



Franklin County Communique to the Planning Board

REQUEST FOR SPECIAL USE 15-SUP-02 – SOUTH LOUISBURG SOLAR LLC NC 39 HWY

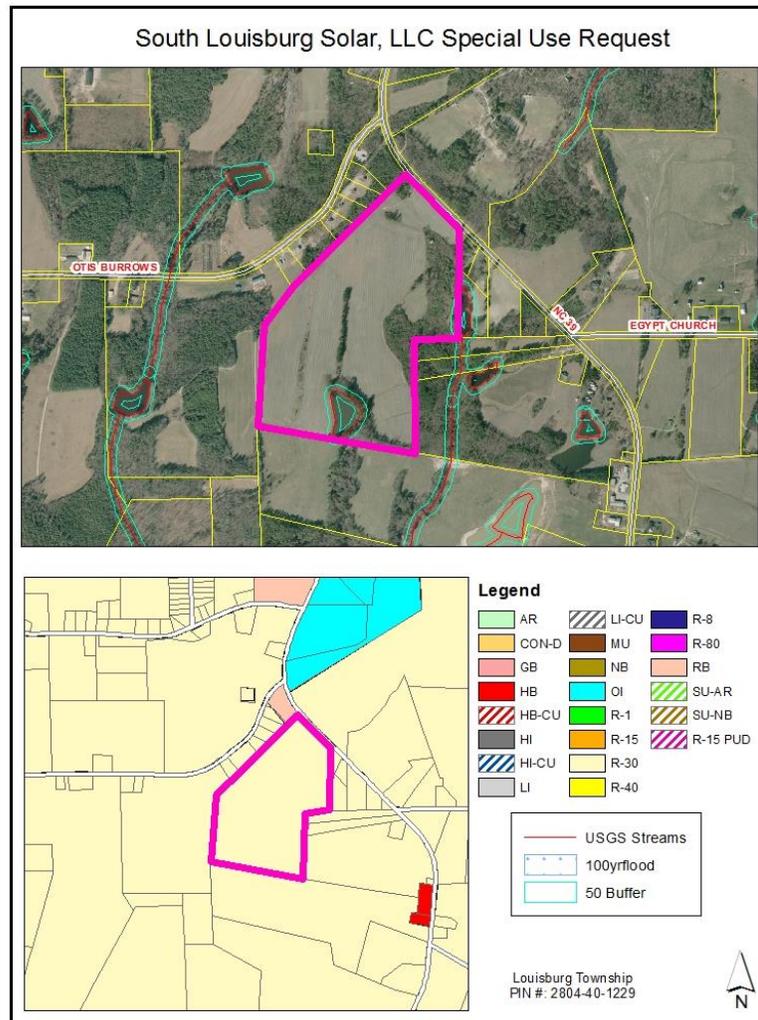
PETITIONER(S):

Name of Petitioner: South Louisburg Solar LLC
Address: P. O. Box 9762
City/State/Zip: Chapel Hill, NC 27514

OWNER(S):

Name of Owner: Ricky & Katherine May & V. Stuart & Kelly May
Address: 1897 NC 39 Hwy South
City/State/Zip: Louisburg, NC 27549

LOCATION:



ATTACHMENTS:

Special Use Application
Site Plan

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
Ricky & Katherine May & V. Stuart & Kelly May	2804-40-1229	R-30	69.3 acres of 112.83 acres
TOTAL			69.3 acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	R-30 Residential	Agricultural/Residential
North	Rural Business & R-30	Agricultural/Residential
South	R-30 Residential	Agricultural
East	R-30 Residential	Agricultural/Residential
West	R-30 Residential	Agricultural/Residential

STAFF ANALYSIS

PROJECT OVERVIEW

Special Use Request:

South Louisburg Solar LLC (Community Energy Solar) is requesting a Special Use Permit to construct a solar farm on 69.3 +/- acres of a 112.837 acre parcel located at 1406 NC 39 Hwy S in Louisburg Township.

Special Use Request Analysis: The applicant proposes to construct a solar farm on a +/- 40 acre portion of the property. The application is for a permit to cover 69.3 acres (the "Project Area") within which the +/- 40 acre project will ultimately go. The proposed solar farm will be enclosed by a 6' security fence, and a Knox box will be provided on the gate to allow access by emergency services. The proposed solar farm is located so as to minimize its visibility from the adjacent private dwellings. It is designed to be low-profile, and is situated over 400 feet off the road. The proposed solar farm will make a minimum amount of noise at the inverters, which are typically located toward the center of the site. The noise is essentially not audible outside the security fence. There are no emissions, and once construction is complete, there are no daily employees. Expected traffic post construction is +/- 3 vehicles per month. The proposed solar farm will require no water, sewer, or school services. Typical stand-by fire and police service will be required, but hopefully not needed. The property is located in the Airport Overlay District in the R-30 Residential zoning district.

The proposed solar energy farm is a 5MW (AC) facility to be located approximately 2 miles south of Louisburg on NC 39 Hwy. The proposed solar energy farm will cover approximately 40 acres of land. It will be comprised of approximately 21,550 PV modules, attached to a ground-mounted single-axis tracking system. The facility will utilize 5 pad-mounted inverters. It will be interconnected to the electrical distribution network operated by Duke Energy Progress. The solar energy farm will comply with all local building codes, North Carolina utility requirements, NC Department of Environmental and Natural Resources restrictions, and Federal Energy Regulatory Commission requirements to ensure a safe and viable development for Franklin County. The proposed solar energy farm will comply with the setbacks required in zone R-30. Specifically, the modules and tracking system will be set back in excess of 40 feet from the front of the property, 30 feet from the sides of the property, and 50 feet from the rear of the property. The facility will be positioned in excess of 100 feet from the nearest residential dwellings. The facility will not exceed the 25-foot maximum height limitation pursuant to Note 16 of the UDO. The proposed solar farm will not create

a visual safety hazard for passing motorists. A visual buffer will be installed along the adjacent roadway, the facility will be low profile, and there will not be any permanent lighting. Parking for a minimum of 3 maintenance vehicles will be available on site. The proposed Solar Energy Farm will comply with the removal requirements as set forth by Note 16 of the UDO. South Louisburg Solar LLC has provided a copy of the decommissioning plan. Community Energy is an experienced solar developer. In North Carolina, eighteen solar farms they developed are now constructed and in operation. These include two projects developed previously in Franklin County: one off Firetower Road behind Edward Best Elementary and one at the corner of White Level Road & Walter Collins Road.

The submitted site plan indicates the landscaping and buffer strips, fenced in area, area for parking, and riparian buffers on adjacent ponds.

In addition to requirements listed in the Franklin County UDO, the following items will be required if the special use permit is approved. Evidence of approval of erosion control from the NC Dept of Environment & Natural Resources, the subject property is located within the Tar-Pamlico River basin and is required to meet nutrient regulations for nitrates and phosphates for new improvements exceeding one-half acre, NC Dept of Transportation driveway permit, Approval from the NC Utilities Commission, Approval from the local fire department of a knox box, and an engineering estimate for the removal of the solar facility will need to be submitted in addition to a financial surety prior to issuance of building permits.

PLANNING & ZONING

Land Use Plan: The Comprehensive Land Use Plan has designated this area as Agriculture/Residential.

Setback and Lot Size:

Zoning District	Min. Square Footage	Min. Road Frontage	Min. Front Setback	Min. Side Setback	Min. Rear Setback
<i>Existing Zoning</i> R-30	40,000 Sq. Ft. (non-res)	150	40	30	50
<i>Proposed Zoning</i> N/A	N/A	N/A	N/A	N/A	N/A

Water/Sewer Service: Public water and sewer is not available on NC 39 Hwy S.

Transportation: The average daily traffic count on NC 56 Hwy is 4,600 vehicles per day.

Environmental Issues: There are two ponds on adjacent property where a 50 ft riparian buffer will be required. The subject property is located within the Tar-Pamlico basin and is required to meet nutrient regulations for nitrates and phosphates.

UDO: Listed below are minimum requirements for Solar Energy Farms as stipulated within the UDO.

Note 16. Solar Energy Farms.

- (1) A Special Use Permit is required as outlined in Article 9 (Special Uses) for Solar Energy Farms locating in the following zoning districts: AR, R-1, R-8, R-15, R-30, R-40, and R-80. *Solar Energy Farms are allowed as a permitted use within the Light and Heavy Industrial Districts.
- (2) Structures shall not exceed twenty-five (25) feet in height, as measured from finished grade at the base of the structure to its highest point.
- (3) Solar farm facilities and structures shall conform to the principal building setbacks of the underlying zoning district which they are located.
- (4) Solar farm facilities shall be enclosed by a six (6) foot high fence.
- (5) Solar farm facilities shall not create a visual safety hazard for passing motorist.
- (6) Lighting. Lighting shall be such that it is not directed onto any adjacent properties or right-of-ways.
- (7) Screening. Shall conform to Article 14, Landscape Requirements.
- (8) Minimum lot area. Minimum lot area shall be the same as required by the underlying zoning district.
- (9) Parking. There must be an area designated outside of DOT right-of-way to accommodate a minimum of three maintenance vehicles.
- (10) Solar farm facilities shall be removed, at the owner's expense within one hundred eighty (180) days of a determination by the Administrator that the facility is no longer being maintained in an operable state of good repair. Financial assurance may be required of the applicant to provide for the removal of solar facilities.

SPECIAL USE PERMIT CHECKLIST

In order to issue a Special Use Permit, the Board shall consider each of the following conditions, and based on the evidence presented at the hearing(s) make findings of fact in regards to each and must find that the issuance of the Special Permit is in the best interest of the County.

- (A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare;

Yes___ No___

- (B) The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations;

Yes___ No___

(C) The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity;

Yes___ No___

(D) The use or development conforms with general plans for the physical development of the County's planning jurisdiction as embodied in this chapter, the Franklin County Comprehensive Development Plan, or other development policies as adopted by the Board of Commissioners;

Yes___ No___

(E) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts;

Yes___ No___

(F) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impact on adjoining properties or the neighborhood;

Yes___ No___

(G) Utilities, school, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;

Yes___ No___

If the Board approves the Special Use Permit, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be compiled with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street and utility right-of-way be dedicated to the public and that provisions be made for recreational space and facilities.

PLANNING STAFF RECOMMENDED PLANNING BOARD DISCUSSION ITEMS

Review proposed Special Use request, solicit comments or questions and make a recommendation regarding the special use request.

PLANNING STAFF RECOMMENDATION TO THE PLANNING BOARD

Review proposed Special Use request, solicit comments or questions and make a recommendation regarding the special use request. Should the Planning Board recommend approval of the Special Use request, planning staff would recommend that it be done so with the following conditions:

1. Prior to securing building permits from the County, documentation from all other applicable state and federal agencies shall be submitted to the Franklin County Planning & Inspections Department verifying permit approval.
2. Approval shall be subject to adhering to all other County, State and Federal regulations.

3. Approval of stormwater management plan if there is a land disturbance of .50 acres or greater.
4. An engineering estimate for the removal of the facility will need to be submitted in addition to a financial surety prior to the issuance of building permits.
5. Approval of a NC Department of Transportation driveway permit.
6. No lighting shall be installed without approval from the Franklin County Planning & Inspections staff.
7. Screening shall conform to Article 14. Landscape Requirements and Article 8., Section 8-1, Note 6. Buffer Strips.
8. Approval from local fire department for Knox box.
9. Approval of final layout and design of all solar panels and associated structures shall be submitted for review to the Franklin County Planning Department prior to the issuance of building permits.