

## FRANKLIN COUNTY PLANNING BOARD

July 8, 2014

The Franklin County Planning Board held its regular monthly meeting on Tuesday, July 8, 2014 in the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

**Present:** William Wallace, Robert Mann, Steve Buescher, Ricky May, and Richard Hoyle  
**Absent:** John Sledge, Mark McArn, Phillip Jeffreys, Ronnie Pearce, Steve Mitchell, William Holden, Mary Solomon, Carolyn Paylor, and Fannie Brown  
**Staff:** Scott Hammerbacher, Jason Rogers, and Kevin Lewis

Chairman William Wallace called the meeting to order at 7:00 P.M., and welcomed everyone in attendance. Robert Mann gave the invocation. Chairman Wallace noted the revised agenda and the council adopted it. A motion to approve the minutes from the prior Planning Board meeting, May 13, 2014, was made by Mr. May, seconded by Mr. Mann. The motion passed unanimously.

### Agenda Items:

1. Request for a Special Use Permit by Morgan Farm LLC, for a solar energy farm on 25+/- acres at PINs 2845-96-3505 and 2845-84-9824 on North Carolina 56 Highway East in the Cedar Rock Township. Property is zoned Agricultural Residential (AR).

Mr. Rogers stated that the applicant intends to construct a solar photovoltaic power generating facility consisting of solar panels, on metal racking which is supported by driven metal pilings, occupying approximately 25 +/- acres of the subject parcels to generate clean, renewable energy. The property is currently zoned Agricultural Residential (AR).

The submitted site plan indicates the buffer and landscaping plan and area for parking. The applicant states solar arrays are good neighbors which are silent, odorless, and cause no pollution whatsoever. The applicant has submitted into evidence an email from the Director of the North Carolina Solar Center at NC State University which supports that no pollution is caused by the proposed array. The applicant further states the solar array contributes to general welfare by bringing more than \$2 million of personal property tax base to the County, which base is expected to remain and generate property tax reviewed for 30 years. The site will have no permanent personnel working there, and an operation and maintenance crew will pay occasional visits (e.g. 4 times per year) with a small crew to inspect or maintain the array, or do ground maintenance. They stated the proposal conforms to all the elements of Note 16 of the Franklin County UDO concerning solar energy farms. In addition to meeting the county requirement for buffer screening, the applicant has provided additional screening along the western boundary of the subject parcel at certain areas where the woodlot screening on the neighbor property is relatively narrow.

In addition to requirements listed in the Franklin County UDO, the following conditions will be required if the special use permit is approved:

- Prior to securing building permits from the County, documentation from all other applicable state and federal agencies shall be submitted to Franklin County Planning & Inspections Department verifying permit approval.
- Approval shall be subject to adhering to all other County, State, and Federal regulations.
- Approval of storm water management plan is there is a land disturbance of .50 acres or greater.
- An engineering estimate for the removal of the facility will need to be submitted in addition to a financial surety prior to issuance of building permits.
- Approval of NC Department of Transportation driveway permit.
- No lighting shall be installed without approval from the Franklin County Planning & Inspections staff.
- Screening shall conform to Article 14, Landscape Requirements.
- Approval from local fire department for Knox box.
- 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 issuance of building permits.

There were no questions from the Planning Board to Mr. Rogers.

Mr. Wallace asked if the applicant, Mr. Phil Nyborg, wished to make a statement to the board. He thanked the board for the opportunity to speak, and reiterated the points made by Mr. Rogers. Additionally, he stated that solar facilities are good neighbors, and they avoid introducing pollution into the environment. This solar facility will help reduce 7,000 tons of carbon dioxide every year for the life of the facility (~30 years). The facility will not be a significant burden on county resources, and will connect to a Duke Energy substation close by.

Mr. Hoyle asked who would pay for the clean-up of the site, either once the lease has ended or if it is no longer operational. Mr. Nyborg stated that in the lease agreement, Morgan Farm is subject to clean-up the property or make any repairs within six months of the facility ceasing operation. Additionally, he added that a benefit of this type of facility is once the lease has ended, the land can return to its original use easily. Mr. Hammerbacher added that the county's UDO requires a bond agreement with the developer on projects such as these, should the county be forced to take action.

A neighboring property owner, Ingrid Volk, was concerned about the lease details. Mr. Nyborg assured her that as long as the facility continues to function, the lease would be renewed and that it is in the best interest of Morgan Farm and the property owner that the facility continue to function properly for the life of the lease. She also asked the planning staff if they expect more facilities to begin operations in the area, as already two or three have been built. Mr. Hammerbacher stated that the county does not promote this area to solar facility developers, but with recent advances in technology and the zoning in place in this section of the county, it is a desirable area. Each solar facility proposed in the county is handled on a case-by-case basis. Mr. Nyborg added that the geographical and capacity of the current electrical grid could limit further development of solar facilities near-by.

Mr. Wallace suggested the Board vote on the special use permit. Mr. Hoyle made the motion to recommend approval of the Special Use permit to the Board of Commissioners, seconded by Mr. Mann. The Board voted unanimously to approve the permit and recommend approval by the Board of Commissioners.

2. Request for a Rezoning by James Carl Allen from Mixed Use/Highway Business (MU/HB) to Highway Business (HB) on 1.033 acres at PIN 1881-23-6363 on United States 401 Highway in the Harris Township.

Mr. Rogers said the petitioner states a portion of the property is currently zoned Highway Business, and he wishes to rezone the entire 1.033 acres to Highway Business. The adjoining parcel to the south is currently zoned Highway Business and is occupied by a new Dollar General Store. The property is located at an intersection on a major thoroughfare and will be an extension of an adjacent Highway Business zoning district.

Staff recommends that the Board use the provided rezoning checklist as a part of the decision making process. Board members are encouraged and required by general statute to consider all allowable uses under the district rather than only the proposed use as presented.

Mr. Allen stated that he intends to sell utility storage buildings and metal car ports on this piece of property. There will be no construction on-site, it will be sales only. There is currently another proposal pending before the Board of Adjustment for a similar use on a piece of property north of Centerville. Mr. Allen intends to purchase the property if the rezoning is approved.

Mr. Hoyle made the motion to recommend approval of the rezoning to the Board of Commissioners, seconded by Mr. Buescher. The Board voted unanimously to approve the rezoning and recommend approval by the Board of Commissioners.

3. Request for UDO Text Amendment by Mary Jones: 6-1 Table of Permitted Uses, "Boat Works/Repair".

Mr. Rogers stated that the applicant, Ms. Jones recently requested that staff amend the ordinance to allow "Boat Works/Repair" in more zoning districts. Staff has researched several ordinances from other Counties and Municipalities and found that Boat Works/Repair and Automobile Repair were allowed in the same zoning districts with similar requirements. Therefore, Staff suggests the following amendment to the table of permitted uses: Conditional Use in Neighborhood Business (NB) and Mixed Use (MU), Special Use in Rural Business (RB), and permitted use in the Highway Business (HB) zoning district. Staff believes that the proposed amendment to the Unified Development Ordinance to allow Boat Works/Repair is reasonable and similar to Automobile Repair that is allowed in the Neighborhood Business, Mixed Use, Rural Business, and Highway Business zoning districts.

Ms. Jones indicated that she lives in Franklin County, but runs her business in Wake County. She intends to locate her business in Franklin County if this amendment is approved, and claims it would be beneficial to the county and its residents.

Mr. Hoyle made the motion to recommend approval of the UDO Text Amendment to the Board of Commissioners, seconded by Mr. Mann. The Board voted unanimously to approve the UDO Text Amendment and recommend approval by the Board of Commissioners.

4. Requests for UDO Text Amendments: Sections 4-3 Establishment of Zoning District, and the Purpose Thereof; 7-2 Conditional Uses; 24-2 Variances; 26-3 Powers and Duties of the Board of Adjustment; and 26-4 Appeals.

Mr. Rogers began by saying Planning Staff is proposing to amend the UDO Section 4-3 Establishment of Zoning Districts, and the Purpose Thereof: in order to provide consistency with Section 6-1 Table of Permitted Uses. After reviewing both sections, staff discovered some inconsistency with the definitions of the Residential-1 (R-1), Residential-8 (R-8), and Residential-15 (R-15) zoning districts and the permitted uses allowed within each district. All of these districts are primarily residential in nature but, there are a number of nonresidential uses allowed in each. Some examples include Churches, Convenience Centers, Country Clubs, Fire/Rescue Stations, Public/Private Schools, and Solar Energy Farms. Staff feels the changes to the definitions below will provide consistency within the UDO.

Additionally, Planning Staff is proposing to amend the following sections of the UDO: 24-2 Variances, 26-3 Powers and Duties of the Board of Adjustment, 7-2 Conditional Uses and 26-4 Appeals. This proposed amendment will provide consistency with existing North Carolina Law. The General Assembly recently amended G.S.153A-345.1.

Mr. Mann made the motion to recommend approval of the UDO Text Amendments to the Board of Commissioners, seconded by Mr. May. The Board voted unanimously to approve the UDO Text Amendments and recommend approval by the Board of Commissioners.

With there being no further business before the Planning Board, Mr. Wallace adjourned the meeting at 8:00 P.M.

---

William Wallace – Chairman  
Franklin County Planning Board

---

Kevin Lewis – Clerk  
Franklin County Planning Board