

Minutes

RANDOLPH COUNTY PLANNING BOARD

September 13, 2016

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, September 13, 2016, in the 2nd Floor Meeting Room, Randolph County Historic Courthouse, 145 Worth Street, Asheboro, North Carolina.

1. **Chairman Reid Pell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Jay Dale**, Planning Director, called roll of the Members: Reid Pell, Chairman, present; Wayne Joyce, Vice Chairman, present; **Chris McLeod, absent; Larry Brown, absent;** Phil Ridge, present; **Kemp Davis, absent;** Keith Slusher, present; and Ralph Modlin, Alternate, present. County Attorney, **Ben Morgan**, was also present.
3. **Slusher** made the motion, seconded by **Joyce**, to **approve** the Minutes of the July 12, 2016 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR PROPERTY REZONING:**
 - A. **STEPHEN HAYWORTH**, Ramseur, North Carolina, is requesting that 4 acres (out of 40.93 acres), located on Picketts Mill Road, Brower Township, be rezoned from RA to RBO-CD. Tax ID# 8607462669. Rural Growth Area. The proposed Conditional District would specifically allow the construction of a 40' x 30' building (with a future expansion of 40' x 20') to be used for a truck hauling business with on-site material storage of gravel, sand, sandrock, and mulch as per site plan. Margaret Davis Hayworth - Property Owner.

Technical Review Committee Recommendation:

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the 2009 Growth Management Plan adopted by the Board of County Commissioners. The Technical Review Committee recommends to the County Planning Board that this request be **approved**.

Examples of Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 3.9 Individual rezoning decisions within Rural Growth Areas will

depend upon the scale of the development and the specific natural of the site and its location.

Policy 4.3 Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against impacts to adjoining rural land uses.

Hayworth said he lives on Little Beane Store Road and this would be closer to his residence. Hayworth said the buildings would be used to work on his trucks. He said he has 3 dump trucks currently. Hayworth said he would like to keep 8 loads of gravel, 6 loads of sand, and some mulch. He said the storage would be used for his contractor customers.

There was no one present in opposition to this request.

Slusher made the motion, seconded by **Joyce**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

County Attorney Morgan said that there is something new the Board needs to add to this process. He said an additional step needs to be added. Any time the Board approves a request they need to find that the approval is in compliance with the 2009 Growth Management Plan. Due to new case law, the Board needs to make another motion to say that this request is in compliance with the standards outlined in the 2009 Growth Management Plan. **Modlin** said he was confused and asked what the Board is being asked to do. Morgan restated that it is a 2-step process, the Board has recommended that the property be rezoned, and the Board has to have a separate motion and vote that the request is in compliance with the 2009 Growth Management Plan. The Board must have this finding. This is part of the case law in North Carolina now.

Slusher made the motion, seconded by **Modlin**, that this motion is in compliance with the 2009 Growth Management Plan. The motion passed unanimously.

- B. **CYPRESS CREEK RENEWABLES**, Carrboro, North Carolina, is requesting that 46.26 acres located at 4782 Hoover Hill Road, Trinity Township, be rezoned from RA to RIO-CD. Tax ID# 7715861937. Primary Growth Area. Lake Reese Watershed. The proposed Conditional District would specifically allow a 5 megawatt PV Solar Farm as per site plan. Ricky Lane Bevan - Property Owner.

Technical Review Committee Recommendation:

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the 2009 Growth Management Plan

adopted by the Board of County Commissioners. The Technical Review Committee recommends to the County Planning Board that this request be **approved**.

Examples of Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 2.11 The County should continue to encourage & promote “clean” industry within Randolph County.

Policy 3.12 New rural industrial development should provide site specific development plan along with vegetated buffers or other landscaping designed to reduce substantial impacts to adjoining land uses.

Shane Shields, 601A West Main Street, Carborro, North Carolina, was present along with Matt Dellfield, Engineer for Cypress Creek Renewables. Shields said they have developed other solar farms in Randolph County. This is a 45 acre parcel and the solar farm site would be approximately 25 acres of the parcel. It would be easily connected to the utility. There is existing vegetation which should help with screening along with the proposed buffer required by the Randolph County Unified Development Ordinance. There are no wetlands. He said we’ve sent mailers to all adjoining parcels as well as those in the vicinity of the site. He said they only received positive feedback and everything within the plan meets the ordinance in terms of setbacks and buffers, and open space.

Ridge asked Shields to explain the buffer being proposed, in particular, along the southern property line and along the front. Shields said there would be a Level 3 (35' buffer) along Hoover Hill Road. Shields said there will also be a 15' buffer on the southeast corner of the site. Shields presented a plan of the buffer along Hoover Hill Road. The 15' buffer would be similar with a single row of trees (not as dense). Morgan said for the record we would enter the presented buffer plan as part of the request to the Board. Ridge asked how the buffers would be maintained. Shields said they have a maintenance team and they will be responsible to maintain the buffers.

Dale said he has had a couple of phone calls concerning the materials used in the solar panels. Dale said one of the questions was if a panel cracks would the materials be toxic. Shields said the materials are mainly glass and sand, and all the materials are nontoxic and do not leak. Shields said that in the very early stages of solar farm development, there were panels that were used that were made of some questionable materials, but those panels are now obsolete. Most companies within the US and certainly all materials used by Cypress Creek Renewables are not toxic at all and there is no leakage of any kind. Dale said another question was if the panels create glare. Shields said the panels are

designed to take in the sun for energy production, but beyond that they are treated with a non-glare substance. Sheilds said for an example the Indianapolis Airport has a large solar farm beside it and the same type of panels are used at that location and meet all aviation regulations. He said the glare is nothing more than looking at a standing body of water from a distance.

Modlin asked what is the life expectancy of these panels. Sheilds answered it should be about 40 years. He said the initial lease is for 30 years and they could come back for 2 additional 5-year extensions.

Mat Dellfield, 123 Parkwood Drive, Wilmington, North Carolina, Engineer with Cypress Creek Renewables, said he wanted to speak on three most common concerns they encounter. First, concerning health and safety, there are no liquid materials used in the design of these panels so even in the event of breakage there is nothing that can leach out or seep out and no adverse affects could come from the panels themselves. He said even in the event of rain (with a cracked panel) the water would basically cause wet sand like rain on a beach. This is a very mature technology, the technology is not new at all. Panels have been used since the late 70s and early 80s. There has been no credible research done in the last 20 years that do show any adverse affects health wise or any danger to the community. The technology is quite safe. These panels are used on schools and elderly assisted living facilities and used by utility systems across the Country. The second concern he addressed was the affect on neighboring property values. He said they've hired a licensed commercial appraiser to research the site. The report is not ready at this time, but the initial findings are that there would be no adverse impact on adjoining property values. The third issue he discussed was the harmony of the solar farm with neighboring uses. He described the area as a low density area of homes, farms and vacant land. He said that is consistent with the locations of solar farms across North Carolina. He said solar farms have a propensity to be a great neighbor, due to the facts that no odor, noise, lights, nor traffic is created by a solar farm. He said unlike traditional development (residential or commercial), solar farms do not strain community resources like the school system, fire department, police, etc., while still being able to add tax base to the County. There will be no noticeable difference with community's day-to-day life (like residential or commercial development would create) once completed.

Morgan asked what would be the angle of the panels. Dellfield answered 20 degrees. Morgan asked if the panels where fixed (at that angle). Dellfield answered yes. He said the color of each panel is a textured deep blue with an anti-glare coating. He said many of these solar farms are installed next to airports such as in the cases of Indiana and Denver. He said you see these at many major aviation hubs and the FFA would not permit these if there was a glare issue. He said it is 1/3 as reflective as a body of water.

Sheilds added that this project would add tax revenue to the County. The estimated benefit to Randolph County would be approximately \$365,000 in tax revenue. He added this document (that reflects the NC abatement schedule) to the record. Morgan asked if solar farms qualify for the farm deferred program. Dellfield answered no.

Ricky Bevans, the property owner, explained that they live here on this property. He said that he and his wife purchased this 100 acres of land in 2008 that was scheduled to be developed. He said it had already been through Planning & Zoning and Bobby Earnhart was planning to put 35-50 houses on it. He said they “bit the bullet” and purchased the property to prevent it from being developed. He said everybody was happy with him at that time. He said it is a beautiful piece of property and they paid \$1.125 million dollars for this piece of property. He said it took all his life’s savings and he still had to borrow \$500,000 to purchase the property to keep it from being developed. He said right away they put 50 acres of the land into a conservation program with the Central Carolina Land Trust and it can never be developed. He said at this point they need to do something to secure an income from this property, so that if anything happened to him, his wife and kids would be able to keep the land. He said if he had a wreck and was killed going home today, his family would lose the property. He said they wouldn’t be able to afford it. He said this is a lease and he is not selling the property. He said they love the property and he wouldn’t take \$2 million for it. He said they need to do this to finish paying for the property. He said he made the 103rd payment on this property today. He said his payment is \$3000 each month, just for land to remain undeveloped. He said he and his family is very conservation minded and they want it to remain vacant. He said he is a builder and could go in there and build 35 or 40 homes here, but he doesn’t want to do that. He said he could make \$35,000 to \$40,000 per acre off the land for building lots. He said but they don’t want to do that and they feel this is the best use for this property in order for them to preserve it. This is the option we have chosen, in order to keep the property, instead of chicken houses. He said that was another option they considered doing, but they know the solar farm option is right for them. He said he knows the concerns his neighbors have and he’s willing to work with his neighbors, but they (he and his family) needs this. He said he wants to be a good neighbor.

Brian Gwin, 4710 Hoover Hill Road, (across from the property) said he located here approximately 1 year and 4 months ago. Gwin said he is in the middle of a mortgage to obtain his property. His number one concern is health, but didn’t know anything about solar farms. He said he is concerned about the health of his two daughters. His second issue is that this would be an eyesore. He said he loves his (Bevans) property because he has a nice pasture with horses there right now. He said in fact he had plans to clear the front of his property, if he obtained

his mortgage, just so he could have the beautiful view of his (Bevans) horse pasture. He feels this would decrease the value of his home. He said this has caused a lot of stress on him. He is opposed to the solar farm. He said he understands that they are going to plant trees and shrubs and he won't be able to see it, but just knowing that it is there bothers him.

Denise Routh, 4459 Ball Park Road, said that she lives here with her husband and son. She said that their main concern is the property values. She said that she has talked with a couple of commercial appraisers and they say it would devalue their property values. She said they are concerned for their children and grandchildren's health. She said they (the applicants) have said these solar farms have been around since the 70's, but she didn't think that had been long enough to know what kind of health hazards these sites may pose. She said she thought solar energy is a viable energy source, but it shouldn't be put in residential backyards.

Tracey Boggs, 4461 Old Park Road, said they are concerned that they didn't receive the notices. She said that they didn't hear about this meeting until last week. She said she saw the signs up two weeks ago, but she didn't know what they meant. She said her husband is out of town and needs to be here to ask questions. She said she is concerned about property values.

Sherry Johnson, 4445 Old Park Road, said they invested a lot of money here by purchasing 20 acres and building a large home here 8 years ago. She said that when she drives out of her driveway she will have to drive through a solar farm. She said she didn't think anybody at this meeting would like to do that each day. She said she is very concerned with the health hazards that this development could bring. She said that she has done a little research and this is called dirty electricity. She said studies have suggested that this type of radiation may have long-term effects such as ADHD in children. She said the perimeter damage could injure people due to high voltage. She said if we've come so far that we don't have to worry about things coming from the panels, it's still voltage and voltage is dangerous. She expressed concern for the animals that could be effected. She said if this was not such an eyesore, why do we need a buffer. She said she wanted more information on what this does to residential areas. She said there would be significant danger to harvested rain water. She said studies have not been done to panels as they age, only on new facilities. She said the National Institute of Environmental Health Studies revealed that systematic and reproductive systems in rats were effected through ingestion of toxic compounds from solar panels. She would like for officials to put in the City's bylaws preventing construction of solar farms. She said they pose a threat to our financial security, and the peace, beauty, and harmony that they moved out here to enjoy. She said Bevans asked them a few years ago if they wanted to purchase the land. She said they simply did not have the money to be able to do so.

Jason Meyers, 4669 Hoover Hill Road, said that he wants to keep his family safe and is concerned about the health effects. Meyers asked why is the buffer larger at the road, than to his property. He was also concerned about the land values. He wanted to know why they wanted to put it in a residential area.

Darlene Bristow, 4363 Old Park Road, said that she hoped that there was not a member on this Board that would not realize that this will make property values go down. She said no one would want to live close to this. She said she has lived here for 17 years and this property is all she has. She asked the Board to deny this request.

Cathy Hayes, 1204 Bescher Chapel Road, Trinity, spoke for her mother, Ruth Welborn, that lives at 4679 Hoover Hill Road, approximately 35 feet from this site. She said that she gardens in her backyard and is concerned about the drainage from this site to her property. She's afraid of the thoughts of thunderstorms, electricity voltage, and the property values.

Kim Lee, 4474 Old Park Road, said that they have lived within a 1/4 of a mile from here for 30 years and their 40 acre horse farm directly adjoins the site. Lee said that she is a registered nurse by profession, but is not going to get into the health concerns at this meeting. She said she has a lot of studies concerning that, but she's not going to get into that now. Lee said that she is pleased to see these neighbors here and would have liked to see the other neighbors here. Lee said that they would have been here but the letter received from the County was a little bit misleading. She said they didn't think they would be able to speak at this meeting. She said they thought they would only be allowed to speak at the Commissioners meeting. Lee said no one is against us going green and we definitely believe they have their place in the United States, in North Carolina, and in Randolph County. We just don't think this is an appropriate location. Lee said she is referring to this as a solar facility and not a solar farm, because it's simply not a farm. She said if it was a farm the property wouldn't need to be rezoned. She said that is why it does not meet the criteria for the farm deferment program. She read the definition of a farm from the Webster's Dictionary. She said she is offended by the loose use of the word "farm". She said they hold that type of land use in high regard. She said she has done a great deal of research and so far she has spoken with the US Environmental Protection Agency, the FDA, the Federal Water Resource Office, the CDC, the FCC, the USDA, the NC Department of Agriculture, the NC Department of Energy, the North Carolina Department of Environmental Health and Natural Resources, several NC Senators that are opposed to over growth and allowances of solar facility growth in North Carolina. North Carolina is currently the 3rd leading state in our Nation for solar farm development. She said she has called the Randolph County Planning Office numerous times. She said she has spoken with 2 of 3 experts in the field related

to mega-watt solar facilities in residential areas. She said she's done her homework and came prepared. She said she has a great deal of information with her, that she is prepared to share, but during the final stages of her research, she came across information that she felt negates the necessity for her to present all this information at this time. She said the primary reason why this rezoning should be denied is listed in the Randolph County Citizens Guide to Land Development. She referred to a list on page 4, *Randolph County Growth Management Plan Development Process From Start to Finish. Step 1. Development Impact Analysis (prepared by County planning staff), Step 2. Technical Review & State Analysis (Planning staff & developer), Step 3. Neighborhood Information Meeting (Informal walk-in session held at County Office Building between County staff, developer, and citizens), Step 4. Formal Recommendation from Technical Review Committee to County Planning Board, Step 5. County Planning Board Public Hearing (Recommendation to County Commissioners), and Step 6. Board of County Commissioners Public Hearing (final decision).* She said she was curious about Step 3 on this list the *Neighborhood Information Meeting*. **Morgan** answered that the portion of the Ordinance that you are referring to only applies for residential subdivision. **Lee** asked if there was not an opportunity for an informal meeting (NIM) in this type of request. **Morgan** answered no. **Lee** said she felt a neighborhood information meeting would be good for all rezoning requests to allow neighbors to come in and ask questions. She said this publication also has the definition for RA and she quoted from page 5, *this is the zoning designation for most of the land in the County. It is a district designed for low-density residential developments and minor subdivisions and maintains the rural, agricultural character of the County.* She said a solar facility does not meet that criteria. She said the publication also has a list of abbreviations, RA, RE, RM, RR, E-1, CS, OI, CLO, CLO-CD, IO, etc. She said the proposed requested, RIO-CD, is not listed in the publication, so she again called the Planning Department. She was referred to the Unified Development Ordinance, by Jeff York. She asked the Board to look at the rezoning notice letter they received. **Morgan** said this letter is entered as an exhibit. **Lee** read from the letter to the Board *item 1. CYPRESS CREEK RENEWABLES, Carrboro, North Carolina, is requesting that 46.26 acres located at 4782 Hoover Hill Road, Trinity Township, be rezoned from RA to RIO-CD. Tax ID# 7715861937. Primary Growth Area. Lake Reese Watershed. The proposed Conditional District would specifically allow a 5 mega-watt PV Solar Farm as per site plan. Ricky Lane Bevan - Property Owner.* She said the property is identified as a *Primary Growth Area*. She asked the Board to look back at the Unified Development Ordinance. She said the RIO-CD is not appropriate for a *Primary Growth Area*. She quoted from Article VII, Section 1. RIO (page II-12) *This overlay district is designed for Rural Growth Areas and in rare instances Secondary Growth Areas as reflected on the Growth Management Plan where such a district would provide for the location of sites which would increase economic activity, job creation, and the tax base of Randolph County.*

She further quoted from Article VII, Section 3, G. Rural Industrial Overlay District (page II-27) *This overlay district is designed for Rural Growth Areas and in **rare** instances Secondary Growth Areas as reflected on the Growth Management Plan where such a district would provide for the location of sites which would increase economic activity, job creation, and the tax base of Randolph County.* She said Randolph County's Ordinance specifically excludes this district. She reviewed with the Board examples of where the Board has appropriately applied the RIO Zoning District to allow for the development of solar facilities. (She provided a list of these cases.) She discussed the following locations:

1. 2014 Naomi Road, Providence Township, Rural Growth Area. Rezoned from RA to RIO-CD for a solar facility. This facility is located 100's of yards off the main road with zero visibility and there is a single home located approximately 300-400 yards from the facility.
2. 4477 Wall Brothers Road, New Market Township, Secondary Growth Area. Rezoned from RA to RIO-CD for a solar facility. This is also a graveled road and they couldn't find a house within a 500 yards radius of the site.
3. 3295 Archie Newsom Road, Richland Township, Secondary Growth Area. Rezoned from RA to RIO-CD for a solar facility. This is a dead-end gravel road. It is located behind 4 chicken houses in one of the most rural parts of Randolph County. The nearest home is at least 500 yards away.
4. 1128 Little River Road, Richland Township, Secondary Growth Area. Rezoned from RA to RIO-CD for a solar facility.
5. 4898 NC Hwy 49 South, Concord Township, Secondary Growth Area. Rezoned from RA to RIO-CD for a solar facility.
6. NC Hwy 22 North, Providence Township, Rural/Secondary Growth Area. Rezoned from RA to RIO-CD for a solar facility.

Lee provided the Board with pictures of these sites. She said she felt Randolph County is doing their part in Solar Facility Development. All these examples are with Rural Growth and Secondary Growth Areas, and not Primary Growth Areas. She described the areas as isolated and not in residential communities. She said in this request you can see there are 19 homes adjoining this site (she provided the Board with a map of the request site and each adjoining residential structure is identified). She said Randolph County should support solar facilities, however, they should not be allowed next to residential communities within Primary Growth Areas. She said clearly the County Ordinances would not permit a solar farm in a Primary Growth Area.

Lee said her family is well rooted in Randolph County. Her husband's family was instrumental in establishing Randolph County over 200 years ago. She said

they've worked hard to protect and improve Randolph County for a long time. Lee said that they have lived in this home for 21 years and invested a lot of money for this to be their forever home. She said this little farm is a their piece of Heaven here on earth. She said they are not against green power facilities, but they are thankful that Randolph County has excluded this type of development from Primary Growth Areas. She said 2009 Growth Management Plan does not included the RIO zoning district, therefore it could not be in compliance to permit a solar farm. She said they are concerned about the stream and their pond that would be affected. She said the life cycle is 40 years, and asked who would be required to remove the panels/facility when the company goes out of business. She said the appraised value of their homes would be lowered and would not be in harmony with their community. She said appraisal value and ability to sell are two different things. She said she hoped that tax revenue figures that were given is not a motivator to approve this request.

Shields responded and thanked everyone for their comments. He said that is why they send out community letters, because they like to work with the community right away. He said he wished more people had contacted them in the beginning. He said there are no credible studies that say solar farms damage health, land values, stormwater, etc. He said land values are not affected by farms that have been produced. He said they are a low impact to the community. He said 40 years from now, they will implement a decommission plan. There is a financial incentive to do so, because of the salvage value of the parts. He said they would be willing to provide the County with a decommission plan for the record. He says the Ordinance does list alternative energy facility as an example of a proper use in that district.

Dellfield said that the voltage created by these facilities is no more than what travels into homes and businesses, or up and down the roads. It is not the voltage of power lines. This would be of no safety risk. He said when you consider studies, you should realize that all solar farms are not the same. He said that the facilities Cypress Creek Renewables build are as safe and benign as it gets. There is no leakage with these type of panels. He said they would have an appraiser at the Commissioners' meeting to discuss property values. He said solar farms create no traffic, no noise, no odor. There is essentially no difference, created by this type of development, to the day to day operations of any community.

Sheilds said he would love to speak with the neighbors directly and would be willing to meet with each individually.

Slusher said you say that your company has contacted the neighbors, but yet we still have all these neighbors speaking out. He asked Sheilds, how did that happen. **Sheilds** said he would like to know too. He said he would have liked the neighbors to have responded to their letters, so that they could have made the

community feel safe about the project. He said they only received one email from a gentleman across the road from the property. After talking with that gentleman, he was considering a solar farm on his property.

Modlin asked what type of ground cover would be under the panels. **Sheilds** answered it will be pervious surface/grass. He said there will be less stormwater than normal development because it is not an impervious surface. Slusher said you said you reach out to the neighbors and got no response, and yet we have 8 or 10 neighbors here today. Sheilds said he would have had a meeting with the community if he had been contacted.

Slusher said there was some concern if something was to happen and the site had to be cleared. Slusher asked how long Cypress has been in business. **Sheilds** said they are fairly new, they formed in May 2014. He said they are in the top 25 Solar Companies in the Nation. He said they've experienced lots of success and we think our model is solid. He said we have employees that have worked in the industry for well more than 2 years and have worked on over 200 individual projects. He said they have a lot of experts, with many contacts in the business. He said in the event of bankruptcy, there is a market for the salvaged parts.

Modlin asked if there would be any buffering along Old Park Road. **Sheilds** said the Ordinance didn't require it along Old Park Road, but they are willing to work with the neighbors, even possibly pushing back the panels if that would be more favorable. **Modlin** said he realized we wouldn't be able to make everyone happy. He said he has driven by this field for many years and wanted to plant corn there. He said it is a beautiful area. He said but he felt if they could put a buffer along Old Park Road, five years from now, it would make a difference. **Sheilds** said that was definitely something they would be willing to work with the community.

Lee said the mailer went out from the Solar Company weeks ago, but they were waiting to be contacted for the community meeting. Lee said she wanted to remind the RIO-CD doesn't say anything about this type of district in a Primary Growth Area being allowed. Lee said they can have a beautiful business plan, and they don't plan to fail, but his "there's scrap metal value in it" doesn't make me feel better. She said as far as no credible studies, it is because they've not been around long enough. She said she didn't want to be their test subject. She said we have many small children living right here. She said she could site many studies to health concerns. She said they are allowed in a Rural Growth Area and rarely in a Secondary Growth Area, but we are a Primary Growth Area and they are not allowed. She said this should be this Board's only consideration.

Ridge asked Dale to address the issue of the Growth Areas. **Dale** said she makes a good point. Rural Industrial Overlay Districts do address alternative energy sites. He showed the Board the map of the broader area of the community. Dale

said in a Primary Growth Area much denser development is allowed. He said power facilities are permitted in a Heavy Industrial or Light Industrial District in a Primary Growth Area. He said this is not a community where he felt they should request the facility in that manner. He said the RIO district requires much more site specific plans with natural buffers and landscaping that would lesson adverse impacts on a community. He said while this is a Primary Growth Area, there are larger lots around the immediate area and people live a more rural lifestyle and so we advise the applicant to request a zoning district that would reflect that. He said denser development had been requested in the past in the form of a residential subdivision and it was the opinion of the Board of Commissioners that be rejected. These energy facilities seem less intense developments and so we went with the district that would nail them to that. He said also there have been arguments that the Growth Management Plan is a guideline, but we try to stick strictly to it. He said the applicant could have requested the Heavy Industrial or Light Industrial District. **Ridge** said that those districts would be allowed in a Primary Growth Area. **Dale** agreed, but said he didn't feel that would have been a benefit to the community. He felt this would hold them to a less intense use than what normally is permitted in a Heavy Industrial or Light Industrial Zoning District. He added that this is the zoning district we've always processed solar farms under. **Ridge** said this is what we've run into in other areas of the County whether its Primary, Secondary or Rural, there are some characteristics in communities that are not necessarily addressed in their growth area designation. **Dale** agreed with **Ridge**. **Ridge** said he did remember this site coming up for a subdivision, which met a lot of opposition. He asked **Dale** if he had any recommendation for a buffer on the South side of the property. **Dale** said he felt anything that could be gained would be helpful, but he would have to defer to the experts because he wasn't sure how far the panels could be backed up. He did realize that buffers would create shade and the panels are to absorb sunlight. He said I'm sure what they could offer would be good, but I wouldn't know what to recommend. **Morgan** explained that all you can really look at is what the Ordinance calls for and you could say you would like to see a 20' buffer, but we can't enforce that in a rezoning case. He told the Board that they were stuck with the application as submitted. He said of course you can state your concerns within your motion and the more explanation you can give is always better. He said you can't say we'll approve this with a 20' buffer, it must be on the site plan. **Slusher** said he was having a hard time with this much opposition. **Joyce** said he felt we were missing one key piece, the appraisal reports.

Modlin said his question is whether it's the Board's job, to see that the request meets the requirements of the ordinance, or if it is to opez the community. **Dale** said that if this was just a matter of technical review, there would be no need for this board. He said he would simply check boxes and move it on, but there is always a human element to these things. Is this a good fit for the community and that is where the Board has some leeway. **Modlin** said he was from the country

and he couldn't think of anything you can do to improve this field. Modlin said Mr. Bevans owns the field and he needs some income from it. He said that he felt like the solar farm or facility with appropriate borders around it, would be the least damaging thing you could do. He said 10 years from now, he had a lot rather drive by a buffered area than 50 or 60 homes, that would be adding traffic to Hoover Hill Road. Modlin said he felt in the long run it would be the best thing for the property as far as land values to adjoining properties and aesthetics to the area. **Ridge** added that it would be the least intrusive. **Modlin** agreed and added that Hoover Hill Road is terrible traffic right now and every additional subdivision along Hoover Hill Road is going to be a detriment to the area.

Modlin made the motion, seconded by **Ridge**, to recommend approval with the recommendation that there be a additional buffer and setback to the south side along Old Park Road. The motion passed by a vote of 4 to 1, Slusher voting against the motion.

Ridge made the motion, seconded by **Joyce**, that this motion is in compliance with the 2009 Growth Management Plan. The motion passed unanimously.

- 5. **Slusher** made the motion, seconded by **Joyce**, to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 8:11. There were 16 citizens present for this hearing.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk to the Board