATE MAP (COMMUNITY PANEL 3710880300J, DATED 6/18/2007) PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).
  4. THE LOCATIONS OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: FENCING, SOLAR ARRAY RACKING, INVERTER/TRANSFORMER PADS, OVERHEAD POLES, AND VEGETATIVE BUFFERS, ETC., SHOWN ARE APPROXIMATE AND ARE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS, EQUIPMENT SPECIFICATIONS, DETAILED DESIGN, AND/OR OTHER CONSTRAINTS.
  5. STRUCTURES NOT TO EXCEED HEIGHT OF 25 FT.
  6. ANY IMPACTS TO STREAMS, WETLANDS, AND/OR BUFFER ZONES WILL BE PERMITTED THROUGH THE US ARMY CORPS OF ENGINEERS AND NCDWR ACCORDINGLY.

| LEGEND |   |
|--------|---|
|        | PROJECT BOUNDARY                                      |
|        | ADJACENT PROPERTY LINE                                |
|        | 100' RESIDENTIAL SETBACK                              |
|        | APPROXIMATE OVERHEAD UTILITY EASEMENT                 |
|        | APPROXIMATE EXISTING OVERHEAD TRANSMISSION LINE       |
|        | JORDAN LAKE WATERSHED 50-FT RIPARIAN WATER BUFFER     |
|        | DELINEATED STREAMS                                    |
|        | NWI STREAMS   |
|        | DELINEATED WETLANDS                                   |
|        | MAXIMUM ARRAY EXTENTS                                 |
|        | FEMA SPECIAL FLOOD ZONE                               |
|        | FEMA 100 YEAR FLOODPLAIN                              |
|        | EXISTING VEGETATIVE BUFFER                            |
|        | PROPOSED VEGETATIVE BUFFER                            |
|        | SUP 18-10-GCPL-06575 APPROVAL AREA (DATED 11/16/2018) |
|        | SUP 18-08-GCPL-05100 APPROVAL AREA (9/13/2019)        |



| NO. | PER TRC COMMENTS | REVISIONS | DATE      | BY  |
|-----|------------------|-----------|-----------|-----|
| 1   |                  |           | 5/11/2021 | NDH |

**Kimley-Horn**

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**PRELIMINARY**  
NOT FOR CONSTRUCTION

|                          |                  |                   |                    |                 |                   |
|--------------------------|------------------|-------------------|--------------------|-----------------|-------------------|
| KHA PROJECT<br>013434006 | DATE<br>4/9/2021 | SCALE<br>AS SHOWN | DESIGNED BY<br>TAP | DRAWN BY<br>TAP | CHECKED BY<br>JSL |
|--------------------------|------------------|-------------------|--------------------|-----------------|-------------------|

**ZONING SITE PLAN**

**WEST RIVER SOLAR**

GUILFORD COUNTY NORTH CAROLINA

**Statement of General Compliance**  
**Guilford County Unified Development Ordinance**  
**§3.5(Q)(3)(f)(1)**

**Applicant West River Solar, LLC**

West River Solar, LLC respectfully submits the following evidence that it complies with the standards for a Special Use Permit as provided in the Guilford County Zoning Ordinance §3.5(Q)(3)(f)(1).

**A. The proposed use is represented by an “S” in the column for the district in which it is located in Article 4 – Zoning Districts (Table of Permitted Uses).**

UDO Article 4, p. 4-36 shows Solar Collectors Principal to be allowed in AG zoning subject to receipt of a Special Use Permit.

**B. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted.**

**1. General**

Simply described, solar farms are little more than passive facilities that receive sunlight and convert it to clean energy. The materials used are primarily steel, glass, and products found in most household electronic appliances. The technology is more than 60 years old. Nothing about the operation creates an unreasonable risk to public health or safety.

**2. Public Health**

Solar Farms do not generate chemical or toxic by-products that threaten groundwater or surface water resources; they do nothing to generate or spread disease or bacteria; and they do not create environmental noise that would disturb the emotional health of residents. In most circumstances, someone standing at the closest point off-site is not able to hear the slight and barely audible hum generated by inverters in the interior of the facility.

If environmental noise is a concern, use of the property by a very quiet solar farm very often prevents the site from being used by many other uses that create substantial environmental noise (e.g. tractors for farming, lawnmowers and leaf blowers from a single family subdivision, guns from hunters, etc.). Solar farms also protect ground and surface waters from uses that could otherwise be developed as a matter of right (e.g. collection of



manure from dairy farming; chemicals used in nurseries and greenhouses; or heavy application of chemicals used in crop production).

### **3. Public Safety**

#### **(a) Traffic**

Transportation/traffic safety is one of the key issues when considering the impact a use will have on public safety. This facility will generate practically no traffic once construction is complete, with most days witnessing no incoming/outgoing vehicle trips at all. The only vehicles coming to the site will be occasional trips made to check on and maintain equipment and to mow grass – typically two vehicle trips per month during growing season. Construction time varies from site to site, but this 40-megawatt facility would take approximately 10-12 months to complete.

If this entire site were developed for one single home, the standard trip generation would be 9.52 vehicle trips *per day*, contrasted with zero trips on most days for a solar farm and generally no more than 2-3 vehicle trips *per month*. (9.52 is the national average established by the Institute of Transportation Engineers based upon data collected over decades). If the site, or portions of the site, were developed for solar farms, the traffic generated would be approximately 9.52 vehicle trips per day times the number of homes built.

#### **(b) Environmental Safety**

Unlike farming and many types of development, a solar facility protects adjoining streams from sedimentation resulting from soil erosion. Solar cells are mounted on support poles that are driven into the ground and that require minimal site grading. Hearty grass suitable to the climate is planted beneath the panels for soil stability. During construction, standard erosion control measures will be constructed and maintained in accordance with local and state stormwater regulations. As with most developments, stormwater and erosion control permits must be obtained prior to construction and land disturbance.

#### **(c) Equipment Safety**

The facility will be constructed to meet or exceed all standards of the National Electric Code, and all equipment is listed with and will contain the stamp of Underwriters Laboratories, a safety consulting and certification company that specializes in the public adoption and drafting of safety standards for electrical devices and components.

The facility will be surrounded by wildlife permeable fencing, developed in coordination with the NC Chapter of The Nature Conservancy, to protect the public, the facility, and wildlife habitat. All fencing will meet the standards of the National Electrical Code.

**C. The use meets all required conditions and specifications**

This applicant's consultants and engineers have worked diligently to make sure the proposed facility meets all requirements of the Guilford County UDO for Solar Collector Facilities. Enforcement of these requirements is at the staff level. If the applicant does not meet all requirements, no building permits will be issued.

Of importance, the Guilford County Technical Review Committee met on May 4, 2021 and voted unanimously to find that the site plan met all conditions and specifications, subject to minor changes being made and which have been done.

**D. The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.**

Numerous appraisers throughout North Carolina have studied the impact of *hundreds* of solar farms on adjoining properties, and to the applicant's knowledge, each of them has found, based upon information from public databases, that there is no objective evidence to support a claim that solar farms harm neighboring property values.

A common and accepted appraisal principle explains why solar farms have no impact on market value. A land use that has a negative effect on nearby property values is called an "*external obsolescence*." Common factors that make a land use an external obsolescence are noise, unreasonable traffic generation, dust, lights, odor, and threats to public health.

There is nothing about a solar farm's safe, quiet, odorless, dust free, low traffic characteristics that would make it an external obsolescence. This is especially true when a facility like this one will have planted vegetation to screen it from view. Thus, there are no *actual* conflicts between a solar farm and surrounding uses, although some citizens may claim they personally and subjectively do not think a solar farm is attractive. As explained below, North Carolina courts consistently have stated that such subjective feelings are not evidence to be considered in a CUP hearing.

To demonstrate compliance with this standard through competent, material, and substantial evidence, the applicant will present a study by Richard Kirkland, MAI, who has conducted several paired sales analyses for this project. Mr. Kirkland is now recognized as the world's leading expert on the effect of solar farms on adjoining properties, having performed over 700 studies in 19 states. His studies are done strictly in accordance with the Uniform Standards of Professional Appraisal Practice. Most of his studies include solar farms adjacent to residential uses.

**E. The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and environs.**

## 1. What is “Harmony?”

Addressing standard “E” requires first addressing what the word “harmony” means. In land use planning, “harmony” does not mean similar in use or appearance. For example, in the Guilford County AG District, the zoning ordinance allows by right or by special use permit uses such as athletic fields, country clubs, cell towers, shooting ranges, schools, churches, day cares, kennels, cemeteries, and LCID landfills.

All are considered harmonious adjacent uses, yet none is similar in function, appearance, or purpose.

Although the solar panel arrays do not look like some nearby uses (such as a house), there are no public service facilities that do. The existing telephone, electrical and cellular infrastructure common throughout Guilford County do not look like homes either, but they are considered typical structures commonly seen in urban and suburban areas. Solar panels are not obtrusive and have a much lower profile than a typical home or barn.

Rather than being based on appearance, harmony is primarily a *functional* determination. To determine whether a certain use of land is harmonious, a planner would examine whether that use has external impacts (an “externality”) that prevent other uses from reasonably co-existing. Common externalities that create disharmony are excessive light, dust, odor, noise, non-managed traffic, and environmental impacts. Most uses can be “in harmony” if the externalities are mitigated and or managed.

No characteristic of this proposed facility would prevent neighboring landowners from enjoying the full use of their homes or lands for any purpose they currently engage in or could engage in under the Guilford County Zoning Ordinance.

The proposed project has substantial setbacks from other uses on most sides, and an additional voluntary setback is offered adjacent to the closest homes in some locations. In addition to the existing setbacks, the applicant will add vegetative landscaping from one of the permitted vegetative mixes in the areas not already buffered by neighbors’ or natural vegetation.

In communities across our state and nation, including those with the strictest land use controls, there are very few uses that are considered incompatible. For example, there are numerous examples where we have large sports venues downtown, concert venues in or adjacent to neighborhoods, bars next to homes, industry and day care coexisting, farms adjacent to industry, major highways adjacent to housing, expensive homes near manufactured homes, and hundreds of solar farms surrounded by residential and agricultural uses. In fact, hundreds of communities across this state have applied this same

standard to local solar farms and concluded that, because of a solar farm's inherent characteristics, the facilities are harmonious with the area.

Occasionally there are uses that are incompatible, but they are rare. Some examples might include a sexually oriented business next to a school; an airport runway adjacent to a nursing home; or a commercial outdoor shooting range that is allowed to operate adjacent to a hospice facility.

## **2. Appearance is not a Relevant Factor**

Several North Carolina appellate courts have published opinions that affirm the statements above that "harmony" is a functional determination and that subjective views on appearance are not relevant evidence in a special or conditional use permit hearing. Three of those cases are listed below, the first one being a solar farm.

### *(a) Innovative 55, LLC and FLS Energy v. Robeson County (2017)*

This case involved a denial of an application for a solar farm in Robeson County whose special use permit standard required the board to determine whether a solar farm would be "in harmony" with the surrounding neighborhood.

The Court held that whether a solar farm could be seen and was considered by some opponents to be "an eyesore" was not relevant to the issue of harmony. ("The testimony of solar farm opponents that the final project as constructed would be an 'eyesore' based upon other solar farms they have seen is not competent evidence to support the denial of the solar farm.")

### *(b) Blair Investments v. Roanoke Rapids (2013)*

This case involved denial of a special use permit for a cell tower under the standard that "the use will be in harmony with the area in which it is to be located."

The Court held that neighbors' statements that they do "not want to look at one" and that it would be an "eyesore" are speculative opinions and not documentary evidence and therefore not competent evidence on the issue of harmony.

### *(c) MCC Outdoor Advertising v. Town of Franklinton*

This case involved denial of a special use permit for a billboard under the standard that the billboard must be "compatible with the general neighborhood in which it is located ...."

This Court held that opponents' testimony that a billboard could be seen from a particular location is "simply irrelevant as to whether the billboard is incompatible with

the neighborhood. . . . The evidence was merely an unsubstantiated opinion which is incompetent.

### **3. The Solar Farm's Harmony is an Established Legal Presumption**

The N.C. Supreme Court has held that listing a particular use as allowed in a certain zoning district constitutes a legislative determination that the use is harmonious with other uses in the district. *Woodhouse v. Board of Comm'rs of the Town of Nags Head*, 299 N.C. 211, 216, 261 S.E.2d 882, 886 (1980). This presumption of harmony can be rebutted, but only by competent, material, and substantial evidence to the contrary. *Vulcan Materials Co. v. Guilford County Bd. of County Comm'rs*, 115 N.C.App. 319, 444 S.E.2d 639 (1994).

### **4. Presumptions of Harmony Based on Compliance with Development Standards**

When Richmond County added solar as a principal use, it adopted several development standards for such facilities and incorporated them into the zoning ordinance in Section 6.10(14) and Section 4.16. These standards are adopted as additional insurance that the use will be harmonious and compatible with the surrounding uses.

When the county did this, it established setbacks from homes, buffer and vegetative requirements, height requirements, decommission requirements and other requirements and limitations. It is presumed as a matter of law that an applicant who meets the county's development standards will develop a facility that is harmonious according to its basic design standards.

### **5. Precedent**

Literally hundreds of solar farms across North Carolina have been found by boards of adjustment and governing bodies to be in harmony with the area in locations very similar to this.

### **6. General Conformity with the Comprehensive Plan**

#### **(a) Res Judicata**

Guilford County has already approved several solar farms and found them to be in general conformity with the comprehensive plan. These previous findings are generally binding on future boards. *Mount Ulla Historical Preservation Society v. Rowan County*, 232 N.C. App. 436, 754 S.E.2d 237 (2014).

#### **(b) Inclusion in UDO Demonstrates General Conformity**

It is important to note that under N.C. law, zoning ordinances must be informed by and arise out of a comprehensive plan. Therefore, it must be assumed that the new UDO is an expression of the land use plan's principles that solar farms are compatible uses in the AG district.

**(c) Provisions in Comprehensive Plan**

The following provisions from the Comprehensive Plan support solar farms generally, especially in rural areas:

1. Future Land Use Element, Objective 1.3: Complement and enhance the economic vitality of rural Guilford County farms while providing for expanded economic opportunities, through prudent regulations and sound land use decisions. (Page 6)

*Comment:* Most land in the rural part of the county is not in active farming. Making a living from the land is very difficult, and leasing the land for solar development is one way land can be preserved for future agriculture while keeping it in the family in intervening years. Solar farms will significantly increase the tax value of this property, and several jobs are created or supported in solar farm construction.

2. Housing Element, Goal #2: Partner with stakeholders to promote a building environment that embraces excellence, supports new technologies, and will proactively respond to challenges to keep Guilford County competitive both regionally and nationally. (Page 16).

*Comment:* Embracing energy production in the form of solar energy is using new technology to keep Guilford County competitive.

3. Housing Element, Objective 2.1: assess new construction technologies that are structurally sound yet environmentally friendly. (Page 16).

*Comment:* Solar panels are considered pervious and do not leak any form of toxic or hazardous substance into the air, soil, or water.

4. Natural, Historic, and Cultural Resources Element, Policy 1.4: Promote the expansion, restoration, and protection of Guilford County's land, water, and air resources through respectful management of development acquisition of sensitive areas, responsible waste management . . . (Page 23).

*Comment:* Solar panels are considered pervious and do not leak any form of toxic or hazardous substance into the air, soil, or water. Practically all components in a solar farm are recyclable.

5. Natural, Historic, and Cultural Resources Element, Policy 1.4.5: Support retention of viable agricultural areas by encouraging traditional and nontraditional farm uses, including for example agri-tourism, organic farming, and viniculture. (Page 24).

*Comment:* Solar farms give landowners options other than selling their land for housing subdivisions. Since most facilities are developed on leased land, the underlying tracts can be returned to farming at the end of the useful life of the facility.

6. Natural, Historic, and Cultural Resources Element, Objective 1.8: Encourage the use of clean fuels and clean fuel technologies; support new construction methods, materials, and practices that are structurally sound yet environmentally friendly. (Page 26).

*Comment:* Solar is a clean type of energy that is environmentally friendly. It poses no threats to air, soil, or groundwater, and its panels are considered pervious, allowing rain to seep into the soils beneath and recharge the groundwater supply.

7. Natural, Historic, and Cultural Resources Element, Policy 1.8.2: Investigate public/private opportunities to promote the use and availability of clean and alternative fuels throughout Guilford County. (Page 27) .

*Comment:* Solar farms lease the land from private owners before making the electricity publicly available to consumers on the grid.

The Comprehensive Plan also reflects the importance of alternate sources of resources, such as encouraging the use of clean fuels and clean fuel technologies (Transportation Element, Objective 1.6) and collaborating with Guilford County Environmental Health Department to recognize creative wastewater technologies (Housing Element, Policy 1.1.3).



# DECOMMISSIONING PLAN

## WEST RIVER SOLAR

May 12, 2021

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Pine Gate Renewables, LLC  
130 Roberts St.  
Asheville NC 28801  
P: 704-376-2767  
[www.pinegaterenewables.com](http://www.pinegaterenewables.com)





## PINE GATE RENEWABLES BACKGROUND

Pine Gate Renewables, LLC (“PGR”) originates, develops, finances, engineers, constructs, owns, and operates utility-scale solar projects that generate clean renewable power for the communities in which they are located. Founded in 2014, PGR consists of approximately 200 employees with offices in Jacksonville Beach, Florida, and Asheville and Charlotte, North Carolina.

PGR’s focus is on ground mounted utility-scale projects located in the United States ranging from 1 to 100 MW in capacity. PGR positions our projects near existing utility infrastructure, and thoroughly evaluates the natural surroundings to ensure minimal environmental impact. We work closely with landowners to develop agreements that are based on trust, open communication, and financial benefit.

The company has extensive experience executing utility-scale solar projects utilizing every available technology, in a myriad of locations and conditions, to maximize the efficiency and economics of the available solar resource.

## PGR QUALIFICATIONS

PGR currently owns and operates over 770 MW of solar generation across the United States.

PGR’s team of industry leading solar professionals facilitate each stage in a solar project’s lifecycle, from early-stage development through operations. Team members draw on their deep well of experience working at prominent renewable energy companies, including Cypress Creek Renewables, FLS Energy, Duke Energy, Nexamp, and Trina Solar. We are licensed general contractors, have in-house licensed PE, licensed PMP, a Licensed Professional Geologist, and NABCEP-certified designers and technicians available to solve even the most challenging operations and maintenance issues that may arise.

PGR has worked extensively within the utility-scale sector, providing comprehensive solar services to customers across South Carolina, North Carolina, Oregon, Minnesota, and Rhode Island. With over 770 MW of installed capacity, and construction and operation experience in all sectors of the industry, PGR’s team has solidified their status as experts in the solar industry. With our wealth of experience owning and operating projects built with a wide array of equipment and technologies (fixed tilt, trackers, central and string inverters, etc.), we have developed strong equipment vendor and service provider relationships, which facilitate our ability to connect the ideal product with the prescribed application and to facilitate operations.

PGR strives to safely outperform our customers’ expectations in every project we own and operate. Fully licensed and insured, Pine Gate Renewable’s Engineering, Procurement and Construction (“EPC”) and Operations and Maintenance (“O&M”) teams design, construct, operate and maintain utility-scale solar projects at a level that exceeds industry standards, and that maximizes our customers’ return-on-investment.



## PROJECT DESCRIPTION

West River Solar, LLC, is a proposed 40 MW<sub>AC</sub> solar project located in Guilford County, North Carolina (the "Project"). The Project will consist of approximately 115,465 485-watt photovoltaic solar modules that may track the sun throughout the day. PGR is responsible for the decommissioning of the Project as detailed herein.

The proposed West River Solar project sits on the following Guilford County parcel IDs: 803859714/116805, 8803964975/116804, 8813076249/116799, 8813157059/120643, 8803838923/116807, and 8813284829/120662. These parcels are owned by the following Guilford County property owners: JH Stewart Family LP, Needham Farm, LLC, Richard Brinkley, Margie Brinkley, and Bryan Morris Associates, LLC. The site consists primarily of wooded or cleared agricultural land. There are no wetlands, FEMA mapped floodplains, or Special Flood Hazard Areas in array areas.

The Project will be designed and engineered to have a minimum operating life of at least 25 years. It is feasible that the Project could potentially continue to operate past the design life assuming the economics remain viable and routine maintenance is conducted on the equipment. In addition, it is expected that during the Project's operating life technological advances will continue to be made that will make it more efficient and cost-effective to operate the Project rather than decommissioning.

The decommissioning plan described below will help to ensure there are sufficient funds available and a process is in place to remove the equipment and restore the site at the end of the Project's useful life.

## DECOMMISSIONING - GENERAL

Decommissioning includes the removal of modules, support columns, buildings, cabling, electrical components, and any other associated facilities (i.e., foundations, conduit) plus the necessary grading, restoration of soil and reseeded. Any additional conditions are also applicable which may be defined or established by Guilford County upon which decommissioning will be initiated (i.e., end of lease, condition of potential public safety hazard, etc.).

The timeframe for completion of removal and decommissioning activities is to be from six to twelve months unless otherwise extended by the local zoning/building authority.

All equipment and imported materials will be removed from the site such that it is returned to its original state prior to construction, unless otherwise directed. PGR will perform the decommissioning of the Project in accordance with all governing authorities, applicable local, state and federal requirements and industry standards. Any required permits will be obtained, and environmental considerations will be adhered to prior to de-energizing and decommissioning the Project. Similar to the construction of the Project, the necessary erosion control measures and best practices will be in place during decommissioning. PGR does not anticipate any environmental impacts as a result of the decommissioning process.

The Project's components will be recycled, reused, salvaged or discarded and will be transported to the appropriate facilities upon removal. Based on current salvage practices and industry standards PGR anticipates that most of the Project's materials will be able to be recycled or reused upon decommissioning.

## DECOMMISSIONING PROCESS

In the extremely unlikely event the Project is required to be decommissioned during the construction phase, the decommissioning process would be similar to that during operations, as described in more detail below.

PGR's decommissioning process includes the following:

### ***Equipment:***

Similar to the Project's construction phase, various pieces of equipment will likely be utilized during the decommissioning process including (among others): trucks, cranes, backhoes, skid-steers, graders and scissor lifts. PGR estimates several subcontractors will be performing work, including civil, electrical and general labor. Decommissioning the Project is estimated to take approximately three months.

### ***Lay Down Area:***

A lay down area will be established that will provide a space for organizing and storing disassembled equipment that allows for truck access to haul the equipment off site. Construction of a lay down area may require minimal civil work and disturbance to existing soil before ultimately being graded and reseeded along with the other disturbed earth.

### ***Civil and Site Work:***

Disturbed earth (roads, driveways, culverts, etc.) will be graded and reseeded with a native mix to prevent erosion and ensure suitable vegetation is established unless the landowner requests in writing that access roads or other land surface areas are not to be restored.

### ***Solar Arrays:***

Solar array equipment (modules, racking, combiner boxes, inverter, transformers, etc.) will be removed and recycled or salvaged, if possible. PGR anticipates that the majority of the Project's materials will be able to be recycled or reused upon decommissioning. When entire components are not able to be reused the materials (steel, aluminum, glass, copper, etc.) will be examined and recycled whenever possible. Specific solar array components are discussed further below:

### ***Modules:***

Solar modules are comprised of silicon, glass and aluminum which can be recycled. The modules that will be installed at the Project are not considered a hazardous material. The modules will be removed and packaged per manufacturer's recommendations and shipped to the appropriate recycling facility.

### ***Foundations:***

Following dismantling and removal of equipment, any foundations will be removed, and the earthwork graded (as necessary) and restored to its natural condition. Pads will be excavated to remove all conduit,



cable, rebar, concrete, etc. and the areas backfilled with material similar to the site conditions and topsoil restored. Concrete that is removed will be recycled or repurposed.

***Electrical - Cable:***

Electrical cable will be removed from inverters, combiner boxes, and pulled from conduit before disassembly. Aluminum and copper cable will be recycled. Overhead lines and poles will be dismantled and recycled or disposed of, as necessary.

***Electrical – Components:***

The electrical components (inverters, combiner boxes, etc.) will be dismantled and reused in their entirety, recycled or disposed of accordingly. Removal of the equipment will be conducted in accordance with manufacturer specifications.

***Frames:***

Frames (racking), including driven piles will be removed and recycled.

***Fencing:***

Fencing will be dismantled and recycled.

***Decommissioning Closeout:***

Following decommissioning, the site will be inspected, and all construction-related material and equipment removed. All waste generated by the decommissioning process, which is expected to be minimal, will be disposed of accordingly and recycled when possible.

## DECOMMISSIONING - COST ESTIMATE

The cost estimates for decommissioning of the Project are premised on a 40 MW<sub>AC</sub> system and current equipment costs. Obviously, it is extremely difficult to precisely determine future decommissioning costs; however, the below is based on the best information currently available. In addition, we expect a significant portion of these costs to be offset by recycling and salvaging material from the Project (steel, aluminum, copper, etc.).

The Net Decommissioning Costs for the Project are expected to be approximately \$330,781.40. For additional detail please reference the attached cost estimate at the end of this document.



| Projected Cost of Decommissioning Plan |                                     |                           |
|--|-------------------------------------|---------------------------|
| Labor Costs                            |                                     |                           |
| Item                                   | Task                                | Estimated Labor Cost (\$) |
| 1                                      | Remove PV Modules                   | \$549,613.40              |
| 2                                      | Remove Inverter                     | \$26,500.00               |
| 3                                      | Remove Transformer                  | \$18,550.00               |
| 4                                      | Remove and Dispose of Batteries     | \$0.00                    |
| 5                                      | Remove Battery Inverters            | \$0.00                    |
| 6                                      | Remove Battery Transformers         | \$0.00                    |
| 7                                      | Dismantle and Remove Racking Frames | \$86,800.00               |
| 8                                      | Dismantle and Remove Racking Posts  | \$156,800.00              |
| 9                                      | Remove Wiring and Equipment         | \$249,200.00              |
| 10                                     | Remove Fence                        | \$135,000.00              |
| 11                                     | Remove Concrete                     | \$15,900.00               |
| 12                                     | Remove Gravel                       | \$165,000.00              |
| 13                                     | Remove GSU                          | \$69,400.00               |
| 14                                     | Dismantle Substation                | \$350,000.00              |
| 15                                     | Re-seed and Re-grade Site           | \$300,000.00              |
| 16                                     | Transportation Costs                | \$1,250.00                |
| <b>Total Cost:</b>                     |                                     | <b>\$2,124,013.40</b>     |
| Salvageable Parts and Materials        |                                     |                           |
| Item                                   | Parts/Materials                     | Estimated Labor Cost (\$) |
| 1                                      | Modules                             | \$1,002,400.00            |
| 2                                      | Inverter(s)                         | \$14,672.00               |
| 3                                      | Transformer                         | \$7,560.00                |
| 4                                      | Battery Inverters                   | \$0.00                    |
| 5                                      | Battery Transformers                | \$0.00                    |
| 6                                      | Racking Frames                      | \$90,000.00               |
| 7                                      | Racking Posts                       | \$24,000.00               |
| 8                                      | Wiring (Copper and Aluminum)        | \$380,800.00              |
| 9                                      | Chain Link Fence                    | \$60,000.00               |
| 10                                     | Gravel                              | \$75,000.00               |
| 11                                     | GSU                                 | \$104,100.00              |
| 12                                     | Substation Steel                    | \$34,700.00               |
| <b>Total Salvage Value:</b>            |                                     | <b>\$1,793,232.00</b>     |
| <b>Net Decommissioning Cost:</b>       |                                     | <b>\$330,781.40</b>       |



## PGR CONTACT

Please contact the following PGR employees with any questions or concerns regarding the decommissioning plan:

Sean Andersen  
Development – Director of Project Management  
E: sandersen@pgr Renewables.com

James Froelicher  
Construction – Vice President  
E: jfroelicher@pgr Renewables.com

**SPECIAL USE PERMIT CASE #21-05-GCPL-04192: Solar Collectors (Principal) 1984 Mt Hope Church Rd**

## Property Information

Located on the west side of Mt Hope Church Rd, approximately 1500 feet northwest from its intersection of McConnell Rd, approximately 880 acres, Guilford County Tax Parcel #116807, #116805, #116804, #116799, #120643, and #120662 zoned AG-SP, and owned by Stewart JH Family Limited Partnership, Richard and Margie Brinkley, Needham Farm LLC, and Bryan Morris Associates LLC.

**Zoning History of Denied Cases:** There is no history of denied cases.

## Nature of the Request

This request is to consider granting a Special Use Permit for a Solar Collectors (Principal) subject to the submitted Site Plan along with the following proposed conditions: 1.) Along the western and southern boundaries of Parcel #120643, West River Solar will observe minimum setbacks of 125' from the nearest panel to adjoining property lines as shown on the SUP site plan submitted May 12, 2021, 2.) Along the western and southern boundaries of Parcel #120643, West River Solar will plant or preserve a minimum of 50' of vegetation for screening purposes as shown on the SUP site plan submitted May 12, 2021 and 3.) To the extent practicable, West River Solar will plant native grasses or pollinator plant species within the project footprint and install wildlife friendly fencing that meets or exceeds the standards of the National Electrical Code.

There were two previously approved Special Use Permits for a Solar Collectors (Principal) at the September 2018 Planning Board meeting (case #18-08-GCPL-05100, 429 acres, Parcel #0116799, #0116804, #0116805 & #0116807) and November 2018 Planning Board meeting (case #18-10-GCPL-06575, 95 acres, Parcel #120643). All the property in those two cases are being proposed in this application plus additional acreage for a new SUP. Case # 18-10-GCPL-06575 was subject to the following conditions: **(1) The buffer yard will be as shown on the submitted development site plan which is in addition and is more stringent than what is required by the Guilford County Development Ordinance; and (2) The decommissioning shall be pursuant to the provisions of the ground lease submitted in conjunction with the application.** The two previous SUPs combined was for 524 acres total. The new proposed SUP would add 356 acres which would be approximately 880 acres total. The project was never developed. This is a new Special Use Permit that would encompass all the properties in the previous two SUPs plus additional parcel # 120662, thus if approved would void the previous two SUPs mentioned above. The submitted sketch plan for this current case outlines the areas of the two previous SUPs and the new proposed additional acreage for visualization purposes. If approved, a single site plan (approximately 880 acres) encompassing the entire parcels listed in the application would be submitted for commercial site plan review process that would be reviewed by the Guilford County Technical Review Committee.

## Character of the Area

This request is in an area of low-density single-family residential lots and farm uses.

**Existing Land Use(s) on the Property:** Large vacant lots/single-family home/ Duke Power substation

**Surrounding Uses:**

North: Vacant/single-family residential

South: Large-lot Residential and Farm

East: Vacant/single-family residential

West: Vacant/single-family residential

**Historic Properties:** There are no inventoried Historic Properties located on or near the property.

**Cemeteries:** No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites.

## Infrastructure and Community Facilities

**Emergency Response:**

Fire Protection District: McLeansville.

Miles from Fire Station: Approximately 6.3 miles.

**Water and Sewer Services:**

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

**Transportation:**

Existing Conditions: Mount Hope Church Road is a major thoroughfare; has approximate with 1800 ADT (2019 NCDOT count).

Impact minimal during construction. After construction, impacts will be for general maintenance of the facility.

Proposed Improvements: Driveway permit required.

Projected Traffic Generation: The traffic impact will be very minimal due to a solar facility being unmanned. Trips would likely include maintenance only.

## Environmental Assessment



**Topography:** Nearly flat, gently sloping and moderately sloping.

**Regulated Floodplain/Wetlands:**

There is regulated floodplain located on four of the six of the parcels. There are no mapped wetlands on the properties.

**Streams and Watershed:**

The properties are in the Lake Mackintosh (Big Alamance Creek WS-IV) Water Supply Watershed in the General Watershed Area. There are multiple streams running throughout the properties.

## Land Use Analysis

**Land Use Plan:** Northern Lakes Area Plan 2016 Update

**Plan Recommendation:** AG Rural Residential

**Consistency:** This request is consistent with the adopted plan, it is compatible with the surrounding uses and zoning, portions of the proposed property had previously been approved two special use permits for a Solar Collectors (Principal) in September and November 2018, and is being proposed in the public interest and is permitted in the AG district with an approved Special Use Permit.

## Review Factors: Article 3.Q.G from the Guilford County UDO

The applicant shall demonstrate that the review factors listed below have been adequality addressed.

1. Circulation: Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, pedestrian safety, traffic flow and control, and access in case of emergency: **Per the submitted sketch plan in this application, access will be from Mt Hope Church Rd. NCDOT commercial driveway permit will be required during the official commercial site plan review process.**
2. Parking and Loading: Location of off-street parking and loading areas: **Minimum number of spaces associated with use or maintenance of facility, shall be determined at two (2) per three (3) employees at largest shift plus one for vehicle operation on site per Article 5.14 (D) in the Guilford County UDO.**
3. Service Entrances and Areas: Locations of refuse and service areas with adequate access for services vehicles: **Locations of service areas will be reviewed to allow for adequate access for all service vehicles at TRC when the official site plan is submitted for review per 6.1 in the Guilford County UDO.**
4. Lighting: Location of lighting with reference to spillage & glare, motorist & pedestrian traffic safety, and compatibility with other property in the area: **Solar Facilities require minimal lighting due to no employees on site, however, a lighting plan will be reviewed at TRC when the official site plan is submitted for review per 6.3 of the Guilford County UDO.**
5. Utilities: Location and availability of utilities (public or private): **Solar Facilities do not**

**require well or septic due to no permanent employees on site. Utility easements are shown on the submitted sketch plan and will be reviewed at TRC.**

6. Open Spaces: Location of required street yards and other open spaces and preservation of existing trees and other natural features (where applicable): **Existing vegetation will be preserved per the submitted sketch plan and buffer yards and landscape requirements will be required and reviewed at TRC per Article 6.2 of the Guilford County UDO.**

7. Environmental Protection: Provisions to protect floodplains, stream buffers, wetlands, watersheds, open space and other natural features: **Environmental regulations will be reviewed by Guilford County's Watershed/Stormwater Division at TRC to meet all environmental regulations per Article 9 of the Guilford County UDO.**

8. Landscaping, Buffering & Screening: Installation of landscaping, fencing or berming for the purpose of buffering and screening where necessary to provide visual screening where appropriate: **Solar collectors and associated outside storage shall be completely screened with a vegetative buffer from view from all streets and adjacent residential uses. Required screening shall be at a Type B Planting Yard, except understory-trees may be substituted for canopy tree requirements per Article 5.14 (D) in the Guilford County UDO and shown on the submitted sketch plan.**

9. Effect on Nearby Properties: Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic: **No solar collectors shall be located within one hundred (100) feet of any residential structure per Article 5.14 (D) in the Guilford County UDO. Solar Facilities have a minimal visual, sound, lighting impact to surrounding properties.**

10. Compatibility: The general compatibility with nearby properties, including but not limited to the scale, design, and use in relationship to other properties: **Solar Facilities are required to have landscape buffers of the entire perimeter of the facility and should not be seen from the public right of way. The surrounding area is a low-density rural setting with large acreage tracts.**

## Staff Comments

During consideration of a Special Use Permit, the Planning Board must determine that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing:

1. A written application was submitted and is complete in all respects;
2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
3. The use, Solar Farm, subject to the submitted Site Plan along with the following proposed conditions: **Solar Collectors (Principal) and subject to the proposed Site Plan as conditionally approved by TRC**, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications;
4. That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity

with the plan of development of the Jurisdiction and its environs; and

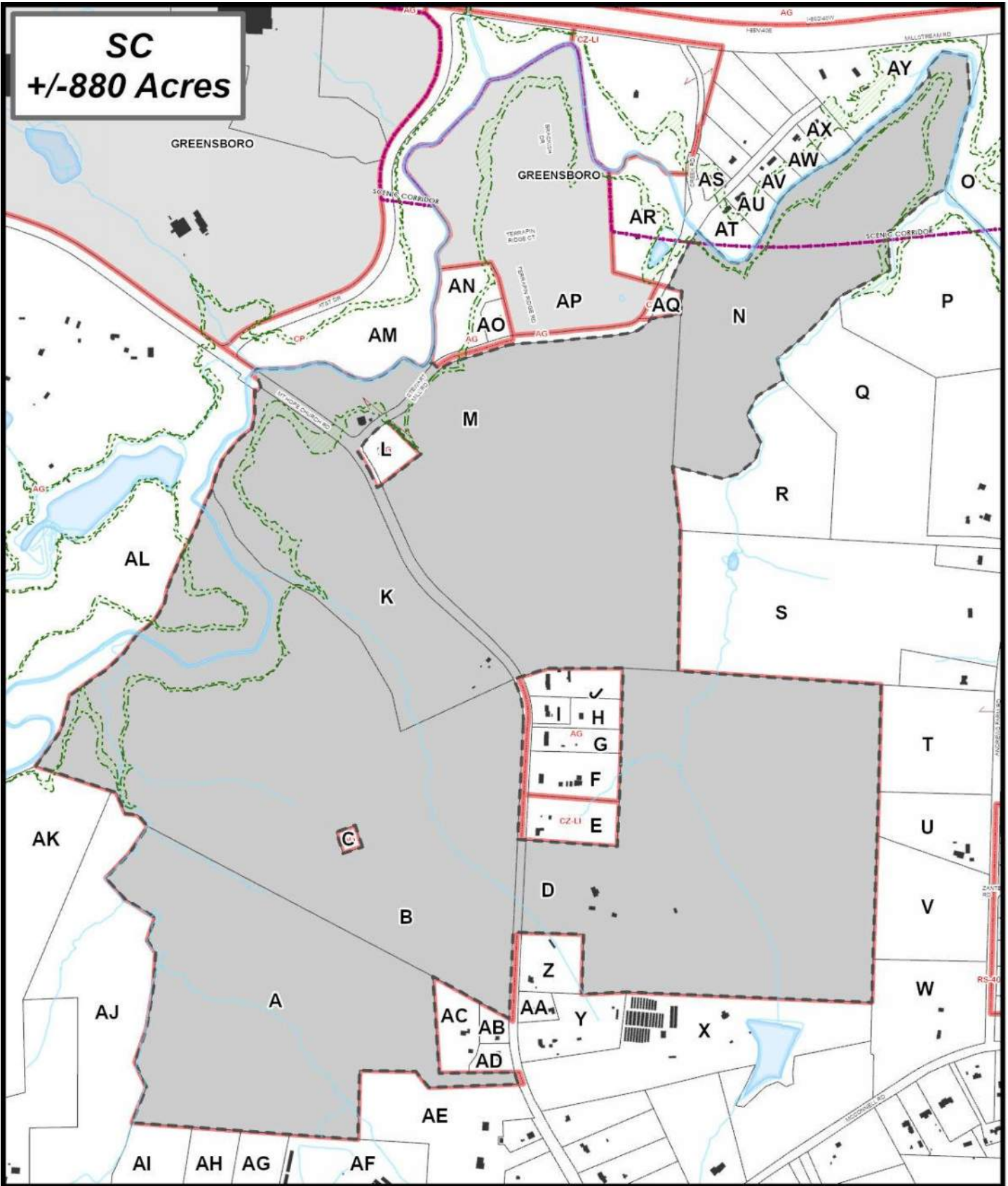
5. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

**After reviewing the proposed development plan for this request, staff offers the following for Planning Board consideration:**

1. The development of the parcel shall comply with all regulations as specified in the Guilford County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.
3. The development shall proceed upon approval of plan and design features by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standards, as indicated in the TRC memorandum dated May 4, 2021.
4. The Planning Board should consider the decommission plan which was submitted as part of the application.
5. Added conditions, if applicable
6. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.

**INSERT COLOR  
PAGE**

**SC**  
**+/-880 Acres**



**JURISDICTION:**  
**GUILFORD COUNTY**  
 Guilford County  
 Planning & Development  
 Department

**Rezoning Case #**  
**21-05-GCPL-04192**  
 Scale: 1" = 850'

**Map:**  
 116807 116799  
 116805 120643  
 116804 120662



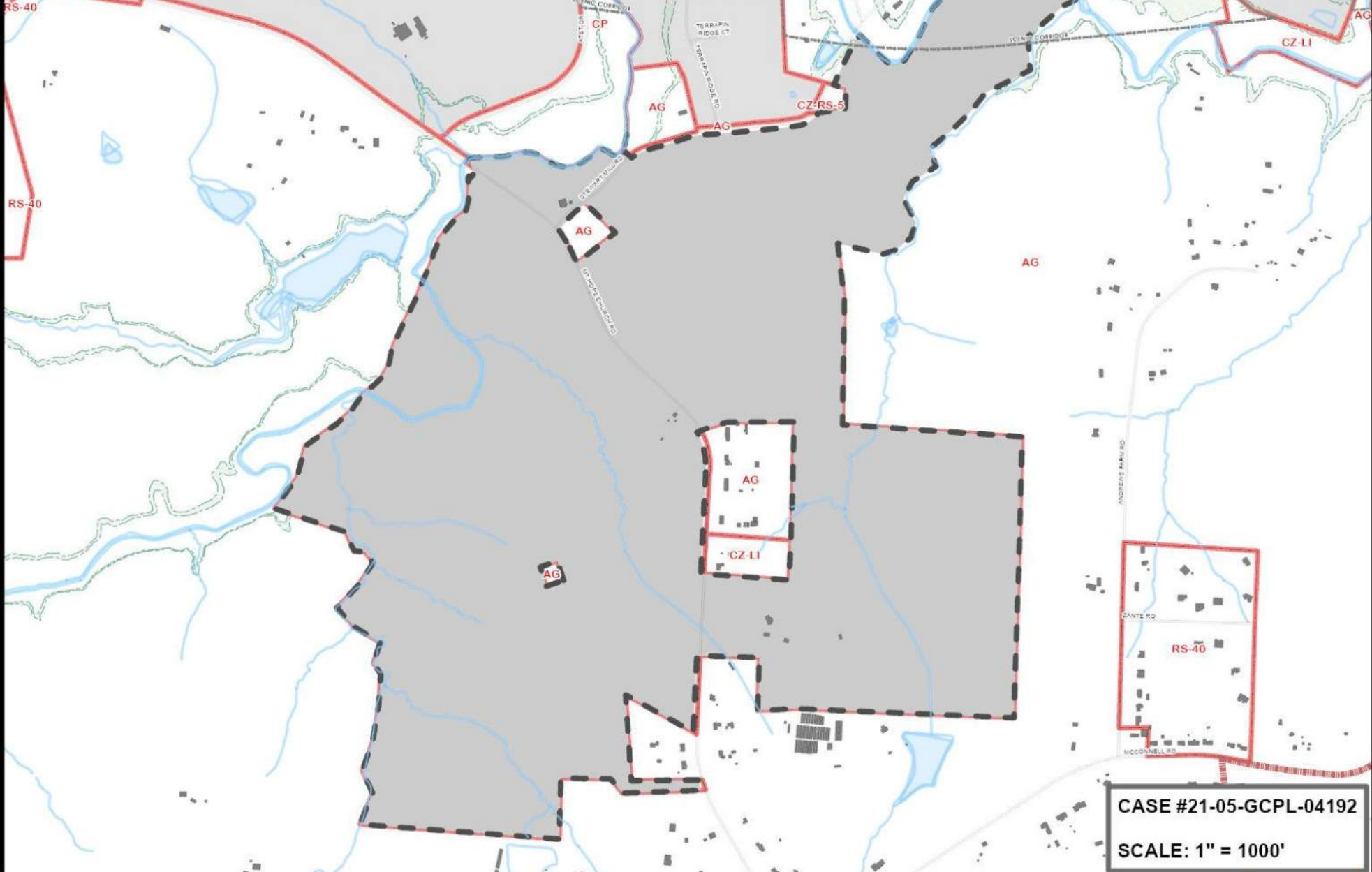
|    |   |  |
|----|---|--|
| A  | BRINKLEY, RICHARD D;BRINKLEY, MARGIE F  | Case<br>21-05-GCPL-04192<br>Special Use Permit<br>Solar Collector<br>(Principal) |
| B  | STEWART J H FAMILY LIMITED PARTNERSHIP  |  |
| C  | DUKE POWER CO TAX DEPT-PB05B  |  |
| D  | NEEDHAM FARM LLC  |  |
| E  | NANCE, RONNIE G;NANCE, DEBRA P  |  |
| F  | MAY, LARRY M  |  |
| G  | INGRAM, ALEX;INGRAM, KELLY A  |  |
| H  | P GROUP HOLDING LLC   |  |
| I  | PATTERSON, THURMAN MATTHEW  |  |
| J  | AWAN, ABDUL J   |  |
| K  | STEWART J H FAMILY LIMITED PARTNERSHIP  |  |
| L  | STEWART J H FAMILY LIMITED PARTNERSHIP  |  |
| M  | STEWART J H FAMILY LIMITED PARTNERSHIP  |  |
| N  | BRYAN MORRIS ASSOCIATES LLC   |  |
| O  | WILLIAMS DEVELOPMENT GROUP LLC  |  |
| P  | WEBSTER, TONY   |  |
| Q  | S A ASSOCIATES LIMITED PARTNERSHIP  |  |
| R  | S A ASSOCIATES LIMITED PARTNERSHIP  |  |
| S  | S A ASSOCIATES LIMITED PARTNERSHIP  |  |
| T  | GALLAHER, LESLIE MCDUGEL;GALLAHER, THOMAS NICHOLAS                              |  |
| U  | BUCHANAN, AMANDA F;BUCHANAN, BRYAN E  |  |
| V  | CZORNIJ, DIANE  |  |
| W  | JONES, DEBORAH G;JONES, WILLIAM SHANNON   |  |
| X  | DOUGHTY, SANDRA W   |  |
| Y  | THOMAS, B J;THOMAS, EVELYN A  |  |
| Z  | WOLFE, FEROL M  |  |
| AA | THOMAS, STEVEN LOWELL   |  |
| AB | SIMPSON, CAROLYN REECE  |  |
| AC | REECE, WESLEY GRADY   |  |
| AD | REECE, MARY P   |  |
| AE | WILLIAMSON, CHRISTOPHER W   |  |
| AF | PEACEHAVEN FARM INC   |  |
| AG | REECE, HAROLD DEAN L/T  |  |
| AH | BALDWIN, MICHAEL J  |  |
| AI | QUALLS, BRADLEY NEIL;QUALLS, DEBORAH LYNN                                       |  |
| AJ | SMITH, BILLY L TRUSTEE;SMITH, NANCY B TRUSTEE;THE BILLY L SMITH LIVING TRUST    |  |
| AK | SMITH, NANCY B TRUSTEE;SMITH, BILLY L TRUSTEE;OF THE NANCY B SMITH LIVING TRUST |  |
| AL | RAMEY, BETSY PHIPPS;ASKEW, REBECCA PHIPPS                                       |  |
| AM | CCC DEVELOPMENT PARTNERS LLC  |  |
| AN | FOUST, KYLE SR  |  |
| AO | FOUST, JOSHUA MICHAEL;FOUST, LOGAN  |  |
| AP | CITY OF GREENSBORO  |  |
| AQ | CITY OF GREENSBORO  |  |
| AR | CUFFIE, GEORGE;QUINN, ESTHER  |  |
| AS | LINN, JANICE L;LANNING, WILLIAM E   |  |
| AT | CREIGHTON, LINDSAY G;KOWALSKY, MICHAEL  |  |
| AU | HYLE, JEFFREY W;HYLE, STEPHANIE   |  |
| AV | BEAVERS, JESSE K;BEAVERS, MARSHA P  |  |
| AW | CAMPBELL, PATRICIA P  |  |
| AX | STEPHENS, LARRY EDWARD II;STEPHENS, NOELLE                                      |  |
| AY | CRAVEN, JOHN BRAXTON JR;CRAVEN, PEGGY D   |  |

SC  
+/-880 Acres

GREENSBORO

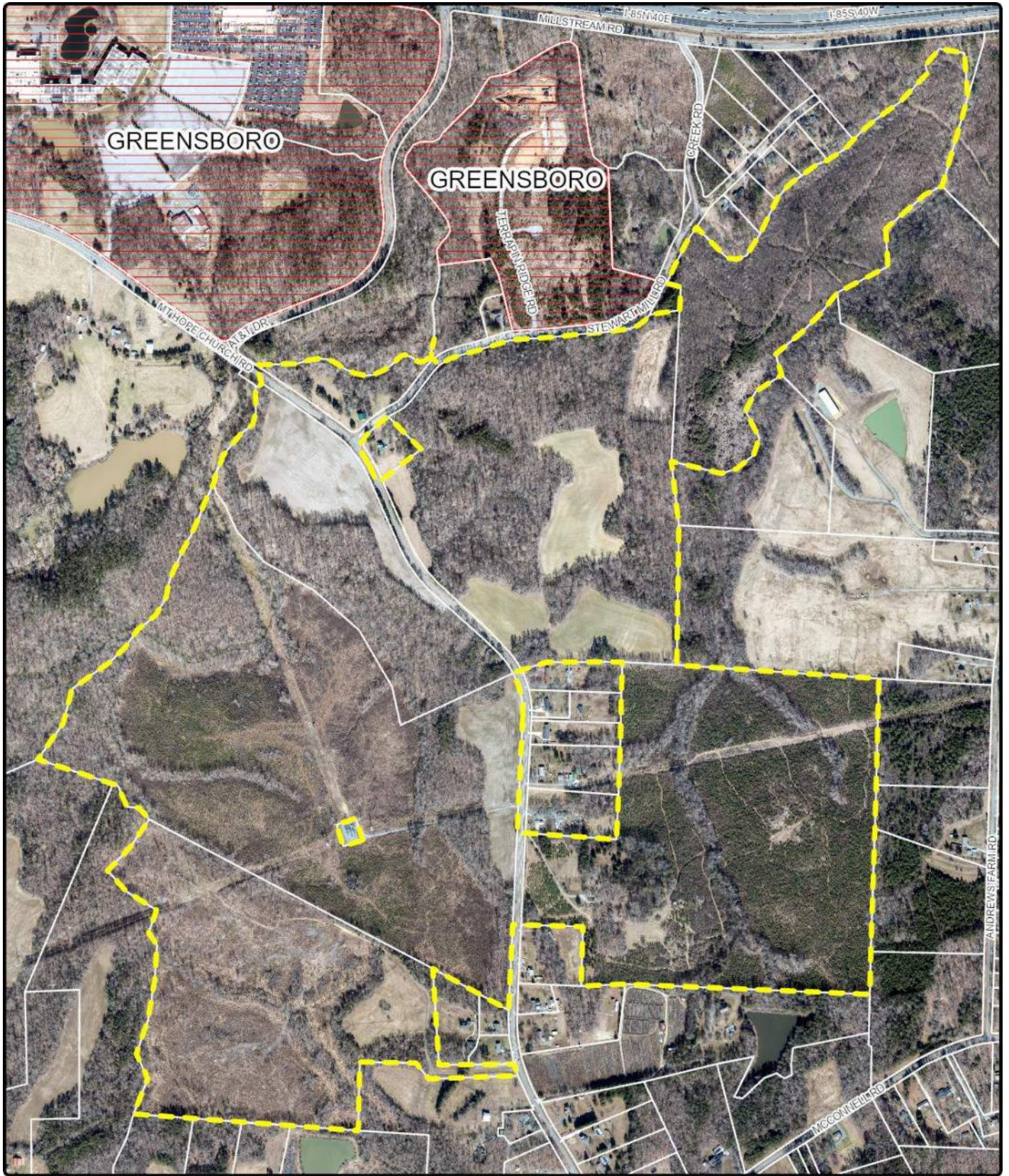
GREENSBORO

GREENS.



CASE #21-05-GCPL-04192

SCALE: 1" = 1000'

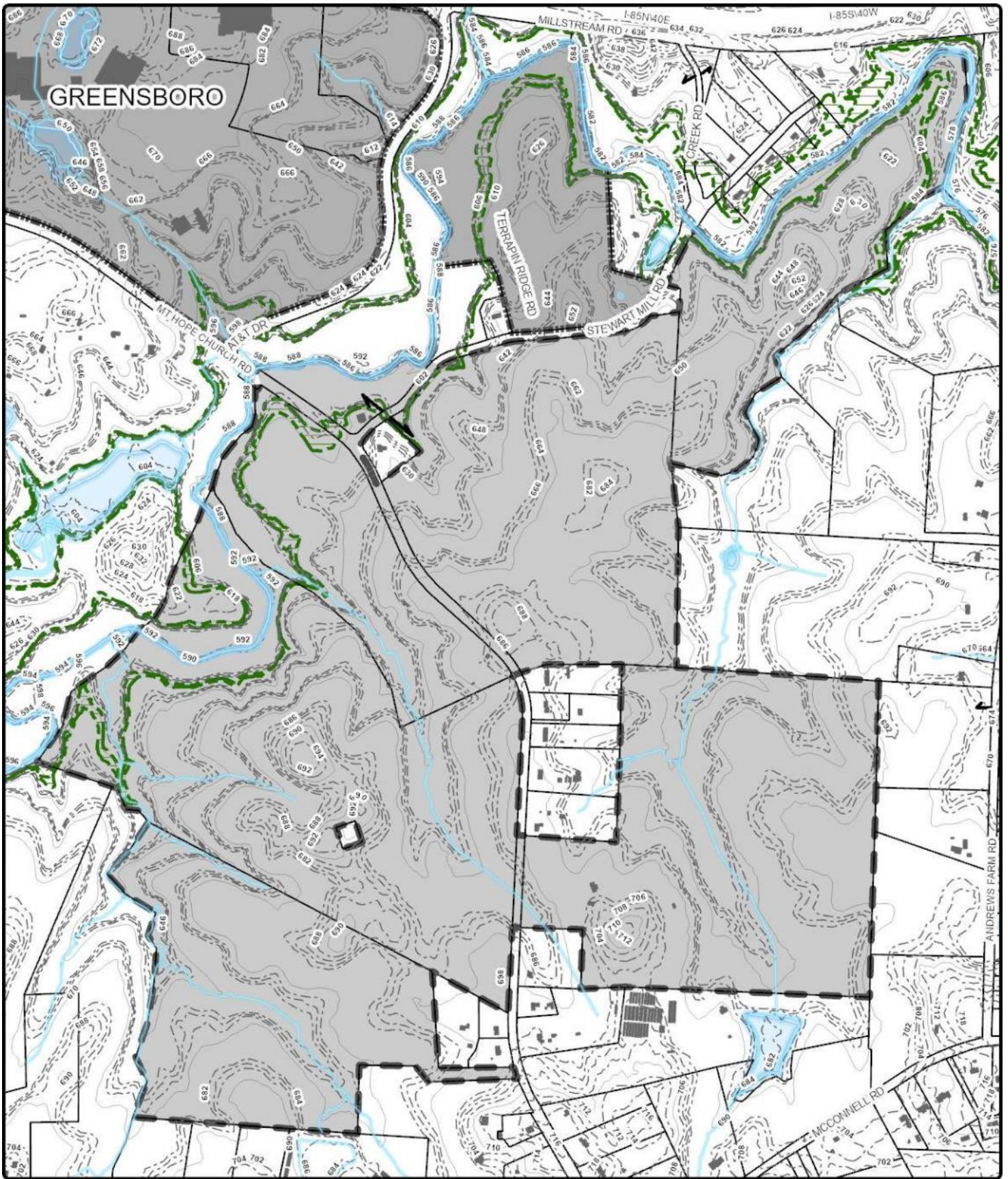


**CASE #21-05-GCPL-04192**

Scale: 1" = 850'







**CASE #21-05-GCPL-04192**

Scale: 1" = 850'



**GUILFORD COUNTY PLANNING BOARD  
ORDER (GRANTING/DENYING) A SPECIAL USE PERMIT**

The Guilford County Planning Board, having held an Evidentiary Hearing on **June 21, 2021** to consider a request for a Special Use Permit for **Solar Collectors (Principal)** subject to the submitted Site Plan along with the following proposed conditions: (1) Along the western and southern boundaries of parcel # 120643, West River Solar will observe minimum setbacks of 125 feet from the nearest panel to adjoining property lines as shown on the site plan submitted May 12, 2021; (2) Along the western boundaries of parcel #120643, West River Solar will plant or preserve a minimum of 50 feet of vegetation for screening purposes as shown on the site plan submitted May 12, 2021; and (3) To the extent practicable, West River Solar will plant native grasses or pollinator plant species within the project footprint and install wildlife friendly fencing that meets or exceeds the standards of the National Electric Code. The property is located on the west side of Mt Hope Church Rd, approximately 1500 feet northwest from its intersection of McConnell Rd, approximately 880 acres, Guilford County Tax Parcel #116807, #116805, #116804, #116799, #120643, and #120662 zoned AG-SP, and owned by Stewart JH Family Limited Partnership, Richard and Margie Brinkley, Needham Farm LLC, and Bryan Morris Associates LLC. Having heard all of the evidence and arguments presented at the Evidentiary Hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

- 1. A written application was submitted and **[is/is not]** complete in all respects.
- 2. That the use **[will/will not]** materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

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- 3. The use, **Solar Collectors (Principal)** and subject to the proposed Site Plan as conditionally **approved by TRC**, for which the Special Use Permit is sought, **[is/is not]** in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

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- 4. That the location and character of the use, if developed according to the plan submitted, **[will/will not]**

**not]** be in harmony with the area in which it is to be located and **[is/is not]** in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

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5. The use **[will/will not]** substantially injure the value of adjoining or abutting property, or the use is a public necessity. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

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THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a SPECIAL USE PERMIT for **Solar Collectors (Principal)** be **[denied/granted]** subject to the following:

1. The development of the parcel shall comply with all regulations as specified in the Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.
3. The development shall proceed upon approval of plan and design features by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standards.
4. Added conditions, if applicable.
5. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.