

**Guilford County  
Planning Board  
SPECIAL MEETING  
June 21<sup>st</sup>, 2021**

The Guilford County Planning Board met in regular session on Monday, June 21<sup>st</sup>, 2021, at 6:03 p.m. at the NC Cooperative Extension-Agricultural Center, 3309 Burlington Road, Greensboro, NC.

**Members Present:** Mr. Apple; Ms. Buchanan; Mr. Craft; Mr. Donnelly; Dr. Gathers; Mr. Gullick; Ms. McKinley; and Chair Frankie Jones

**Members Absent:** None

**Staff Present:** Mitchell Byers, Planning Technician; Matt Talbott, Sr. Planner/Planner II; J. Leslie Bell, Guilford County Planning Director; and Robert Carmon, Fire Inspections Chief

Chair Jones called the meeting to order and welcomed everyone in attendance.

**AGENDA AMENDMENTS:** None

**APPROVAL OF MINUTES:** None

**RULES OF PROCEDURE:**

Chairman Frankie Jones read the rules of procedures to be followed during the meeting.

**CONTINUANCE REQUESTS:** None.

**OLD BUSINESS:** None

**NEW BUSINESS:**

Chair Jones swore in all individuals presenting information in the Special Use Permit Case.

**Evidentiary Hearing Item(s):**

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

Located on the west side of Mt Hope Church Rd, approximately 1500 feet northwest from its intersection of McConnell Rd, approximately 470 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 Collector (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.

Karen Kemerait, the applicant's representative from the Raleigh branch of Fox Rothschild Attorneys at Law, stated their case. The plan is to create a 40-Megawatt solar farm that would create clean and renewable energy for Duke Energy. The solar farm would go over many parcels and would cover about 470 acres. The solar farm address will be 1942 Mt Hope Church Rd, McLeansville, NC. All the zones in the plan are marked for agricultural use and stated that solar farms are allowed with a special use permit in agricultural zones. The current uses are agricultural and vacant forested land on the parcels. Her team has spoken with adjacent property owners and had no opposition to the plan. The application is a bit unusual since the new special use permit would combine two previous special use permit orders, while adding new property to the old special use permits. This includes a minor expansion to two parcels and the addition of one parcel.

Mr. Donnelly had some confusion about the parcels that would be added. Ms. Kemerait responded that the purple area on the map referred to the 2018 special use permit and the pink area referred to the 2019 special use permit

Ms. Kemerait continued her presentation, stating the area includes agricultural and low density residential uses. The plan includes maintaining a natural buffer and additional landscaping to insure no adverse impact on surrounding properties. Two previous applications have been signed off on. The State Clearing House review has been completed and all solar farm special use permit requirements have been met. The information in the site plan includes a buffer plan and a decommissioning plan [is included with the application]. The solar farm will be a passive facility that will not endanger the community. It is an unmanned facility so it will have a low impact on traffic, only needing 2-3 visits per month. The facility is quiet, only creating a slight hum. It will have no odor, emissions, and no glare. All the requirements were met on May 4<sup>th</sup>, 2021.

Matt Talbott clarified that both of the original special use permits that include the parcels within the new special use permit proposal were both approved in 2018, the first permit was recorded in 2018 and the second permit was recorded in 2019.

Chair Jones opened the floor to questions and discussion from the Board. Mr. Gullick raised concern about who would pay the bill if the decommissioning plan did commence. Mr. Apple made a statement that he has a friend that lives next to a solar farm and has no issues with noise. Mr. Donnelly asked what the size of the tree buffer is and would it cover the glare.

Ms. Kemerait stated that most of the tree cover is mature trees, and that the area is mostly tree covered. The landscaping would help supplement any areas that do not meet the requirements of the ordinance.

Chair Jones questioned Ms. Kemerait if there were on-site lights since at night there is no light at night. Ms. Kemerait stated that Rex Young could answer this question. Mr. Craft raised concern about the sedimentation plan during this process.

Rex Young, 606 Wade Avenue Suite 102, Raleigh, NC, stated that there are mechanisms in place to protect the landowners such as a lease agreement with Pine Gate Renewables to restore land in case of decommissioning, in reference to Mr. Gullick's concerns. Rules are being drafted on how developers dispose of recyclable materials from solar farms. The plan is a 40-year project and believes that even if the parent company falls through that a solar farm of this caliber is something that developers like.

Chair Jones asked if there was a big difference between the plan presented today and the lease agreements. Mr. Young replied that the seven-page decommissioning plan is more for illustrative purposes, and the only difference is duration of the agreements. If there is any differences between the two agreements that the one with stricter rules applies. Mr. Craft asked if there is money set aside for the project by the end of its life, and Mr. Young replied that

there are funds but not a trust. Ms. Buchanan asked what data they have for the environmental impact. Mr. Young stated that Chris Sanderford would be more qualified to answer that question.

Before Mr. Young finished his presentation, he stated that earlier that day his team had spoken with a neighboring property owner and had made a condition to plant a 50-foot buffer and have a setback of 50 feet for parcels #120646, #120668, and #120669 – all owned by the same individual. Ms. McKinley moved to accept the new conditions, seconded by Ms. Buchanan. The Board voted unanimously 8-0 in favor of the motion (Ayes: Apple, Buchanan, Craft, Donnelly, Gathers, Gullick, McKinley, and Jones Nays: None).

Chris Sanderford, 3118 Green Rd, Spring Hope, NC, stated his education, licensing, and classifications that made him qualified to speak on the issue of solar farms. Mr. Craft moved for Mr. Sanderford to be recognized as an expert in his field, seconded by Mr. Apple. The Board voted unanimously 8-0 in favor of the motion (Ayes: Apple, Buchanan, Craft, Donnelly, Gathers, Gullick, McKinley, and Jones Nays: None).

Mr. Sanderford stated that the environmental impact of the project has as high salvage value with the materials that are used, that would exceed any removal fees. The panels are 95% recyclable by weight. The panels should last about 25-30 years and will be repaneled before the end of the 40-year plan. The panels that are going to be used, would not create glare since they are tilted upwards, and it is not in an area that has airplanes going through so no glare study was required in his opinion.

In conclusion, Ms. Kemerait asked that the Board please approve the SUP and that it would meet current decommissioning requirements proposed in the plan or have more stringent requirements.

Chair Jones moved the second condition in the application be amended to read that the decommissioning shall be pursuant to the revisions of the decommissioning plan dated May 12<sup>th</sup>, 2021, submitted to the Board subject to any negotiation by the tenant with respect to duration set forth in the ground lease submitted in conjunction with the application, seconded by Ms. McKinley. The Board voted unanimously 8-0 in favor of the motion (Ayes: Apple, Buchanan, Craft, Donnelly, Gathers, Gullick, McKinley, and Jones Nays: None).

Mr. Gullick still had some concerns about the decommissioning. Ms. Kemerait stated that the salvage value is higher than the cost to decommission the solar farm and that the plan would fit into any set decommissioning requirements. Mr. Donnelly agreed with Mr. Gullick and feels uneasy in some ways about the decommissioning. Mr. Apple stated that he would prefer a solar farm in the area rather than houses due to resource allowance.

Ms. McKinley moved to accept the entire application submitted by the applicant to be classified as evidence, seconded by Mr. Donnelly. The Board voted unanimously 8-0 in favor of the motion (Ayes: Apple, Buchanan, Craft, Donnelly, Gathers, Gullick, McKinley, and Jones Nays: None).

Mr. Craft moved that in the matter of Special Use Permit Case **#21-05-GCPL-04192**, involving a 470-acre solar farm, that the Board approve. 1. A written application was submitted and is complete in all respects. The use will not endanger the public health or safety if located where it is proposed and developed according to the plan submitted. This conclusion is based upon sworn testimony and evidence submitted during the evidentiary hearing which shows the following: Solar farms are passive facilities that take sunlight and convert it into clean energy. The materials used are primarily steel-glass and materials found in household electronics. The technology is more than 60 years old and nothing about the project creates unreasonable risk for public health and safety. Solar farms create no chemical or byproduct that effects ground water or surface water resources. They do not generate or spread bacteria. They do not create environmental noise that would disrupt the emotional health of residents. In most circumstances, those standing outside the closest point to a buffer can barely hear the hum of the equipment. The use of solar collectors, and subject to the proposed site plan, is conditionally approved by the TRC for the Special Use Permit. The permit falls under all 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: The

location and character of the use if developed according to the plan will be in harmony with the area in which it is located and is in general conformity with the plan of development of the jurisdiction and environs.

Chair Jones amended the motion to include, that the applicants consultants and engineers have worked diligently to make sure the proposed facility meets all requirements of the Guilford County UDO for solar collector facilities and enforcement of these requirements is a staff level function and if the applicant does not meet these requirements then no building permits will be issued. 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 located and is 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 that the vast majority of the acreage has been approved for two prior special use permits and that additional buffers have been added adjacent to certain properties to encourage additional harmony and protect any adverse effect to adjoining property owners. The use will not substantially injure the value of surrounding property. This is based on sworn testimony from the evidentiary hearing which shows that based upon the appraisal information submitted in the package that there is no negative impact in terms of value to adjoining properties as submitted by the certified appraiser for the project. Therefore, based on the forgoing, it is moved that the Special Use Permit be granted subject to the following. The development of the parcel(s) shall comply with all regulations specified in the UDO, the development shall proceed in conformity with all amended plans, and design features submitted as part of the Special Use Permit must be kept on file, development shall proceed upon approval by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standard the three (3) conditions that were submitted with the application and approved are incorporated by reference, and if the requirements 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 it be again permitted. The motion was seconded by Ms. McKinley. The Board voted unanimously 8-0 in favor of the motion (Ayes: Apple, Buchanan, Craft, Donnelly, Gathers, Gullick, McKinley, and Jones Nays: None).

**OTHER BUSINESS:**

Mr. Bell reminded the Board that the next scheduled meetings are July 14<sup>th</sup>, 2021 and July 15<sup>th</sup>, 2021.

Chair Jones reminded the Board that there would be elections held at next month's meeting to fill Ex-Vice Chair Alexander's position.

**ADJOURNED:**

There being no further business before the Board, the Special meeting was adjourned at 7:15 pm.

**The next planned Regular meeting is July 14<sup>th</sup>, 2021.**