

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, DECEMBER 1, 2016 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Joseph Garrison (Chair) Eddie Nobles (Vice Chairman),
Gene Horne, Bobby Hyman, John Cook

Board Members Absent: David Lambert, Aaron McNeill, Scott McLeod, Rich Smith

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 Joseph Garrison called the meeting to order at 6:00 pm.

INVOCATION

Vice Chairman Eddie Nobles offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member John Cook led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Gene Horne 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 October 6, 2016
- C. Consideration of Abstentions

Board Member Horne made a motion to approve the consent agenda. The motion was seconded by Vice Chairman Nobles and the motion passed unanimously 5-0.

PUBLIC HEARING(S)

Chairman Garrison opened the following public hearing

Pristine Sun Fund 12, LLC is requesting a Conditional Use Permit to construct a commercial Solar Collector Facility on approximately 12.28 acres of an overall approximately 28.15 acre parcel located at 2495 Jason Road (ParID 00009291), owned by Cynthia Dabestani as identified in Moore County tax records.

Senior Planner Theresa Thompson explained that the following request came before the Board on October 6, 2016 and was tabled to allow the applicant to submit a property value study, to update the site plan to exclude the existing cemetery from the solar collector facility parameters, and also address questions regarding the safety of solar panels. Ms. Thompson further explained that this request originally received conditional use permit approval for a solar collector facility on May 19, 2015 and their original permit has since expired. The project size has increased from approximately 11 acres to 12.28 acres. The project area will comprise of approximately 12.28 acres of the 28 acre lot which is an existing pasture land for cows. Ms. Thompson stated that the site plan meets the Unified Development Ordinance's screening requirements by utilizing the Type 2 Screening, which is a 3 foot wide foot high dense evergreen planting that shall be of a species normally expected to reach a height of 7 feet in 3 years, to the side and rear of the property adjacent to residentially zoned property. In addition to the minimum screening requirements, the applicant is installing Type 2 screening along all property lines including the front property line, which is not a Unified Development Ordinance requirement, as illustrated on the site plan. Ms. Thompson stated that staff will ensure that all specific use standards will be met as specified in the Unified Development Ordinance and will be inspected by county staff before a Certificate of Occupancy is issued.

There were no further questions from the Board.

Katherine Ross the attorney representing the applicant thanked the Board for the opportunity to appear before them and also thanked the staff for working with her through the process. Ms. Ross explained that Mr. TJ Murphy and Mr. Tommy Cleveland will present information to the Board to answer questions from the last tabled meeting in October. Ms. Ross handed out a packet that included the minutes from October 6, 2016, a property value study from Rich Kirkland, and an updated site plan.

Mr. TJ Murphy provided background information on Rena Sola and explained that they are primarily a manufacturing company that felt the solar farm industry fell in line with their purview. Mr. Murphy reviewed the site plan and explained that the landscape buffer will consist of staggered Eastern Red Cedars planted at five feet and will grow at about a foot a year. Mr. Murphy stated that the applicant is willing to listen to concerns regarding the landscape buffering and make adjustments as needed.

Mr. Tommy Cleveland explained that the panels are made of crystalline silicone which comes from sand, and boron and phosphorous are mixed with the sand which make up the photovoltaic panel. Mr. Cleveland explained that all of these materials are non hazardous, have passed a Toxic Characteristic Leaching Test, and meet the ROHS standards. Mr. Cleveland concluded with an explanation of the electricity that is emitted from the inverter which is no different than other AC electricity.

Chairman Garrison asked if a panel is broken, if there are any risks, and Mr. Cleveland stated no there would not be any issues. Mr. Cleveland further explained that it would be very hard for the chemicals to be released due to the glass covering.

Chairman Garrison asked if there is a mitigation plan in the event of a weather event. Mr. Cleveland stated that the panels are built to meet building code and can withstand 150 mph winds.

Mr. Murphy reviewed the report provided by the appraiser Richard Kirkland who was not present for the meeting.

Chairman Garrison asked if there is any noise once the construction is complete. Mr. Murphy explained that the sound from the inverter is comparable to a microwave that is running when you are standing right next to it and the cooling fan sound is comparable to a computer fan.

Mr. Murphy further explained that the type of panels have been changed from the original proposed fixed tilt to a single axis tracker. Chairman Garrison asked why this was changed, and Mr. Murphy explained that within the last year single axis tracker technology has increased and when appropriate is more efficient.

Katherine Ross concluded the applicant presentation noting two points. Ms. Ross stated that this project meets all Moore County Unified Development Ordinance Standards and was approved previously in May 2015.

Chairman Garrison stated that there was no one remaining on the sign sheet but asked if anyone else in the audience would like to speak in regards to this request.

Mr. Matthew Garner of 2480 Jason Road stated that he is concerned about the placement of these panels at about 75 feet from his front porch as well as the devaluing of the land.

Chairman Garrison asked the Board if they would like to entertain a motion and reminded the Board that if there is a recommendation of denial then the Board must state why.

The Planning Board paused and reviewed the documents.

After the pause Chairman Garrison stated that this request was approved before, and as he viewed it there wasn't any evidence that would justify a denial.

Chairman Garrison asked if this project is reverted back to its original state does it hurt the integrity of the property. Mr. Murphy stated no, it would just go back to farmland.

Vice Chairman Nobles asked Mr. Murphy to address the long term care of grass. Mr. Murphy stated that their common practice is to mow.

Board Member Hyman asked if the barrier trees and fencing will remain because he stated that he is worried these two factors will not allow the property to be useful for cattle grazing in the future. Mr. Murphy explained the fencing would be removed and the barrier landscaping can be removed if needed but these will be such a small portion of the land and if the trees remain the land could still be used for cattle grazing.

Chairman Garrison asked if community meetings were held or if anyone reached out to the adjacent property owners. Mr. Murphy explained that he has not personally spoken with anyone but he does know others have talked to some adjacent property owners.

Mr. Matthew Garner discussed the relationship with the family members that own the property and no one has reached out to speak with him.

Mr. Tom Baumberger stated that he lives across the road and was concerned that the properties to the west were not mentioned and that there really are not any industrial businesses in the area.

Ms. Ross stated for the record that the property to the east was confused with the west earlier in the presentation and they are willing to speak with all those that are present after the meeting.

Vice Chairman Nobles stated that as far he could see the applicant has met the minimum requirements and with that he made a motion to endorse the Moore County Board of Commissioners to approve the Conditional Use Permit for the use of a Solar Collector Facility located at 2495 Jason Road (ParID 00009291), owned by Cynthia Dabestani as identified in Moore County tax records, including the Application Review Comments and Recommendations as listed in the staff report. The motion was seconded by Board Member Gene Horne and the motion passed 4 -1. (Consenting Vote - Board Member Hyman)

OTHER BOARD MATTERS

No other Board Matters were discussed.

PLANNING DEPARTMENT REPORTS

Planning Director, Debra Ensminger stated that there are no items for January so training will be held.

BOARD COMMENT PERIOD

The board discussed what to do when a decision is hard to make.

ADJOURNMENT

Vice Chairman Nobles made a motion to adjourn the December 1, 2016 regular meeting. The motion was seconded by Board Member Hyman and the motion passed unanimously 5-0.

Respectfully submitted by,

Lydia Cleveland