

Guilford County Planning Board December 12, 2012

The Guilford County Planning Board met on Wednesday, December 12, 2012 at 6:30 p.m., Old Guilford County Courthouse, County Commissioner's Meeting Room, Second Floor, Greensboro, North Carolina. There was a brief Business Meeting prior to the regular session.

Members Present: Mr. Deal, Chair; Mr. Leonard; Mr. Derrickson; Mr. Wood; Ms. Walton-Munden; Mr. Nelson, Alternate; Mr. Westcott, Alternate.

Also Present: Bill Bruce and Tonya Hodgin, Planning Staff.

Chair Deal stated that draft minutes of the November 14, 2012 meeting were included in the Board members' package. He asked for any corrections or motions.

APPROVAL OF MINUTES:

Mr. Wood moved to approve the minutes of the November 14, 2012 meeting, as submitted, seconded by Mr. Derrickson. The Board voted 7-0 in favor of the motion.

Chair Deal explained the policy and procedures to be followed by the Board for all cases coming before them. Appeal of any decision is due within fifteen (15) days to the County Commissioners. Speakers from both sides will be allowed twenty (20) minutes, regardless of the number of speakers and all speakers must be sworn in.

PUBLIC HEARING ITEMS:

Special Use Permit case #12-11-GCPL-04734: AG to AG-SP

Located on the north side of Howerton Road approximately 2,000 feet west of the Alamance County line in Washington Township, being Guilford County Tax Parcel #0100352, Approximately 28.4 Ac owned by John F. Elder. (APPROVED)

Mr. Bruce stated the land uses in this portion of the county are primarily low density residential and farms. Currently the property is vacant. To the north, south and east of the property are either wooded or low density residential. To the west of the property is the Guilford County Prison Farm. There are no significant environmental or transportation concerns at this site. The Land Use Plan in effect for the area is the North East Area Plan. That plan recommends this as a rural district which is intended as a rural residential farm and open space district. During consideration of a Special Use Permit, the Planning Board will determine a series of findings of fact. Those findings are included in the staff report for review by the Board. Solar farms are recommended by a Special Use Permit designation in the Guilford County Development Ordinance and that the proposed site plan conditions of the request meet the development standards of the Development Ordinance as approved by the Technical Review Committee.

The proposed solar farm facility as presented meets the intended uses within the rural district with approval of a Special Use Permit.

Chair Deal asked if there was any one present to speak in favor of this case.

Mike Fox, 100 Greene Street, is an attorney representing Lotis Solar, LLC; John Elder, the property owner; and the solar farm developer, Sunlight Partners. He introduced Mr. Elder, property owner; Keith Colson, Project Manager with Sunlight Partners; Keith Broderick, engineer responsible for the site plan; Brad Randall, Sunlight Partners; and Tommy Cleveland, North Carolina Solar Center.

Mr. Fox distributed informational booklets to members describing components of the project. Referring to a map, he indicated that the property is located on the far eastern extreme of the county and the western-most side is adjacent to the Guilford County Prison Farm. He reviewed contents of the booklet distributed to members.

Keith Colson, Director of Program Development for Sunlight Partners, stated that Sunlight Partners has been doing business for four years. He explained the operation of a solar farm and described the decommissioning process. He pointed out the positive economic impact of a solar farm to the community through job creation and generating tax revenue. A solar farm is environmentally safe and has no negative impacts. They will adhere to the Type B Landscape Buffer Ordinance in the County.

Responding to a question from Mr. Wood, Mr. Colson said the solar arrays would not exceed 12 feet in height although the Guilford County Ordinance allows 25 feet.

Keith Broderick, President of Civil Designs, was contracted to develop a preliminary site plan to conform to the Guilford County Development Ordinance. Mr. Broderick confirmed that the use conforms to requirements for AG zoning, there are no residential structures within the 100 foot setback requirement, the height of the arrays is within the 25 feet maximum allowance, required screening will be provided, and required parking space allowances will be met. Watershed issues have also been addressed per required standards.

Mr. Brad Randall, Sunlight Partners, deals with real estate and contract issues. He stated that his research shows no evidence that there is any negative impact from solar farms to property values in neighboring areas. Some of the negative factors that could affect property values are pollution, excess traffic, odors, or offensive uses of property. Solar farms do not possess any of these negative factors when looked at through an appraisal point of view.

Mr. John Elder, property owner, stated that he and his wife are both in support of the solar farm.

Tommy Cleveland, professional engineer at North Carolina Solar Center, has worked with solar technologies since 2004. He described the installation and technology associated with solar panels and said that there is no public safety or health problem associated with a solar farm. Solar panels are environmentally safe and have no emissions.

Mr. Fox felt that competent and admissible evidence was presented to meet the Board's criteria. The use will not materially endanger the public health or safety, the project meets all required conditions and specifications, the use will not substantially injure the value of abutting property, the location and character of the use is in harmony with the area it is to be located in, and it is in conformity with the Guilford County Plan. He asked the Board to grant approval to the request.

Chair Deal asked if there was any one present to speak in opposition to this case.

Tom Steele, P.O. Drawer 1998, Burlington, North Carolina, is an attorney representing Mr. and Mrs. William S. Hindman who lives adjacent on the east side of the proposed project. They have owned the property since 1998 and part of their attraction was the agricultural area. They are concerned that the proposed project will not benefit their property or others in the neighborhood. Mr. Steele stated that the use is not a public necessity and therefore, it must be ascertained that it will not substantially injure the value of adjoining property. He questioned Mr. Randall's ability to offer evidence as to property value in this matter as he is not a licensed appraiser in North Carolina. He also stated his opinion that a solar farm would not be in harmony with the rest of the uses in the community. He pointed out that there are neighbors residing in close proximity to the proposed project. Mr. Steele expressed concern that the arrays can be up to 25 feet. Even though a statement was made that the intention was not to exceed 12 feet, there has been no commitment to agree to limit the height to 12 feet.

William Hindman, property owner, questioned the impact a solar farm would have on property values in the area. He also expressed concerns regarding safety.

Mark Barman, 7369 Howerton Road, lives adjacent to the proposed solar farm. He was concerned about the environmental safety of the project, the placement of a buffer, and maintenance of the dirt road used to access the area. He informed members that he received information about the project a week before the hearing.

Bennie Poteat, 7375 Howerton, also lives adjacent to the proposed project. He expressed concern with the close proximity of the solar panels to his property line, frequency disturbances in the ground from electricity, environmental safety, and maintenance of the dirt road into the area. He suggested better use should be made of the property line to shift the panels away from his back door. He said that Mr. Elder approached him approximately a week ago informing him of the solar farm and the public hearing.

In rebuttal, Mr. Fox responded to an earlier question and stated that a solar farm is located in Person County near Roxboro in North Carolina and he encouraged anyone interested to visit.

Mr. Cleveland responded to safety concerns and explained that there is no added danger with lightening due to the solar panels being there.

Mr. Fox offered to add a condition to the request that the panels not exceed 12 feet although the Ordinance allows 25 feet.

Mr. Wood moved to accept a condition by the applicant to limit the maximum height of the array panels to 12 feet, seconded by Ms. Walton-Munden. The Board voted unanimously 7-0 in favor of the motion.

Mr. Fox responded to public safety issues and stated there is no factual data of legitimate public health concerns. In addition, he explained that there are no long-term studies indicating substantial negative property values. He commented that the Ordinance requires that this type of facility to be completely screened from adjoining residential properties and detailed landscaping plans will be submitted at a later date in the process. Lastly, in regard to conformity with the neighborhood, he explained that solar farms are allowed in AG zoning districts and fit into a rural area. He reiterated that the applicant's goal is to be a good neighbor and indicated they are willing to work with concerned neighbors regarding screening.

In response to a question from Ms. Walton-Munden, Mr. Fox explained the miscommunication between Mr. Elder and his neighbors regarding notification.

In rebuttal from the opposition, Mr. Steele commented that due to the short notification period, there was no time to look into appraisal information. He felt that evidence had not been given to show that the value of surrounding property would not be substantially injured or that the project would be in harmony with the area.

There being no one speaking in rebuttal to the opposition, Chair Deal closed the public hearing.

Mr. Wood stated that in the case of Special Use Permit #12-11-GCPL-04734 from AG to AG-SP located on Tax Parcel #0100352, after considering the evidence in regard to the application for a Special Use Permit, the Board finds credible evidence that the Special Use Permit should be approved subject to the site plan and all applicable conditions including the one added tonight, stating the solar array will not be higher than 12 feet and in support of this decision, the Board makes the following findings of fact: (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 the use as proposed and/or agreed to and/or as the Planning may impose, is consistent with the purposes of the district and compatible with surrounding uses; (4) that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan; (5) that the use meets all the required conditions and specifications; (6) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and (7) 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; therefore, Mr. Wood moved that this request for a Special Use Permit with all applicable conditions and subject to the site plan and applicable law be approved, seconded by Mr. Derrickson. The Board voted 6-1 in favor of the motion. (Ayes: Westcott, Nelson, Leonard, Wood, Derrickson, Deal. Nays: Walton-Munden.)

At this time a recess was taken from 8:07 until 8:13 p.m.

Special Use Permit case #12-11-GCPL-04736: AG to AG-SP

Located on the north side of Burlington Road approximately 1,000 feet east of Knox Road in Jefferson Township, being Guilford County Tax Parcel 0117357, Approximately 72.6 AC owned by Bobby R. Rose, Jr.
(APPROVED)

Mr. Bruce stated that land uses in this portion of the county are primarily low density residential and farms. Currently the property land use is residential and farm use. North and west of the property is farm use and to the south and east is low density residential. Water, sewer, and transportation are not an issue of concern for this request and there are no jurisdictional streams on the site. The Northeast Area Plan is in effect for this area. The Plan recommends this as a rural district which is intended for use as rural residential farms and open space. As in the first case, there is a series of findings of fact that must be met by the Board to grant the Special Use Permit. Staff submits that after reviewing the proposed plan, the following facts should be considered by the Planning Board: (1) the solar farm facility is represented in the Guilford County Development Ordinance table of permitted uses and is allowed in the AG district with a Special Use Permit, (2) the proposed site plan conditions of this request meet the development standards of the Development Ordinance and the plan has been through the Technical Review Committee to receive approval; and (3) the proposed solar farm facility as presented meets the intended uses of the AG district subject to the approval of a Special Use Permit.

Chair Deal asked if there was any one present to speak in favor of this case.

Mike Fox, 100 Greene Street, is an attorney representing the land owner, Mr. Rose, and the solar farm developer. He distributed and reviewed an informational booklet on the new site.

Mr. Fox stated that Mr. Rose and Mr. Colson, Sunlight Partners, made an effort to talk to all surrounding property owners who would have a view of the screening of the solar farm. Mr. Colson has also spoken with the Mayor of Sedalia who reviewed the plans. The project was discussed at the Sedalia Council meeting and no concerns were raised.

Mr. Fox stated that the presentations heard for the first case by Mr. Colson, Mr. Randall, Mr. Broderick, and Mr. Cleveland would be identical for this case.

Mr. Fox indicated that the topography of the site would justify arrays no higher than 12 feet. He offered a condition that the height of the arrays not exceed 12 feet, as in the first case.

Mr. Wood moved to accept an additional condition by the applicant for the Special Use Permit that the solar array not exceed 12 feet in height, seconded by Ms. Walton-Munden. The Board voted unanimously 7-0 in favor of the motion.

There being no one to speak in opposition to the request, the public hearing was closed.

Mr. Wood stated that in the case of Special Use Permit #12-11-GCPL-04736 AG-Special Use

also known as Guilford County Tax Parcel 0117357, after considering the evidence in regard to the case for a Special Use Permit, that the Board approves the Special Use Permit subject to the site plan and the additional conditions offered and in support of this decision, the Board makes the following findings of fact: (1) that 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) that the use as proposed and/or agreed to and/or as the Planning may impose, is consistent with the purposes of the district and compatible with surrounding uses; (4) that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan; (5) that the use meets all the required conditions and specifications; (6) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and (7) 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; therefore, Mr. Wood moved that this request for a Special Use Permit with all applicable conditions and subject to the site plan and applicable law be approved, seconded by Mr. Westcott. The Board voted 7-0 in favor of the motion. (Ayes: Westcott, Nelson, Leonard, Wood, Derrickson, Deal, Walton-Munden. Nays: None.)

NON-PUBLIC HEARING ITEMS:

Mr. Wood acknowledged the recent passing of Frank Rakestraw, husband of former City Councilwoman Mary Rakestraw. He commended Mr. Rakestraw for his service on the Board of Equalization.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Jeffrey Deal, Chairman

Les Eger, Secretary to the Board

LE/sm:jd