

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY MARCH 3, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Rich Smith (Chair), Aaron McNeill (Vice Chairman), Eddie Nobles, David Lambert, Scott McLeod, Bobby Hyman

Board Members Absent: Buck Mims, Gene Horne, Joseph Garrison

Staff Present: Debra Ensminger, Planning Director
Brenda White, Deputy County Attorney
Theresa Thompson, Senior Planner
Lydia Cleveland, Administrative and Transportation Program Manager

CALL TO ORDER

Chairman Rich Smith called the meeting to order.

INVOCATION

Vice Chairman Aaron McNeill offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Scott McLeod lead in the reciting of the Pledge of Allegiance

MISSION STATEMENT

Board Member Bobby Hyman read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of February 4, 2015
- C. Consideration of Abstentions

Vice Chairman McNeil motioned to approve the Consent Agenda and the motion was seconded by Board Member David Lambert. The motion passed unanimously (6-0).

PUBLIC HEARING(S)

Chairman Smith introduced the public hearing as the following.

Sedberry Farm, LLC is requesting a Conditional Use District rezoning of ParID 00034424, 00034425, 20060568, and 20060569 owned by Mary Elizabeth H. Sedberry; overall is approximately 32 acres, from Residential and Agricultural-40 (RA-40) to Rural Agricultural – Conditional Use District (RA-CUD) use “Solar Collector Facility.” The parcel is located on Airport Road.

Senior Planner Theresa Thompson stated the following as part of her presentation.

“The applicant, Sedberry Farm LLC, is requesting to rezone an approximate 32 acres from Residential and Agricultural-40 to the Conditional Use District-RA. Conditional Use District rezoning involves a second step of considering a conditional use permit for a specific use allowed in the RA zoning district. The applicant is requesting a conditional use permit approval for a solar collector facility. Both requests are separate and require separate approvals or denials. This property is currently undeveloped. There is also a vacant home that will remain on the site though will not be inhabited. Surrounding land uses includes single family residential and agricultural. The adjacent zoning districts include RA-40. Staff has determined there to be general compatibility of uses in the existing and proposed zoning districts as indicated in the chart on page two of your staff reports. Staff has determined that the proposed rezoning request is consistent with the Moore County Land Use Map that classifies this area of land as Rural Agricultural which is in general compatibility with the RA zoning district. The Land Use Plan states that the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses and other rural activities. The RA Zoning District encourages that same mixture. The proposed rezoning is compatible with Land Use Plan goals in that the property is a large tract of land and being rezoned to RA supports operative environments for agriculture. Another goal is to preserve large tracts of prime agricultural land to ensure that farming remains a viable part of the local economy and Goal Action 1.5.2 is to support new developments that utilize existing infrastructure that most economically preserves open space. This is a large piece of property and more likely to preserve more open space based on the permitted and conditional uses allowed in the RA zoning district. Regarding the request for the solar collector facility, the proposed site plan meets all UDO requirements. In addition to the UDO requirement, the applicant is installing a twenty five foot buffer along the front property line to include as a requirement for approval. In addition, the applicant has agreed that all specific use standards will be met as specified in the UDO which will be inspected by county staff before a Certificate of Occupancy is issued. This includes the decommissioning plan which will be submitted upon the issuance of the Certificate of Occupancy. Staff recommends the Board to make three separate motions. The first motion will be to adopt the Planning Board Land Use Plan Consistency Statement (being either the approval or denial worksheet included in your packet). The second motion is to make a recommendation to the Board of Commissioners to approve or deny the rezoning request. The third motion would be to make a recommendation to the Board of

Commissioners to approve or deny the Conditional Use Permit for the use of a “Solar Collector Facility.” Thank you and please let me know if you have any questions.”

Chairman Smith asked the Board if they had any questions.

The Board did not have any questions at this time.

Chairman Smith called on the first speaker, Mr. Tom Hester.

A gentleman named Mark Tucker stood up and explained that he is the attorney representing the applicant and the order of those that signed up is not the order he intended to present the material. Mr. Tucker asked the Board if he could bring each individual up to explain the request. The Board agreed and Mr. Tucker began with an overview of the project with a description of some of the features of the property. When referencing the site plan Mr. Tucker explained that the dashed line is the perimeter of the leased property. The applicant will be leasing this section for 30 years with no extensions or renewals of the lease. Mr. Tucker explained that just inside this line is a solid line with little round circles which represents a six foot fence with two feet of barbed wire. This will be installed as a requirement by the NC Utilities Commission. In between the lease line and the fence is a twenty five foot buffer and Ms. Parker is going to talk more about the buffer later in the presentation. Mr. Tucker briefly described the intended buffer that will utilize the existing buffer where possible and minimize grading. Mr. Tucker continued to explain that access to this property will be from Airport Road. The area between the fence and Airport Road is where construction materials will be staged and construction workers will park over the course of approximately ninety days. In regards to the solar panels themselves they will be facing south and the one pole holding them up will be pounded into the ground with no concrete or cement. This will allow the land to go back to the way it is today in thirty years after the end of the lease. Everything will be underground until the point of interconnection because at this point it is tied into existing utilities. Mr. Tucker further stated that there are a two structures and a house on the property. The two structures will be torn down but the owners would like the foundation and chimney of the house to remain intact with a park or garden to be created in this area.

Board Member McLeod asked for confirmation that the only items to remain will be the chimney and foundation. Mr. Tucker stated that this is the current plan. Board Member McLeod asked if this will be completed before a Certificate of Occupancy is issued. Mr. Tucker stated that a timeline has not been discussed.

Mr. Kenneth Sedberry explained that his mother and he are the owners of the property and would like the property to remain in the family as well as be viable farm land.

Chairman Smith asked Mr. Sedberry if his intention is to do the work on the existing house congruently with the construction of the solar farm. Mr. Sedberry stated that he is willing to do that or could happen after; he just does not want to get in the way of construction.

Board Member McLeod explained that the concern is that once a Certificate of Occupancy is granted Mr. Sedberry could change his mind and let it stay there and fall down. Mr. Sedberry stated that he will not let that happen.

Chairman Smith stated we can work something out and Mr. Tucker asked if this could be part of the Conditional Use Permit.

Ms. Ensminger stated that it could be placed as a condition.

Mr. Tucker asked the Board if they had any additional questions.

Chairman Smith stated that the Board is very concerned about surrounding neighbors so I am very excited about leaving the existing vegetation where you can and please leave it as thick as you can and please do not let anyone make any mistakes the first day.

Mr. Tucker stated that we will discuss the buffer in a few moments but in regards to the adjacent property owners we held three community meetings on February 23rd, February 25th, and February 27th. Over the course of the three meetings a total of 37 people attended of the 188 people invited and for most part general questions were discussed. There was one specific concern that came up over the course of two meetings that was in regards to the Lakeview Community Dam. There was some concern about the trucks during construction and the weight possibly damaging the dam. Mr. Iony has been working with this community and we will not drive over this dam.

Mr. Tucker explained that due to the topography of the land, the curve of Airport Road and the wetlands to the west there is natural buffers.

Ms. Katherine Parker stated that she works as the Vegetative Construction Manager for Strata Solar in the capacity to plan, design, and install vegetation on Strata's Solar Farms. There is approximately 2000 linear feet of road frontage and about half of that is buffered to existing vegetation. If you are coming from the west the existing vegetation serves as a screen onto the site. The more exposed areas of the farm are approaching from the east, the northeast corner, and the eastern side. Along the northern portion of the farm we are proposing a double staggered row of evergreen trees. We are modifying what is required by Moore County. We are going to be installing those at five feet and we are going to increase the number of plants per hundred feet that is required. The type of tree for the northern border where screening is not an issue we will provide "green giants". This plant type is very hardy and will mature to be forty to fifty feet in height; it can put three to four feet of growth in height and width per year. For the eastern, southern, and western borders we are going to propose a double staggered row of Nellie Stevens Holly's that will be planted at five feet in height and will mature out to about twenty five feet in height and ten feet wide and will create a dense evergreen continuous hedge. Each of these plants is recommended by the NC Cooperative Extension and does really well in this area. Ms. Parker concluded by expressing that we are committed to making sure it is properly screened.

Chairman Smith asked if the Nellie Stevens Holly is on the list of approved hedges in Moore County. Ms. Parker stated it is not on the recommended list, there are primarily native plants on this list and the Nellie Stevens Holly is Cultivar. This plant is not evasive and I would recommend this plant above the native plants.

Tom Hester a State Certified Appraiser stated he is in the process of preparing a report after visiting the site and neighborhood and found no evidence where the solar farm impacted surrounding properties.

Jim Hailey the Engineer on the project; developed the site plan. Mr. Hailey stated he believes the site plan meets the county's ordinances and will not materially endanger the public's health or safety.

Mr. Tucker stated that Mr. Iony will speak next to discuss the communication with the Lakeview Community. Mr. Iony explained that this situation is not uncommon and Strata Solar has individuals on staff experienced to develop alternative traffic patterns to complete construction.

Mr. Tucker wanted to reiterate in closing that this project satisfies two goals of the Moore County Land Use Plan including maintaining the rural nature and agricultural uses as well as creating renewable energy.

Citizen Robert Hodges had a couple of questions including if this rezoning would only be for a solar farm and if this would negatively impact the value of his property. Ms. Ensminger explained that this type of rezoning is specifically for this use of a solar farm and Mr. Hester stated this project would not negatively impact his land value.

Vice Chairman McNeill asked Ms. Ensminger what would happen to this property if after 15 years instead of 30 it became decommissioned. Ms. Ensminger stated it would have to come back before the Board as a staff initiated item.

Board Member Nobles asked what the distance from the airport is and is there any safety of flight to consider. Mr. Davis Plinket stated that part of his job is to complete studies including a glare study and it was found that there is not a hazard to aviation.

Ms. Ensminger stated this site is six miles from the airport.

Chairman Smith closed the public hearing.

Board Member David Lambert made a motion to adopt the attached Moore County Planning Board Rezoning Worksheet and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Vice Chairman McNeill, and the motion passed unanimously 6-0.

Board Member David Lambert made a motion to endorse the Moore County Board of Commissioners to approve the conditional use district rezoning on the parcels known as

ParID 00034424, 00034425, 20060568, and 20060569 from Residential and Agricultural-40 (RA-40) to the Rural Agricultural District- Conditional Use District (RA-CUD). The motion was seconded by Vice Chairman McNeill, and the motion passed unanimously 6-0.

Board Member McLeod asked that as part of motion three we require the applicant to include language that all building material with the exception of the foundation and chimney be removed prior to a Certificate of Occupancy being issued.

Board Member David Lambert made a motion to endorse the Moore County Board of Commissioners to approve the Conditional Use Permit including the recommendation to address the vacant structure for the use of “Solar Collector Facility” on the parcels known as ParID 00034424, 00034425, 20060568, and 20060569, and authorize the Chairman to execute the Board Order with recommended conditions. The motion was seconded by Vice Chairman McNeill, and the motion passed unanimously 6-0.

OTHER BOARD MATTERS

No other board matters were discussed.

PLANNING DEPARTMENT REPORTS

Planning Director, Debra Ensminger stated that we have a heavy agenda for the month April and we will not have a work session.

BOARD COMMENT PERIOD

No comments were made by the Board.

ADJOURNMENT

Board Member Nobles made a motion to adjourn. The motion passed unanimously (6-0)

Respectfully submitted by,

Lydia Cleveland