

**Guilford County
Planning Board
JULY 12, 2017**

The Guilford County Planning Board met in regular session on Wednesday, July 12, 2017 at 6:00 p.m. in the Blue Room, First Floor, Old Guilford County Courthouse, 301 West Market Street.

Members Present: Mr. Jones, Chair; Mr. Leonard; Mr. Apple; Mr. Mann; Mr. Alexander; Ms. Burnett; Mr. Collins; Mr. Geter and Ms. Hayworth.

Members Absent: None.

Staff Present: Les Eger and Tonya Hodgin, Planning Department. Also present was Leslie Bell, Guilford County Planning Director.

AGENDA AMENDMENTS

None.

OLD BUSINESS

None.

APPROVAL OF MINUTES

June 14, 2017 Regular Meeting Minutes:

Ms. Hayworth moved approval of the June 14, 2017 regular meeting minutes as written, seconded by Mr. Collins. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth, Collins, Geter. Nays: None.)

Chair Jones explained the rules and procedures of the Guilford County Planning Board.

CONTINUANCE REQUESTS

None.

NEW BUSINESS

Public Hearing Items:

ROAD CLOSING CASE #17-05-GCPL-02520

Beginning at the terminus of Short Farm Road, running approximately 375 feet east between Guilford County tax parcels #0142394 and #0142393, in Sumner Township.

(APPROVED)

Mr. Eger stated that it was determined at the June 14, 2017 meeting to hear this road closing case at tonight's meeting. This is a request to close the terminus of Short Farm Road, running approximately 375 feet east between Guilford County tax parcels #0142394 and #0142393, in Sumner Township. When closing a road, the Board must find that (1) The closing of the road is not contrary to public interest; and (2) That no individual owning property in the vicinity of the road or in the subdivision in

which it is located would be deprived of reasonable means of ingress and egress to their property. Staff submitted the following findings for consideration by the Board: (1) The Planning Department has received the request to close a portion of Short Farm Road, running approximately 375 feet east between Guilford County tax parcels #0142394 and #0142393, in Sumner Township; and (2) As determined at the June 20, 2017 Technical Review Committee (TCR) meeting, closing of said road is not contrary to the public interest and that no individual in the vicinity would be deprived of reasonable access to their property.

Speaking in support of this request was Earlie Johnson, 5406 Strasburg Drive, who was representing the Bridge of Hope Church. He said that the church purchased this property and closing the road would help the church complete their campus by joining the two properties together.

There being no other speakers, Mr. Collins moved to close the public hearing, seconded by Ms. Burnett. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth, Collins, Geter. Nays: None.)

In the matter of **Case #17-05-GCPL-02520**, Mr. Leonard moved to approve the road closing based on the recommendation and findings by staff, seconded by Ms. Hayworth. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth, Collins, Geter. Nays: None.)

ROAD CLOSING CASE #17-05-GCPL-02522

Being approximately 125 feet of the Rockbury Road cul-de-sac as shown on Plat Book 59, Page 106, in Monroe Township.

(APPROVED)

Mr. Eger stated that it was determined at the June 14, 2017 meeting to hear this road closing case at tonight's meeting. This is a request to close a portion of Rockbury Road cul-de-sac as shown on Plat Book 59, Page 106, in Monroe Township. When closing a road, the Board must find that (1) The closing of the road is not contrary to public interest; and (2) That no individual owning property in the vicinity of the road or in the subdivision in which it is located would be deprived of reasonable means of ingress and egress to their property. Staff submitted the following findings for consideration by the Board: (1) The Planning Department has received the request to close a portion of Rockbury Road being approximately 125 feet of the Rockbury Road cul-de-sac as shown on Plat Book 59, Page 106, Monroe Township; and (2) As determined at the June 20, 2017 Technical Review Committee (TCR) meeting, closing of said road is not contrary to the public interest and that no individual in the vicinity would be deprived of reasonable access to their property.

Speaking in support of this request was Joe Johnson, 7900 Rockbury Road, Summerfield, North Carolina. He stated two main reasons for wanting to close the road. He noted that damage to the asphalt occurs when heavy trucks, such as garbage trucks or dump trucks, come into the cul-de-sac to turn around. The Department of Transportation has had to resurface the cul-de-sac on several occasions in the past. If this request is approved, he will probably resurface the cul-de-sac himself to improve its appearance. In addition, he has cleaned out some of the surrounding woods and people think the area is a public park and they park in the cul-de-sac. If this request is granted, he will put in a gravel turn-around for cars.

There being no other speakers, Ms. Hayworth moved to close the public hearing, seconded by Mr. Alexander. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth, Collins, Geter. Nays: None.)

In the matter of **Case #17-05-GCPL-02522**, Mr. Alexander moved to approve the road closing based on the recommendation and findings by staff, seconded by Mr. Collins. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth, Collins, Geter. Nays: None.)

SPECIAL USE PERMIT CASE #17-06-GCPL-02988 SOLAR FARM

Located approximately 1,130 feet northeast of the intersection of Turner Smith Road and NC Highway 61 North in Washington Township. Being that portion of Guilford County Tax Parcel #0223640 currently zoned Agricultural (AG). Approximately 77.48 acres owned by Randall and Tina Payne. The petitioner is seeking a Special Use Permit to operate a solar farm.

(APPROVED)

Les Eger, staff, and Shane Shields, representing Turner Smith Solar, were sworn as to their testimony in the following matter.

Mr. Eger stated that this request for a proposed solar farm facility is located on a 77-acre farm owned by Randall and Tina Payne. The area is primarily low-density and farm country in Guilford County. The fire protection is approximately 2.8 miles away and there are no real traffic impacts as traffic counts in the area are very low. This is in a portion of the county covered by the Northeast Area Plan that was recently updated. The land use for the area is Rural District. This request is consistent with the adopted plan and is compatible with surrounding uses and zonings. This request is being proposed in the public interest and is permitted in the AG district with the approval of a Special Use Permit.

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) The proposed use requires a Special Use Permit under the Development Ordinance; (2) The proposed conditions meet or exceed the development standards and all required conditions and specifications found in the Development Ordinance; (3) That either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the district and compatible with surrounding uses; and (4) The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board: (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted; (b) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and (c) 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 in general conformity with the plan of development of the Jurisdiction and its environs.

After reviewing the proposed development plan for this request, staff offered the following facts for consideration by the Planning Board: (1) The Solar Farm facilities are represented by an "S" in the Guilford County Development Ordinance table of permitted uses; (2) The site plan provides the general location and how the use will be arranged on the property. The formal site plan approval process will be followed if the Special Use Permit is approved; and (3) The proposed Solar Facility is an intended use in the Agricultural District with approval of a Special Use Permit.

Speaking in support of the request was Shane Shields, 601-A West Main Street, Carrboro, North Carolina. He was present on behalf of Cypress Creek Renewables, the interest owner of Turner Smith Solar, LLC. This parcel is roughly 77 acres and they would only be utilizing the western and northern portions of the site. The solar array would be approximately 23 acres which is less than half of this area. The site already has existing vegetation and the site will be well screened. This is a good location due to the topography although there is a pond west of the site. They will be staying out of the

environmentally sensitive areas. They will be connecting to the existing grid along Highway 61. An agreement will be signed with Duke Energy to connect into the grid as required by North Carolina law.

They did conduct community outreach on this project in the form of mailers to the adjacent property owners. The mailers were sent a month ago and no responses have been received as a result of the mailing. They were prepared to hold a community meeting or one-on-one meetings if any concerns were voiced.

Mr. Shields said that the request does meet the basic requirements of the Guilford County Zoning Ordinance. Solar collectors are allowed as a principle use through a Special Use Permit. Addressing development standards, he said they are already meeting the 100 feet separation from a residence structure requirement and they will be under the maximum height of 25 feet for the panel array. Much of the existing vegetation should be able to remain and where it is being removed; a Type B buffer will be used in its place. Typically, there is no parking on site; however, this will require one parking space. The solar array will be a passive use of the land once constructed and there will be no harm to neighbors in terms of noise, dust, odor, or health concerns. The proposed project will have tangible benefits to the county through materials, labor, food, lodging, etc. from the construction activities. Local benefits include clean energy and energy independence. In addition, there will also be a benefit to the county in terms of tax generation.

Responding to questions, Mr. Shields confirmed that they are meeting the ordinance standards and there is nothing in the application that is in excess of the ordinance. The solar farm will be located in Brown Summit in Guilford County. The lifetime of a solar panel is generally 40 years and the lease structure is based around this time period. Most of the solar panel material is recyclable and it has a high salvage value. Upon deconstruction of the facility, they will do cost estimates for decommissioning plans which estimate cost of labor versus cost of salvage value. Material that is not recyclable would go to the landfill. In addition, there is a decommissioning agreement with the land owner in the lease stating that the burden will not fall on the land owner or the county.

Randall Payne, 5823 Turner Smith Road, is the land owner. He was sworn as to his testimony in this matter. Responding to a question from Ms. Hayworth, he explained how he was approached by the developer relative to an offer to purchase the land.

Mr. Leonard asked Mr. Shields if an effort was made to notify the surrounding 19 property owners. A copy of the letter sent to nearby neighbors was distributed to the Board for their review and entered into the record. The addresses used for the mailing were the same as those used by the county. At the request of Mr. Collins, staff clarified that it is not a requirement for the applicant to send notices to surrounding neighbors. The Planning Board prefers that the applicant reaches out to surrounding property owners but there are no requirements. Mr. Payne said the land owner received a few questions about the project but no one seemed to be in opposition. He said their standard practice for community outreach was followed and they were pleased with the results.

There being no other speakers, Ms. Hayworth moved to close the public hearing, seconded by Mr. Collins. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth, Collins, Geter. Nays: None.)

Staff confirmed that notices were posted at the subject property. Mr. Alexander commented that in addition to the letters sent out by the applicant and the county, residents driving by the site would have seen the posted notice and could have inquired about the project.

In the matter of Case **#17-06-GCPL-02988**, Ms. Burnett moved that after considering the evidence presented in regard to the application for this Special Use Permit, this Board finds from the credible

evidence that the Special Use Permit should be approved, subject to the site plan and all applicable conditions and in support of this decision, the Board makes the following findings: (1) The proposed use requires a Special Use Permit under the Development Ordinance; (2) The proposed conditions meet or exceed the development standards found in the Development Ordinance; (3) The use as proposed and/or agreed to, and/or as the Planning Board imposed, is consistent with the purposes of the District and compatible with surrounding uses; (4) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; (5) The use meets all required conditions and specifications; (6) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; (7) 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 this jurisdiction and its environs. Therefore, Ms. Burnett moved that this request for a Special Use Permit, with all applicable conditions and subject to the site plan and applicable law, be **APPROVED** based on testimony and evidence presented at this hearing. The motion was seconded by Mr. Apple. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth, Collins, Geter. Nays: None.)

TEXT AMENDMENT CASE #17-06-GCPL-03089: Elimination of Environmental Review Board and Delegation of Powers to the Planning Board.

An amendment to the Guilford County Development Ordinance Sections 7-1.5 (F) Appeals Storm Water Management/Watershed Development Plan; 7-1.10 Stream Channelization; 7-1.12 (A) (2) Variances; 7-1.12 (A) (2) a) i) Variances; 7-1.12 (B) Minor Stormwater/Watershed Variances; 7-3.14 (A-E) Appeal Hearing, replace references of Environmental Review Board with Planning Board, Removing sections 9-6 The Environmental Review Board (Table of Contents); 9-6.1 Authority; 9-6.2 Membership and 9-6.3 Powers and Duties (A-M); Removing the Environmental Review Board Column of Appendix Four; Designate Final Approval Authority for Soil Erosion Sedimentation, Watershed Development Plans and Minor Watershed Modifications with a (D) under Planning Board for Final Approval Authority and Amending Major Watershed Modification Row by Inserting a (R) Under Planning Board for recommendation to the Local Governing Body.

(FAVORABLE RECOMMENDATION)

Mr. Eger said that this case involves an amendment abolishing the Environmental Review Board and transferring the authority of the Board back to the Planning Board where it used to be a number of years ago. Members are in receipt of amendments to the ordinance in their packet of information. Staff asked the Board to consider making a recommendation of approval to the Guilford County Commissioners so they can approve the text amendment and request that the Environmental Review Board be eliminated and authority transferred back to the Planning Board.

Mr. Alexander moved to recommend adoption of the text amendment to the Guilford County Commissioners, seconded by Ms. Hayworth. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth, Collins, Geter. Nays: None.)

ITEMS FROM PLANNING STAFF

Mr. Eger advised the Board that there will be several cases next month and a larger room has been requested for that meeting.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 6:44 p.m.

Respectfully submitted,

Frankie Jones, Chairman

Leslie P. Eger, Secretary to the Board

FJ:sm/jd