



Franklin County Communique to the Planning Board

REQUEST FOR SPECIAL USE 16-SUP-04 – Fox Creek Farm Solar, LLC

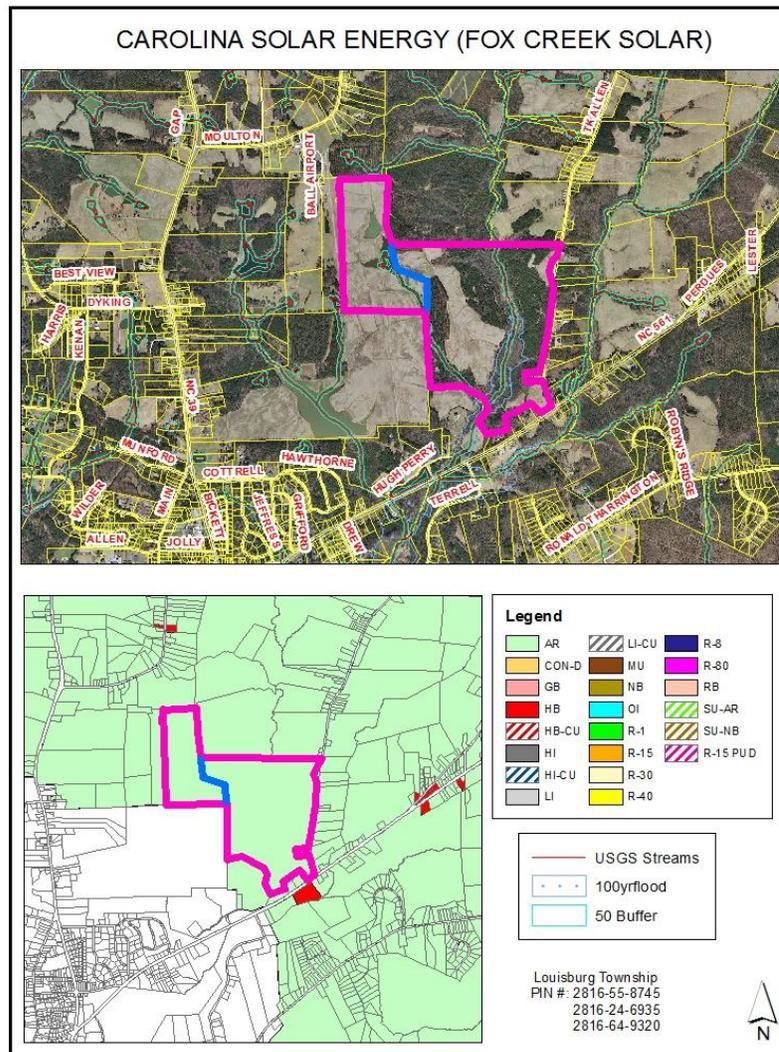
PETITIONER(S):

Name of Petitioner: Carolina Solar Energy II, LLC
 Address: 400 W. Main St. Suite 503
 City/State/Zip: Durham, NC 27701

OWNER(S):

Name of Owner: The Minerva Group, LLC
 Address: 107 Riverbend Circle
 City/State/Zip: Louisburg, NC 27549

LOCATION:



ATTACHMENTS:

- Special Use Application
- Site Plan
- Decommissioning Plan

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
The Minerva Group LLC	2816-55-8745 2816-24-6935 2816-64-9320	Agricultural Residential (AR)	278
TOTAL			278 Acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	AR	Agricultural-Residential (Farm)
North	AR	Agricultural-Residential (Farm/Wooded)
South	AR	Residential
East	AR and (Town of Louisburg ETJ)	Agricultural-Residential (Farm/Ball's Airport)
West	AR	Residential

STAFF ANALYSIS

PROJECT OVERVIEW

Special Use Request: Carolina Solar is requesting a Special Use Permit to construct a solar energy farm on 278 +/- acres of approximately 701.40 acres located off T.K. Allen Rd. in the Louisburg Township.

Special Use Request Analysis: Carolina Solar Energy proposes to construct a solar energy farm on 278 +/- acres of approximately 701.40 acres located off T.K. Allen Rd. in the Louisburg Township. The application states the solar facility will be built to meet all local, state, and fire codes. The applicant has indicated the site will be visited by Technicians once a quarter to ensure safety, proper operation, maintenance, and aesthetics. The application further states that the facility poses minimum impact to the parcel and the land can be easily restored to its original use upon completion of the lease. Additionally within the application, the applicant has provided a financial assurance for decommissioning.

The submitted site plan indicates there will be no outdoor lighting, and reflects the landscaping and buffer strips, fencing, and required parking.

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 Department 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> AR Zoning	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 to this property.

1. **Environmental Issues:** The subject property is located within the Tar-Pamlico river basin and is required to meet nutrient regulations for nitrates and phosphates. There is a stream with at 50 foot riparian buffer and 100 year flood zone located within the center of the property that appears to be located outside the proposed solar array. A determination letter shall be obtained from the Department on Environmental and Natural Resources (NCDENR) for any impacted streams or crossings.

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 complied 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:

2. 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.
3. Approval of stormwater management plan if there is 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. (As shown on the site plan, existing vegetation is being used where feasible to satisfy this requirement. It shall remain in place or landscaping shall be installed at a minimum of six (6) feet tall at time of planting.) Planning Staff may require additional landscape buffering around the perimeter of the site if existing vegetation is not sufficient. This shall be installed prior to final inspection and approval.
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.
10. A determination letter shall be obtained from the Department on Environmental and Natural Resources (NCDENR) for any impacted streams or crossings.
- 11. Recombination survey shall be recorded combining PIN's 2816-24-6935 and 2816-55-8745 prior to issuance of zoning and building permits.**