

Minutes of the Yadkin County Board of Adjustment

March 10, 2014

Board Members Present:

Richard Foster- Chair
Jeff Smith –Vice chair
Tim Swain
Gray Gentry
Dale Holcomb- Alternate

Board Members Absent:

Charles Collins- Alternate
Landon Wagoner

Staff Present:

Mike Poston, Director of Planning and Development
Dawn Vallieres, County Planner

Guests Present:

James H. Smith	Lance Williams	Katherine Ross
Brent Niemann	J.B. Salmons	Betty Salmons
Nathan Pitts	Emily Pitts	Susan Vestal
Larry Klett	Ron Roberts	Gay Shore Pitts
Jacob Shugart	Zachery Kelly	Rich Kirkland
Harry J. Sloo	Steve Cline	Ray Cline
Tammy Marshall		

Call to Order

Chairman Foster called the March 10, 2014 meeting of the Yadkin County Board of Adjustment to order at approximately 6:00 PM. Attendance and quorum were noted. Alternate A. Dale Holcomb was made a voting member for this meeting.

Approval of Minutes

Chairman Foster called for a vote to approve the minutes of the January 13, 2014 meeting. Gray Gentry made a motion to approve; Tim Swain seconded. The Board voted to approve the minutes 5-0.

The Board suspended the regular meeting to hold an open Public Hearing for the North Oak Ridge Church Road Solar Farm. There will be a presentation, then an orderly process if anyone wishes to speak for or against the project.

Public Hearing- Elizabeth Hutchens/Strata Solar- Solar Farm on N. Oak Ridge Church Road

Conditional Use Permit Application- Article 17 Conditional Uses. Section 8. Solar Farm for Elizabeth Hutchens / Strata Solar on North Oak Ridge Church Road, Yadkinville, NC

Director Michael Poston pointed out that Strata Solar had submitted an updated site plan; the size of the solar farm has been reduced.

Staff gave a PowerPoint presentation on the North Oak Ridge Church Road property.

Chairman Foster announced that anyone who wished to speak needed to sign in on the sign in sheet, if you don't sign in you can't speak. At this point, Chairman Foster affirmed all those wishing to speak.

Katherine Ross spoke on behalf of Strata Solar. Strata Solar will offer the testimony of three witnesses. First witness will be Lance Williams, site development manager; the second witness will be Brent Nieman, a civil engineer licensed as a PE in NC; the third will be Rich Kirkland, a NC licensed real estate appraiser.

Lance Williams spoke about Strata Solar and their business model.

Does Strata Solar operate the solar farms?

Lance Williams replied that they do. He discussed the various departments in the company.

Who will own the property? The current landowner will continue to own the property.

Are you a publicly traded company? No they are not. This was asked to ensure that the company would have the net worth/ resources to be able to remove the equipment and clean up the site if it is no longer in use.

Lance Williams spoke to this: It is made of steel, aluminum, glass and copper. The value exceeds the cost of pulling them up. We are run by a husband and wife. We have about 50 farms. Each farm is typically a low eight figure amount of investment. It is a significant company at this point. Solar farms are considered low impact development. We have very little impervious surface. We don't set these posts in concrete, they are pile driven. Not much grading on site, just around 4-5 electrical inverters.

So you don't have to file an erosion control plan?

Lance Williams - yes we do, it is considered disturbed because of the wiring under the ground and tree removal. It (the erosion control plan) is filed with NCDENR.

Once completed, the arrays are monitored on the web. We do not have a full time employee there so little traffic is created. Less traffic is created post construction than a single house. The solar farms are no more than 10 feet high. No noise leaves the site. The electrical inverters during the daytime make a slight hum that can't be heard from about 150 feet. Our inverters are located well inside that on the property. We don't have any emissions. That is why we are considered low impact development.

Our personal property and the real estate we pay the taxes on but we do not have a demand on county services. We are not putting anyone in schools. We are not using water or sewer.

The site plan that you have is reduced. Duke Power came back and said that they prefer us to build a 3 megawatt farm. This is smaller than what we initially discussed when we met with neighbors. Being a smaller farm, we have a large amount of size between our project and our neighbors. This is a 54 acre site and we are using less than half the site. There are a lot of trees on the property that will remain.

The solar use- I came probably nine months ago and met with planning staff and they pointed me to the code and the standards for solar farms, and also parts of the Land Use Plan asks for new uses to be uses that create greater tax revenue than the cost of services and that is one of the callings cards of low impact development.

Katherine Ross introduced Brent Nieman, PE who is employed as a civil engineer with Strata Solar.

Brent Nieman - He prepared the site plan that has been presented tonight. This is approximately 21 acres of developed area. As Lance alluded to, we are very low impact development. Mr. Nieman spoke about the over 100 solar farm sites he has worked on for Strata and the design and permitting processes the projects go through. They have permitted about 70 of them (solar farm sites).

Have you built all of them?

Brent Nieman – Not all yet. Several in the pipeline.

But you are in the process of building them?

Brent Nieman – Absolutely, we probably have 3 we haven't started construction on yet.

Mr. Nieman spoke at length about the construction and operation of the solar farm. He covered the length of construction time.

How many days?

Brent Nieman- About 90 days. We haven't had any go longer than four months. Mr. Nieman continued explaining construction and operation.

There is no fluid being heated (in the solar panels)? No contaminating fluid?

Brent Nieman- No, no hazardous materials. No moving parts. Just excited electrons. These are silicon panels. The panels are rated for 25 years. This is a very long term use. This is a single phase project. There is an 8 foot fence proposed. There is a quiet hum, you can only hear it if you are standing within the array.

What is the decibel level?

Brent Nieman - 50 db at inverter, negligible at 150 feet. Anti-reflective coating on panels. The racks are oriented due south, monitored remotely.

How high is the fence?

Brent Nieman - Eight feet per code. He spoke of buffers and vegetation maintenance. Strata has its own landscape crew. He spoke of requirements and how the site meets the requirements.

What type of trees will be used for buffers?

Brent Nieman- We tend to go with an evergreen. You want something about the height of the fence when full grown. Camelia, Golden Hinoki Cypress, Yaupon Holly, and Wax Myrtle.

The buffer line will be along the northeast?

Brent Nieman- Yes. He showed where the buffer was shown on the site plan.

Katherine Ross introduced Rich Kirkland; a professional real estate appraiser self employed as Kirkland Appraisers. Experienced in potential impacts to surrounding real estate.

You do not appraise solar farms?

Rich Kirkland -No, I appraise real estate and have done research looking for matched pairs. He also discussed the matched pairs he had located and that are included in affidavit submitted.

Katherine Ross stated their belief that Strata Solar meets the standards and asked to have a closing summary after people spoke against the project.

Chairman Foster asked if there was anyone else who wanted to speak for the project. No one came forward.

Chairman Foster asked if anyone wanted to speak against the solar farm.

Jacob Shugart came forward- His family is tobacco farmers. Their main goal is to farm but when we buy land we look at how it is going to benefit us, they might want to liquidate, His land goes all the way to 601. It is a pretty desirable piece of property. They grow row crops. 20 years from now if this is a junk hole how am I going to unload it? He is concerned that the company will go bankrupt and about who is going to clean it up.

Chairman Foster replied that that was why he had questioned applicants on their business model.

James Smith came forward – He lives south of site and thinks value of his land will go down if there is a solar farm there. He has road frontage on Patterson Mill Road. They row crop this land.

Nathan Pitts came forward- He owns property next to James (Smith). They are getting ready to build a house. His main concern is property values. You can have a study but property values are in the eyes of the person who is going to buy it. All of a sudden we have chain link fence with barb wire, cameras and high voltage signs. I am concerned with the glare off the panels. It is not really benefitting any of us that surround it, not that he is looking for a handout. We are only getting the negative aspects of this.

He brought in a petition with 94 signatures of neighbors that were against this project.

Have you verified the signatures to ensure no duplicates? 33 on one, 18, 15, approx 12, and 11.

He also submitted an article on solar farms decreasing property values. His family has been on this property for over 100 years and they are planning on building a house. The tree line is only one tree thick. Their entire view is going to be on that side and he does not want to look at that the rest of his life.

Chairman Foster pointed out that this type of solar panel is made to absorb not glare.

Zeta Gay Shore Pitts came forward – She spoke of her concern for the wildlife in the area and how her family used to own a lot of land around there.

A Board member asked about the land size?

Zeta Gay Shore Pitts replied that it was 30 acres now. She spoke of the beauty of the entire area: the deer, blue herons etc. This will affect their habitat. She also spoke at length of her concern for the future of Yadkin County schools, young families, retirees and housing values.

Larry Klett came forward- He lives next to the buffer (west side) and is concerned that the tall black pines are very thin and will not provide enough screening and is concerned about property values and the visual effect it would have on his property. It is 11.7 acres.

Steve Cline came forward – He pointed out where he lives. He also owns 7 acres behind the purple zoned area (general residential). He has not seen anything that will be any good for us (the neighbors). All of us don't live in high property value neighborhoods. He lives in a double wide; all down Midway Drive is mobile homes. He doesn't want his sons to have to look out the window and see this across the road. There is no way that this will not devalue property that is already low in value. This will take his property and make it worthless. This is our home. He spoke about hunting in the area and how much wildlife has been seen with game cameras. You put something this big in it will affect wildlife. There is no monetary value for any of us that live around it.

A Board member pointed out that the property owner has the benefit, The question is 'Is this a detriment to the neighbors?'

Ron Roberts came forward- He lives on the west side of this parcel. He is totally opposed based on all the reasons previously stated. This is predominantly rural area but it is a highly

developed rural area. There are 34 home sites with direct eyesight to this property. He doesn't want to have to see it from his window or yard. It is not a fit for this area. This is not a commercially developed area. Strata has given expert witnesses that there are no ill effects but if we had the resources we could have brought expert witnesses to contradict what they are telling you. He said there are existing studies/articles that indicate there are carcinogenic materials in the solar panels. There are studies showing increased cancer risk, there may not be proof today that there is any harm but 10-20 years from now we don't know. There is no long term knowledge about it. He is also concerned about property values and the security cameras because of privacy issues.

Tammy Marshall came forward- She is not an adjacent property owner. She drives down 601 everyday. Our (county) seal has agricultural on it. A farm does not have to have an 8 foot fence with barbed wire and security cameras. The company is not saying where the panels are coming from; they are coming from China and we all know what comes out of China. The panels are spot checked; they are not checking every one. They have the cancer agent cadmium in them which is the 6th most dangerous chemical. She is also concerned that there are going to be solar farms everywhere. We are an agriculture county, we need to stick to agriculture. Is it going to benefit these people who have been paid taxes their whole lives, or is it going to benefit one landowner? When it comes time to clean it up, who is going to pay for it?

Applicants wished to respond to what has been brought up.

Lance Williams spoke-There are solar farms across the state where a lot of people live. In order to build a solar farm you must have approval from the NC Utilities Commission, as part of that process it goes through state environmental clearinghouse which includes the NC Wildlife agency. There are no haz mat labels required on anything. We use a high grade vegetable oil in the transformers. We use logging mats. We work very hard on having best practices.

Brent Nieman spoke – Our panels do not use cadmium.

A Board member asked about the buffers on the west side? Specifically, the black pines towards the front, how wide is that? And you are not going to put a buffer there, is that correct?

Brent Nieman- Side setback is 40-60 feet. It is also underbrush. The buffer trees will reach 6 feet in approximately 5 years. In 10 years higher than the wire fence.

Katherine Ross spoke –No hazardous materials will be present at this solar farm. The farm is reviewed by the NC State clearinghouse which is a group of environmental agencies that review the applications and file their comments in the NC Utilities Commission docket. Their response was that no further action was required. This does include the Department of Water Quality and the NC Wildlife Commission and other state agencies. There are a number of solar farms across North Carolina in more rural areas and in more urban areas. The only competent evidence, in regards to property value, that is before the Board this evening is the testimony of Mr. Kirkland, a qualified expert. The other opinions presented are lay witness opinions and under North Carolina law the Board is not allowed to consider

that opinion as it relates to value. There were concerns related to glare. The testimony given tonight talked about the absorptive non-reflective nature of these panels. We understand that there is concern in regards to the harmony standard. This area is much like other areas across the state where solar farms are being developed: agricultural, rural and residential. We believe the evidence shown this evening demonstrates that.

The Board closed the public hearing on the North Oak Ridge Church Road Solar Farm and returned to the Board meeting.

Regular Board Meeting

Chairman Foster –He appreciates both sides; it has been a good testimonial on both sides and he appreciates everyone’s patience. It is a matter of procedure that all motions are made in a positive manner. He asked staff to summarize Findings of Facts.

Planning & Development Director Michael Poston went over these. The Findings show that the site plan demonstrates that per the site plan this applicant will meet the specific criteria. They meet the setbacks. The existing vegetation meets the buffering requirements. Their inverters and any equipment that makes noise are interior to the property and well within the 100’ setback. There is no on site storage.

Chairman Foster- It has become policy at the state and federal level that green energy is to be promoted. Now it is down to the local level.

Board members discussed whether there was potential for a decrease in property values. It was mentioned that a licensed appraiser had submitted testimony. As far as any potential impact on hunting, the deer pattern will just be different.

Board member Jeff Smith stated that he had a problem with the harmony with the surrounding area.

Board member Dale Holcomb spoke about change always being difficult. The applicants meet the requirements. A lot of things affect property value. A swimming pool can be a hazard. This is an investment in the county. When bushes and shrubs grow you won’t notice it.

Chairman Foster asked if any Board member wanted to make a motion regarding the project.

Board members discussed requiring a recorded plat showing a buffered area that could not be used, to make the public aware of this encumbrance.

Chairman Foster asked if the Board wished to entertain a motion...Tim Swain made a motion to approve the conditional use for a solar farm with the condition that the ALTA survey showing the required buffer be recorded with the lease documents; Dale Holcomb seconded the motion:

There being a motion on the table...the vote was 3-2 to approve.

Director Michael Poston asked that the Board make an explicit vote to adopt the Findings of facts, which they did.

Other Business

Adopt new schedule for 2014.

The proposed schedule was handed out. Meetings are proposed for the 2nd Monday of each month. Motion was made, seconded and approved 5-0 to adopt the 2014 meeting schedule as presented.

Adjournment

With no other business to discuss, a motion to adjourn was made and seconded, the vote passed unanimously 5-0, and the meeting was adjourned at approximately 7:45 p.m.

Respectfully Submitted,

Dawn Vallieres, Secretary to the Board

Approved on _____

Chairman