

**GUILFORD COUNTY PLANNING AND DEVELOPMENT
PLANNING BOARD MEETING MINUTES
Board of Commissioners' Chambers, Old County Courthouse
301 W. Market Street, 2nd Floor, Greensboro, NC 27401
November 8, 2023, 6:00 PM**

Call to Order

Chair Donnelly called the meeting to order at 6:00 PM.

A. Roll Call

The following Board members were in attendance in person for this meeting:

James Donnelly, Chair; Guy Gullick, Vice Chair; Ryan Alston; Cara Buchanan; David Craft; and Sam Stalder

The following Board members were absent for this meeting:

Dr. Nho Bui; Rev. Gregory Drumwright and Jason Little

The following Guilford County staff members were in attendance in-person for this meeting:

J. Leslie Bell, Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Avery Tew, Planner I; Jessie Baptist, Administrative Officer; Brianna Christian, Planning Technician; Robert Carmon, Fire Inspections Chief; and Matthew Mason, Chief Deputy County Attorney

B. Agenda Amendments

Mr. Bell stated that at the October meeting the Board changed the February 2024 meeting date from February 14 to February 15. Because February 15th is a 3rd Thursday of the month and the Board of Commissioners typically holds one of its two regular meetings on the 3rd Thursday of the month, he asked if the Board would like to consider an alternate meeting date for February 2024? . The Board agreed to discuss this under Other Business later in the meeting.

Mr. Gullick moved to discuss changing the meeting date for the February 2024 meeting, seconded by Mr. Stalder. The Board voted (6-0) in favor of the motion. (Ayes: Donnelly, Alston, Buchanan, Gullick, Stalder, Craft. Nays: None.)

C Approval of Minutes: October 11, 2023

Chair Donnelly pointed out some changes to the minutes, as follows: The record should show that the Public Hearing was closed in the 1st case, and in the landfill case, there was one word sent to staff for correction.

Ms. Buchanan moved approval of the minutes of the October 11, 2023 meeting, as amended, seconded by Mr. Craft. The Board voted (6-0) in favor of the motion. (Ayes: Donnelly, Alston, Buchanan, Gullick, Stalder, Craft. Nays: None.)

D. Rules and Procedures

Chair Donnelly provided information to everyone present regarding the Rules of Procedure followed by the Guilford County Planning Board.

E. Continuance Requests

Mr. Bell noted that there are no continuance requests for any cases for this meeting.

F. Old Business

None

G. New Business

Non-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

RESOLUTION TO CLOSE A ROAD CASE # 23-09-PLBD-00061: MARION ELSIE DRIVE - (APPROVED)

Aaron Calloway Planner I, stated that this is a request to adopt a Resolution to close and remove from dedication a portion of Marion Elsie Drive which fronts Guilford County Tax Parcels 232721, 156284, 156247, 156253, 156288, and 156287 in Jamestown Township, running approximately 440 feet southeast from the intersection of Queen Alice Road and Marion Elsie Drive.

Mr. Calloway stated that the Guilford County Planning Board will consider the following resolution to close a public road: A portion of Marion Elsie Drive which fronts Guilford County Tax Parcels as previously listed, in Jamestown Township, running approximately 440 feet southeast from the intersection of Queen Alice Road and Marion Elsie Drive. The portion of Marion Elsie Drive subject to this request is not developed or maintained by North Carolina Department of Transportation (NCDOT). The resolution of intent was adopted by the Planning Board on October 11, 2023. Pursuant to NCGS 153A-241 concerning closing public roads, the Planning Board must hold a public hearing before the road can be closed. Based upon the information presented at the hearing, the Board must find that the closing of said public road is not contrary to public interest.

Staff submits the following findings for consideration by the Board:

1. The Planning Department has received a request to close a portion of Marion Elsie Drive, which fronts Guilford County Tax Parcels 232721, 156284, 156247, 156253, 156288, and 156287 in Jamestown Township, running approximately 440 feet southeast from the intersection of Queen Alice Road and Marion Elsie Drive; and 2. At the October 3, 2023, Technical Review Committee (TRC) meeting, staff reviewed the request and commented that a recombination plat will be required and recorded prior to the recordation of the resolution to close this portion of Marion Elsie Drive such that parcel 156284 continues to meet the access requirements. Furthermore, the required plat will need to show the dedication of an NCDOT-compliant turnaround per Unified Development Ordinance (UDO) Section 8.5.B.2.e.

If adopted, the Resolution will read as follows:

WHEREAS, a petition was filed pursuant to General Statute 153a.241, Chapter 282 of the 1979 Session Laws and Chapter 59 of the 1981 Session Laws requesting that the Board close a public road. WHEREAS, pursuant to a Resolution of Intent to close said road, adopted by this Board on October 11, 2023 an electronic Notice was published on the Guilford County Website that a Hearing would be held concerning said Petition on November 8, 2023 at 6:00 p.m. in the Board of County Commissioners' Chambers in the Old County Courthouse, 301 W. Market Street, Greensboro, NC 27401, and WHEREAS, it appears that all owners of property adjoining said public road have signed the petition, or have been notified of the closing, thereof, and WHEREAS, after inquiry by the Chairman, all interested persons were provided an opportunity to be heard on the request contained in the petition, and WHEREAS, after all interested persons were heard, it appears to the satisfaction of this Board, that removal of said road from dedication is not contrary to the public interest and, (in the case of a road) that no individual owning property in the vicinity of the road, or in the subdivision which it is located, would thereby be deprived of reasonable means of ingress and egress to his property. The Board may adopt an Order closing the road or easement. NOW, THEREFORE, BE IT RESOLVED that the following described public road is hereby closed and removed from dedication to the public use, portion of Marion Elsie Drive, which fronts Guilford County Tax Parcels, 232721, 156284, 156247, 156253, 156288 and 156287 in Jamestown Township running approximately 440 southeast of the intersection of Queen Alice Road and Marion Elsie Drive, the portion of Marion Elsie Drive is subject to this request and is not developed or maintained by NCDOT, and every combination plat will be required and recorded prior to the recordation of this Resolution to close this portion of Marion Elsie Drive such that parcel 156284 continues to meet access requirements. Furthermore, the required plat will need to show the dedication of North Carolina state compliant turn-around per Unified Development Ordinance, Section 8.5.B.2.e, and finally, the certified copy of this Resolution, together with a copy of the published Notice of this Hearing is hereby Ordered, Recorded and with the Office of the Register of Deeds of Guilford County, North Carolina.

Chair Donnelly opened the Public Hearing and asked if there was anyone wishing to speak in favor of this request.

Bruce Cantrell, 1000 N. Eugene Street, Greensboro, NC, stated that he is an architect representing both property owners that are joined in the right-of-way that is to be closed. Renaissance Church has purchased approximately an eight (8)-acre site with the intent to build a new church and other facilities on that site. There are two (2) buildings that will eventually be built on the site that will face Gate City Boulevard. The first Master Plan actually showed a connection to Gate City Boulevard, but

after meeting with NCDOT, they were notified that there was controlled access, and they would not let them have direct access from their site onto Gate City Boulevard. They then looked at Scotland Avenue, which is on the other side of the site, and in meeting with the neighborhood, they indicated that they would like a more central entrance onto Marion Elsie and Queen Alice Road. That led them to where they are today. They have met with Greensboro Department of Transportation (GDOT) who noted that this portion of Marion Elsie does not exist today. The right-of-way is there, but there is no street and no one is using it. GDOT suggested that this portion be closed and have a direct access to Queen Alice. By accomplishing this, they will keep their two (2) entrances on the site, which the neighborhood wanted, and this will actually increase the buffer for the site and provide a safer entrance onto Queen Alice Road.

Chair Donnelly asked if all the requirements meet with the applicant's expectations, and Mr. Cantrell responded that it does.

Chair Donnelly asked if there was anyone wishing to speak in opposition to the request, and no one came forward.

Mr. Gullick moved to close the Public Hearing, seconded by Mr. Stalder. The Board voted (6-0) in favor of the motion. (Ayes: Donnelly, Alston, Buchanan, Gullick, Stalder, Craft. Nays: None.)

Mr. Gullick moved that regarding Case #23-09-PLBD-00061, Marion Elsie Drive, that the Board adopt the Resolution as read by staff, seconded by Ms. Buchanan. The Board voted 6-0 by a roll-call vote in favor of the motion. (Ayes: Donnelly; Alston; Gullick, Craft; Stalder; Buchanan. Nays: None.)

Mr. Gullick wished to make everyone aware that Mr. Fox, who is representing the Special Use Permit (SUP), works for Parker Poe Law Firm in Charlotte, NC, and his daughter works for Parker Poe Law Firm in Raleigh, but there is not conflict as they do not know each other, and he has never met Mr. Fox except at a previous hearing before the Board.

Mr. Bell pointed out that there are six (6) members present with three (3) absences and a supermajority is required. Because there are no vacancies on the Board, a vote of five (5) would be required to grant the SUP.

Chair Donnelly pointed out that this is a Quasi-judicial Hearing, and any information that is presented here as evidence is submitted under Oath. He asked that anyone wishing to speak on this matter to be sworn or affirmed.

Evidentiary Hearing Item(s)

SPECIAL USE PERMIT CASE #23-07-PLBD-00057: (MAJOR UTILITY (ENERGY SUBSTATION)1813 YOUNGS MILL ROAD - (APPROVED)

Oliver Bass stated that this is a request for a Special Use Permit for Case #23-07-PLBD-00057; the property is located at 1813 Youngs Mill Road (Guilford County Tax Parcel #115779 in Jefferson Township) and is on the east side of Youngs Mill Road approximately 500 feet south of the Youngs Mill Road off-ramp from Interstate 85 N and comprises approximately 5.19 acres. The parcel is located

in the AG, Agricultural, Zoning District. A portion of the subject parcel is within the I-85 Scenic Corridor Overlay District. There is no history of denied cases. This request is to consider granting a Special Use Permit for a Major Utility (Energy Substation) subject to the submitted Site Plan. No development conditions are proposed by the applicant. The Sketch Site Plan was reviewed by TRC on July 25, 2023, and revised to satisfy the comments of the staff which was provided to the applicant. While the subject property and the properties to the north and east are undeveloped, nearby parcels in unincorporated Guilford County are mostly low-density residential properties with one (1) or more acres. Across Youngs Mill Road are industrial properties within the city limits of Greensboro. Existing Land Use(s) on the Property: Undeveloped with electric utility lines running along the southern boundary of the subject property. To the North, the land is currently undeveloped (Zoned AG, Guilford County); to the South is low-density residential (Zoned AG, Guilford County); to the East is undeveloped (Zoned AG, Guilford County); and to the West is industrial (Zoned CD-HI, City of Greensboro). There are no inventoried historic resources located on or adjacent to the subject property, and there are no cemeteries that appear to be located on this property, but efforts should be made to rule out the potential of unknown grave sites. Youngs Mill Road is classified as a Major Thoroughfare with an Average Annual Daily Traffic (AADT) of 2,700 vehicles near the I-85 N interchange per the 2021 NCDOT traffic count and is subject to a NCDOT Driveway Permit. The property is gently sloping and moderately sloping. There are no mapped regulated floodplains on the site. There are no regulated wetlands mapped on the site. The property is within the Lake Mackintosh WS-IV General Water Supply Watershed. There are no mapped streams on the property.

The Plan Recommendation for this request is AG, Rural Residential. Consistency: The requested action is consistent with the recommendation of the Alamance Creek Area Plan. The AG, Rural Residential, Land Use Classification is intended to accommodate agricultural uses, large-lot residential developments, and low-density residential subdivisions not connected to public water and sewer with densities generally up to two (2) dwelling units per acre. Anticipated land uses are those permitted in the Agricultural (AG) zoning district, including but not limited to, institutional and recreational uses, as determined by the Guilford County Development Ordinance. Energy Substations, as a major utility, are permitted in the AG zoning district with a Special Use Permit. The general requirements under Section 4.9.B.3.a (2) and (3) apply to the I-85 Scenic Corridor regarding permitted uses and screening outdoor storage and truck parking area.

The applicant shall demonstrate that the review factors listed below have been adequately 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 SUP site plan and proposed conditions in this application, access will be from Youngs Mill Road. An 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: Parking for a Major Utility (Electric Substation) is subject to TABLE 6-1-1: PARKING REQUIREMENTS of the Guilford County Unified Development Ordinance (UDO), which requires a minimum of 1 space per 1,500 sf gross floor area (GFA) for Major Utilities. Upon receiving a site plan application for a use subject to this Subsection, the Planning & Development Director is authorized to apply

the off-street parking standard applicable to the use or establish the off-street parking requirements by reference to standard parking resources published by the National Parking Association or the American Planning Association.

3. Service Entrances and Areas: Locations of refuse and service areas with adequate access for service vehicles: Location of service area will be reviewed to allow for adequate access for all service vehicles when the official site plan is submitted for review by the TRC per Section 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: A lighting plan for any proposed lighting will be reviewed when the official site plan is submitted for review by the TRC per Section 6.3 of the Guilford County UDO.
5. Utilities: Location and availability of utilities (public or private): Soil suitability for septic will be evaluated by Guilford County Environmental Health upon site plan review by the TRC. Utility easements will be reviewed by the TRC.
6. Open Spaces: Location of required street yards and other open spaces and preservation of existing trees and other natural features (where applicable): Landscaping requirements will be reviewed by the TRC for compliance with Section 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 Section for compliance with 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: Where a proposed nonresidential use in an AG Zoning District is located next to a vacant property, a minimum average 5-foot Type D landscape buffer is required. Where a proposed non-residential use in a residential zoning district (includes the Agricultural Zoning District) abuts a single-family or two-family dwelling along any property line, a minimum 30-foot Type B planting yard is required. Where a non-residential or multi-family residential use with eight (8) or more units is adjacent to an AG or RS zoning district, a 20-foot minimum average Type C planting yard is required. Section 6.2 of the UDO does not apply to property lines abutting utility easements that are more than 60 feet in width. The site plan shows a 68-foot-wide utility right-of-way along the southern property line.
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: A lighting plan, if required, will be reviewed by the TRC per Section 6.3 of the Guilford County UDO.
10. Compatibility: The general compatibility with nearby properties, including but not limited to the scale, design, and use in relationship to other properties: Major utilities (Energy Substations) are compatible with surrounding uses that include heavy industrial uses to the

west of Youngs Mill Road. Non-residential uses are required to have expanded landscape buffers when adjacent to residentially zoned properties or single- or two-family dwellings.

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, Major Utility (Energy Substation), subject to the submitted site plan (no development conditions were proposed) 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.
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.

Chair Donnelly asked if there was anyone wishing to speak in favor of this request, and if so, to come forward. Anthony Fox, attorney representing the applicant, Duke Energy, was previously sworn or

affirmed and stated that this application addresses three (3) major issues; it addresses the issues of capacity, reliability, and resiliency. There will be testimony with regard to how those fit into the elements that they are required to meet under the Ordinance. He has assembled exhibit books that he wished to present to each Board member, which was allowed by the Board. Mr. Fox proceeded to say that behind Tab 1 in the books is the application that has been submitted by Duke Energy for this use, and it would be constructed on property that is owned and controlled by Duke Energy, and it is a 5.09-acre tract of land at 1813 Youngs Mill Road and is currently zoned AG. Behind Tab 2 is a component of Tab 1, which completes the application for the SUP, and the letter addresses the need for the substation at this location at this time. There is also an aerial photo that shows the actual site bordered in red and shows the I-85 Exchange and its proximity to the subject property. There is also a site plan transposed in the green area, which denotes the tree canopy that will be reserved. The actual construction site will only use 1.5 acres of that tract, so the remaining property will be dedicated and preserved for buffers and setback requirements, some of which are dictated by the Ordinance. Exhibit A addresses each of the remaining factors that will be found under the UDO and how each one of those are addressed. Behind Tab 3 is the site plan. Behind Tab 4 is one crucial finding that this Board relies upon, which is whether or not the development would have an impact on the value of adjoining or abutting property. Those factors will be addressed through a market study and valuation and the lack of an impact of this development on abutting or adjoining properties. Behind Tab 5 is the PowerPoint presentation that he called upon Mr. Henning to address the Board.

Hank Henning, 2500 Fairfax Road, Greensboro, NC, stated that he is the District Manager for Government/Community Relations for Duke Energy. He will be going through the presentation for the Board. The subject property is a tract of land that Duke Energy already owns and is a total of 5.0 acres, and a substation would consist of approximately 1.2 acres, and it will not take up much of the real estate on this property. They are addressing electrical capacity, and with the growth in Guilford County, it has become necessary to increase their facilities to serve the customers and residents of the County. Regarding the reliability and resiliency aspects, they have taken advantage of some of the newer technologies that are now available. With regard to reliability, that is nothing more than avoiding power outages, and that means when you see tree trimming and vegetation control, that is part of their efforts to reduce power outages. There is also another consideration, which is the length of distribution lines from the power source to the customers. If there are longer lines, there is more chance of some type of interruption in service because of trees falling, more poles being hit by vehicles, *et cetera*. The more that they can reduce those things, the better. It is their goal to get the power from the substations as close to the customers as possible. Resiliency is how quickly they can recover when an outage occurs. Now they have solar power, battery storage, and so forth, and they have to be able to go in multiple directions, multiple access points and entry points into the inner-connected grid system, so they have to enable the grid to accept that power. As they put in new substations and expand that capacity, they are connecting a lot of circuits that previously were not connected. There are some very interesting technologies that they are now installing in the grid system and the power lines and substations called "self-healing teams", that are a set of relays that will automatically redistribute that power through the circuits to alleviate power outages. This will improve the resiliency and reliability in the service.

Regarding the economic development aspects of this, the reason they need the substation at Youngs Mill as a newer substation, is because the two (2) feeders from the existing substations at Randolph Avenue, the properties where they are located, are just not conducive to expansion as there are a lot

of site constraints. There is a whole economic development wing, and they have folks that do a lot of studies on that. The forecast for this area indicates that they really need to be aware of potential expansion in this area. They have spoken with neighbors in the surrounding area, and they have no issues with the proposed substation in this location.

The power comes from the generation plant, and it is a very high-voltage facility, and the substation reduces the power down to a manageable voltage that can be distributed to the end user. There is a lot of forecasting and models that the engineers put forth to look at before addressing the need for a new substation. This is a regulated utility, and they are obligated to provide power, and they are not allowed to provide speculative power. The Utilities Commission does not want them to just build out power where it just sits there, and someone has to pay for it, and all the rate payers in North Carolina would carry the load for that unused power. There is a conceptual site plan included in the booklet that illustrates that the proposed substation conforms to Guilford County standards for parcels zoned for land use, public health and safety, zoning, setbacks, buffer requirements, tree preservation, and there are no impacts to sensitive environmental or cultural resources. There is a utility right-of-way adjacent to the site, and that right-of-way could accommodate transmission lines for the substation.

Regarding tree saving and buffering addressed in the booklet, development of this site will only take up about 1.5 acres of the site, and the rest of the property would be tree buffering around it, and the open space will be preserved, and there will be tree retention and landscape buffers.

Mike Elwell, 404 Topwater Lane, Greensboro, NC, was previously sworn or affirmed and stated that he has been involved in real estate as a Real Estate Appraiser for the last 20 years. He works in Greensboro, but also all throughout the state, and he also has a license as a real estate broker. He has designations from the Appraisal Institute, NAI, and SRA, and also certification from the International Right-of-Way Association. A copy of his resume is contained on page 29 of the packet for Exhibit #4.

Mr. Fox asked that Mr. Elwell be admitted as an expert in the field of Real Estate Appraisal and also Market Study.

Chair Donnelly stated that Mr. Elwell's credentials would be considered as expert testimony.

Counsel Fox asked Mr. Elwell if he was retained to review the property located at 1813 Youngs Mill Road, and Mr. Elwell responded that he was asked to do a market study regarding the impact of a power substation on real estate pricing in Greensboro, and it was his finding that with new lines going in this area, the high voltage transmission lines are different because they are approved at the state level at a high regulatory level and are allowed to go through communities and put the line through without having to come before the Board, but there are regulations in the development of them. It is his conclusion that there is not an impact from these substations that can be identified, and that the pricing inside these neighborhoods did not fall into a reasonable range of pricing for those properties.

Brian Mitchell, Distribution Capacity Planner for Duke Energy, 2500 Fairfax Road, Greensboro, NC, was previously sworn in or affirmed and stated that his role is to monitor the load growth on the distribution circuits in this area of Greensboro, and when he recognizes the need for an expansion, such as this, they take action to get it started. He further stated that there is significant growth in

southeastern Greensboro and Guilford County, and the circuits that feed that area now are from substations that are nearing capacity, and they are a significant distance from that source to the sites. There is a limitation as to how far they can expand these circuits and provide reliable service. The new substation would allow to transfer sections of some of the other circuits and shorten that length and provide reliable power to the new sites. His concerns are the industrial and commercial developments along the I-85 corridor not being fed adequately.

Counsel Fox pointed out that the site plan demonstrates the ability to insulate this property substantially from the neighboring properties, which are industrial or undeveloped, because of the substantial tree buffering. Exhibit #2 contains additional commentary about the findings that are required for the issuance of the Special Use Permit.

Chair Donnelly asked if there was anyone wishing to speak on behalf to the request.

Marvin J. Price, Executive Vice President for Economic Development for the Greensboro Chamber of Commerce came forward. As a representative of the Guilford County Economic Development Alliance, and also working on behalf of Guilford County, everything that has been said regarding economic development is correct. They are actively marketing and go after companies domestically and internationally all the time. One of the key factors when they get companies that are interested in this community, especially the companies that they desire as a community that are paying at or above the County average wage, is that they typically need a lot of power. So having an additional substation to give that capacity for the outlying community and some of these potential industrial parks and industrial projects is something that is needed in this area. He supports this opportunity and project, and both the Greensboro Chamber of Commerce and the Guilford County Economic Development Alliance stand behind it.

Chair Donnelly asked if there was anyone wishing to speak in opposition to the request and no one came forward.

There being no further discussion from the public, Mr. Craft moved to close the Public Hearing, seconded by Ms. Buchanan. The Board voted 6-0 in favor of the motion. (Ayes: Donnelly; Alston; Gullick, Craft; Stalder; Buchanan. Nays: None.)

Board Discussion:

Mr. Craft stated that, in general, they met the standards that they needed to meet to justify approval of this project.

Mr. Gullick moved that the Guilford County Planning Board, held an Evidentiary Hearing on November 8, 2023, to consider a request for a Special Use Permit for a major utility (energy substation) , subject to the submitted site plan for property located at 1813 Youngs Mill Road, Guilford County Tax Parcel #115779 in Jefferson Township on the east side of Youngs Mill Road, approximately 500 feet south of the Youngs Mill off-ramp from Interstate-85 and comprising approximately 5.19 acres. Having heard all the evidence and arguments presented at the Evidentiary Hearing and making the following Findings of Fact, the Board draws the following conclusion: The original application was submitted and was complete in all aspects; and as part of this motion, Mr. Gullick moved to adopt Exhibit A that was provided by the applicant, including paragraphs A2, A3, A4, and A5.

- [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 on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

As a Public Utility Company, Duke Energy is committed to providing safe and reliable power that serves to protect and enhance the health, safety, or general welfare of the public. The proposed use provides a reasonable balance between the promotion of the public health, safety and welfare and the needs of a fast-growing area for reliable and efficient electrical power generation in the following ways.

Health: The health of the general public is directly linked to the quality of the environment in which it lives. Duke Energy plans to take every precaution necessary to ensure that the health of the public and the environment is maintained. The substation will be strategically positioned on a 5.0-acre site. The site will be secured by fencing and shall have limited access. Tree canopies and existing vegetation will be preserved where possible.

Erosion Control: During grading operations, Duke Energy will apply and diligently abide by the guidelines detailed in the North Carolina Department of Environmental Quality Erosion and Sediment control Planning and Design Manual to minimize site disturbance, control storm water, and stabilize graded slopes; thereby preventing sediment from exiting the property and entering local streams and reservoirs.

Secondary Oil Containment: Duke Energy will implement a suitable oil spill prevention plan that involves the installation of an intensive secondary oil containment system that will collect all spills in the rare event of infrastructure failure.

Electric and Magnetic Fields: Electric and magnetic fields (EMF) exist anywhere there is electricity, whether that electricity is being produced, distributed, or consumed. Thus, EMF is created by substations, residential wiring, appliances, and even by the earth itself. Since the early 1970's, hundreds of studies have debated the possible health effects of EMF. In almost all cases where magnetic field strength readings have been conducted at existing substations similar to the Youngs Mill Substation, the magnetic field strength level at a distance 50' away from the fence is usually the background ambient mG level --- in other words, at a distance of 50' from the fence, the substation usually has no effect on the strength of magnetic fields. Based on this evidence, it is predicted that the magnetic field strength level along the property lines will not change as a result of the substation equipment.

Safety: To provide for public safety and protection, Duke Energy will design and construct the proposed substation in a manner that will comply with the National Electrical Safety Code in effect when construction begins. Furthermore, Duke Energy commits to continue

its long-standing tradition of operating and maintaining facilities in a manner that will ensure public safety. To that end, Duke Energy will follow standard operating procedure by installing security fencing around the substation infrastructure. Standard fencing consists of woven steel fabric (minimum height of 6') with additional barbed-wire extension arms (1-foot in length) on the top which will prevent people from climbing over. The substation fence will also include warning signage to the effect of "Danger! High Voltage." Gates to the property and to the substation itself will be locked at all times.

Welfare: While providing safe and reliable power to the general public is Duke Energy's primary mission, satisfying this mission should not and will not be at the disposal of the rural character or quality of living in the general area. Within the 5.0-acre site, Duke Energy will sufficiently provide vegetative cover along the perimeter of the station and/or supplement with additional landscape screening elements per the requirements found within the Guilford County Unified Development Ordinance.]

- [3. The use, Major Utility (Energy Substation), subject to the submitted Site Plan (no development conditions were proposed) 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 sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

The property is suitable for the proposed use and meets all review factors.

- 1) Circulation: The 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 will meet the required conditions.*
 - The substation will have one entrance off Youngs Mill Road and that will be permitted by NCDOT.*
- 2) Parking and Loading: Location of off-street parking and loading areas.*
 - After completion of construction, the site may be visited once or twice a month by a Duke Energy pickup truck. Parking will be made available within the substation fenced area. The gate to the substation will be secured and locked at all times.*
- 3) Service Entrances and Areas: All service entrance requirements shall be met. Locations of refuse and service areas with adequate access for services vehicles.*
 - Service vehicles will visit the site maybe once or twice a month. These vehicles will park within the station fence.*
- 4. Lighting: Location of lighting with reference to spillage & glare, motorist & pedestrian traffic safety, and compatibility with other property in the area.*
 - Any lighting at the station will be designed to not emit any light beyond the property lines.*
- 5. The substation will not require any public or private utilities such as water or sewer.*
 - The substation will not have water or sewer service.*

6. *Open Spaces: Location of required street yards and other open spaces and preservation of existing trees and other natural features (where applicable).*
 - *The substation and access drive will occupy approximately 1.50 acres (30 percent) of the 5.009-acre parcel after construction, 70 percent (3.599 acres) of the site will go unused and serve as open space, tree retention and landscape buffers.*
7. *Environmental Protection: Provisions to protect floodplains, stream buffers, wetlands, watersheds, open space and other natural features*
 - *Duke Energy is committed to protecting our regions natural resources during construction. Duke Energy will apply and diligently abide by the guidelines detailed in the North Carolina Department of Environmental Quality Erosion and Sediment control Planning and Design Manual to minimize site disturbance, control storm water, and stabilize graded slopes; thereby preventing sediment from exiting the property and entering local streams and reservoirs.*
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.*
 - *The substation and access drive will occupy approximately 1.50 acres (30 percent) of the 5.009-acre parcel after construction, 70 percent (3.599 acres) of the site will go unused and serve as open space, tree retention and landscape buffers. The applicant shall meet all buffering and screening requirements.*
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.*
 - *As a Public Utility Company, Duke Energy is committed to providing safe and reliable power that serves to protect and enhance the health, safety, or general welfare of the public. The proposed use provides a reasonable balance between the promotion of the public health, safety and welfare and the needs of a fast-growing area for reliable and efficient electrical power. Approximately 70% percent (3.599 acres) will remain unused and provide a buffer to surrounding land uses.*
 - *The substation produces no smell or odors on nearby properties. At the property line, it is anticipated that no audible noise will be detected other than background noise. Any lighting on the site will be limited and will be designed to not emit beyond the property.*
10. *Compatibility: The general compatibility with nearby properties, including but not limited to the scale, design, and use in relationship to other properties.*
 - *The area where the Youngs Mill Substation is planned is typical of residential agricultural districts often appearing on the fringes of urban centers. General development patterns for residential agricultural districts include the presence of public utility infrastructure to support and manage smart growth. Public utilities in such areas routinely include water towers, sewer pump stations, electrical substations, and telecommunication facilities. The Youngs Mill Substation is consistent with these development patterns. Further, while the area still conforms to the residential agricultural district aesthetics, multiple new distribution buildings*

have been built. This growth is transitioning the area into a more suburban environment. Electrical facilities, such as substations, are necessary public facilities needed to support everyday life in these communities.]

- [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 sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

The area where the Youngs Mill Substation is planned is typical of residential agricultural districts often appearing on the fringes of urban centers. General development patterns for residential agricultural districts include the presence of public utility infrastructure to support and manage smart growth. Public utilities in such areas routinely include water towers, sewer pump stations, electrical substations, and telecommunication facilities. The Youngs Mill Substation is consistent with these development patterns. Further, while the area still conforms to the residential agricultural district aesthetics, multiple new distribution buildings have been built. This growth is transitioning the area into a more suburban environment. Electrical facilities, such as substations, are necessary public facilities needed to support everyday life in these communities.]

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

The use is a Public Necessity

The existing 3-phase power distribution presently serving the Youngs Mill Industrial Park vicinity originates from Randolph Ave substation -1706 Randolph Ave {7.1-line miles from site}; McConnell Center Industrial Park vicinity originates from Kildare substation - 229 Woodnell St {5.4-line miles from site). Both Randolph Ave and Kildare substations are "congested, urban residential" in nature. Neither are conducive for expansion.

The ongoing commercial/industrial development along the 1-85 corridor has rapidly increased power needs, unlike residential development, which is more gradual in nature. There are industrial shell buildings already constructed or being constructed within the designated service footprint of this proposed Youngs Mill substation. Guilford County is presently experiencing multiple economic development inquiries that will necessitate availability of additional power in this area.

In consideration of Duke Energy's Grid Improvement Plan, the Youngs Mill substation will reduce line exposure and provide higher reliability service to the southeast 1-85 corridor. The Youngs Mill substation parcel can provide additional capacity to further enhance Grid Automation within this area and support rural areas south of city limits if expansion progresses.

The use will not substantially injure the value of adjoining or abutting property

The area where the Youngs Mill Substation is planned is typical of residential agricultural districts often appearing on the fringes of urban centers. General development patterns for residential agricultural districts include the presence of public utility infrastructure to support and manage smart growth. This area is no different. Public utilities in such areas routinely include water towers, sewer pump stations, electrical substations, and telecommunication facilities. The Youngs Mill Substation is consistent with these development patterns.

Further, while the area still conforms to the residential agricultural district aesthetics, multiple new distribution buildings are being built at 1810 Youngs Mill Road and 1818 Youngs Mill Road. 1-85 and its clover-leaf intersections exist along Youngs Mill Road. The area is growing and the growth is transitioning the area into a more suburban environment. While electrical facilities, such as substations, are necessary public facilities needed to support everyday life in these communities, they are consistent with the evolving character of this area.

In addition, land surrounding the 5.0-acre substation site is largely treed and undeveloped. Both a 4.0-acre and a 10.64-acre undeveloped site lie to the north of the site. A 9.39-acre property abuts the eastern boundary of the site. This tract lies adjacent to a 38.37-acre parcel. Few residential uses exist on adjacent parcels and therefore this limits any adverse effect on adjoining or abutting properties.]

Therefore, on the basis of all the foregoing, it is Ordered that the Application for a Special Use Permit for major utility energy substation be granted, subject to the following:

1. The development of the parcel shall comply with all regulations as specified in the Guilford County 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 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 again be permitted.

The motion was seconded by Mr. Stalder. The Board voted 6-0 in favor of the motion. (Ayes: Donnelly; Alston; Gullick, Craft; Stalder; Buchanan. Nays: None.)

Chair Donnelly expressed his appreciation to Mr. Fox and Mr. Henning and the team they brought and the information that was provided to demonstrate the various aspects of this request.

H. Other Business

Comprehensive Plan Update

Mr. Bell stated that the public input portion is complete, and they now have the results of that. There is a Steering Committee meeting that will be scheduled for later in the month. He will make sure that information goes out to each member. There is a meeting with the Chair of the Steering Committee tomorrow, and staff wants them to have the information before releasing it to everyone.

Mr. Bell stated that there has been discussion among the Board about changing the date of the February 2024 meeting due to it being Valentine's Day. It has been suggested that the meeting be held on Thursday, February 15th, 2024, but there is a Board of Commissioners meeting on that date. He checked, and there are two (2) options for room availability. The AG building is available on Tuesday, February 13, and February 21, which is the Wednesday of the following week, is also available. After a short discussion, the Board members agreed with the change in meeting date to Tuesday, February 13, 2024, at 6:00 p.m.

Mr. Gullick moved to approve changing the meeting date for the February 2024 meeting to Tuesday, February 13, at 6:00 p.m. Seconded by Mr. Stalder. The Board voted 6-0 in favor of the motion. (Ayes: Donnelly; Alston; Gullick, Craft; Stalder; Buchanan. Nays: None.)

Mr. Bell advised that there will be a road renaming case, which was tabled in October; there are a couple of rezoning cases and a potential text amendment.

Chair Donnelly announced that Mr. Craft has been reappointed by the County Commissioners earlier this month, and he will be serving for another three (3) years. Chair Donnelly thanked him for his service.

Chair Donnelly moved to adjourn, seconded by Mr. Craft. The Board voted 6-0 in favor of the motion. (Ayes: Donnelly; Alston; Gullick, Craft; Stalder; Buchanan. Nays: None.)

I. Adjourn

There being no other items to be discussed, the meeting adjourned at 7:41 p.m.

The next scheduled meeting is Wednesday, December 13, 2023, at 6:00 p.m.