



Stanly County Planning Board October 8, 2018 - Meeting Minutes

Call to Order

Chairman Robert Loflin called the meeting to order on October 8, 2018, at 7:00 p.m. in the Commons Meeting Room at 1000 N First Street, Albemarle, North Carolina. Bob Rensburg served as Clerk of the meeting.

Chair Loflin asked Mr. Rensburg to call the roll.

Stanly County Planning Board Members Attending

Terry Smith, Vice-Chair

Robert Davis

Robert Loflin, Jr., Chair

John Eckman, III

Frank Sparger

Kevin Brickman

Planning Board Members Absent:

Ned Stallings

Stanly County Planning Staff Attending

Bob Rensburg, Planner I

Michael Sandy, Planning Director

Others Present: Shaun Huneycutt, Wayne Sasser, Stephen Efird, Michael Efird, Colleen Keith registered to speak. Several property owners and others were present.

The Chair invited the board to review the minutes of the previous meeting which was held on September 10, 2018.

Motion: John Eckman made a motion to approve the September 10, 2018 minutes as written.

Second: Frank Sparger seconded the motion.

Action: The Board unanimously approved the motion.

Chair Loflin announced the purpose of this meeting was to consider two requests to create Solar Electric Power Generating System Overlay Districts to parcels in the county and to make a recommendation to the Board of Commissioners to either approve or deny each request.

The chair introduced the first item:

ZA 18-11 Stanly Solar, LLC requests the application of a Solar Electric Power Generating System Overlay district on three parcels located on Old Aquadale and Sides Roads, Tax Record #17082, 28227, 38431, PIN 652604712924, 652604719490, 653501192815.

This item had been tabled at the last meeting. Chair Loflin asked for a motion to bring this item back into consideration.

Motion: Frank Sparger

Second: John Eckman

Action: The Board unanimously approved the motion.

The chair requested that Mr. Remsburg present any updates on the details of ZA 18-11.

Mr. Remsburg used maps to show the recent changes to the proposed area to increase the distance from Shaun Huneycutt's property.

Based on comments from the Planning Board meeting on September 10, 2018 and from questions received from Board members, Mr. Remsburg shared the information below to address some of these concerns. Board members also received copies of two publications from the NC Clean Energy Technology Center at NC State University which should answer some of the environmental and loss of farmland concerns raised at the September 10th meeting.

Buffers – existing vegetation will be maintained wherever possible. Any portion of the solar farm within 300' of an existing home will have a 25' to 50' wide vegetative buffer in place. Annual inspection by county Planning Department staff will check for damaged or dead vegetation in the buffer areas and will require replacement if needed. Following concerns raised by Mr. Shaun Huneycutt, Stanly Solar has adjusted the proposed lease area on the McSwain property to move the solar farm area further east (away from the Huneycutt property).

Water quality – no solar panels are to be erected in the established flood plain. Stream buffers will be preserved. Groundcover is required to prevent erosion and since more than one acre is being disturbed, the NC Division of Water Quality will be enforcing their requirements for silt screening, catch basins, etc. Mr. McSwain, property owner, has indicated that he believes the project will be helpful in preventing erosion problems on his property which adjoins Long Creek.

Glare – the glass used is a non-glare material. The goal is for the sun to be absorbed into the panel, not reflected. Research shows that solar panels “reflect as little as two percent of incoming sunlight”. This is about the same as reflection from water on a still pond or lake. Care must be taken for installations at or near airports. Glare and glint are much more of an issue with concentrated solar power (CSP) systems. The CSP systems use mirrors to concentrate the sun's energy on a central tower. CSP systems are generally only installed in remote desert areas – none exist in North Carolina.

Height of panels – according to Solterra (Stanly Solar), 15' would be sufficient to place panels on a rack system, but other components may be higher including the inverters and the lightning arrestors on the substation. There will be inverters installed on the McSwain and Efird properties, but the substation will be on property already approved for this project. According to Solterra, the average height of the panels will likely be around 6 ½ feet. Many counties in North Carolina appear to use 25' as the maximum height as it is in the Stanly ordinance. Height will vary somewhat due to topography.

Safety – a six-foot high fence with a one-foot barbed wire extension will surround the project on the inside of the buffer as required. Obviously, gates should be closed and locked when workers are not present. The planning staff will do an annual inspection of the solar farm and will check for adequate buffers and safety. Any issues found by Planning Department staff or reported by neighbors at any time will be shared with the solar operator for correction and are subject to civil penalties for failure to comply with the requirements. All dangerous areas will be clearly posted with warning signs.

Environmental impact – the project must meet the requirements of the NC Division of Water Quality. As an existing bona fide farm, the property uses could include chicken or turkey houses and processing, hog or dairy farms and other uses which may create more environmental

concerns. Any existing debris from old trash dumps found in the construction area will be removed.

Electromagnetic Fields or Electromagnetic Radiation (EMF) – all electronic equipment will produce an electromagnetic field. According to the NC Clean Energy Technology Center, “someone outside of the fenced perimeter of a solar facility is not exposed to significant EMF from the solar facility. Therefore, there is no negative health impact from the EMF produced in a solar farm.”

Decommissioning and leaching of chemicals – modern photovoltaic solar panels are made of very safe materials that will not leach or create issues. The panels and racking systems are landfill safe. There are no chemicals or heavy metals included that are in levels above the EPA guidelines for standard solid waste landfill disposal. Although we cannot speculate as to the value of metals and other materials 20-40 years in the future, the scrap value of the panels and racking system will likely result in most of the materials being recycled. Since the panels are not environmentally damaging and are located on private property, it is unlikely that the county or another government agency would be involved in removing them if they are abandoned. If somehow that would happen, a lien would be placed on the property. This is the same procedure used when a municipality removes a condemned house from a property. As discussed previously, the County Commissioners recently adopted new language in the ordinance regarding decommissioning. Please see the enclosed information from the NC Clean Energy Technology Center at NCSU.

Model ordinance – the Stanly SEPGS ordinance was originally adopted based on the model ordinance suggested by NC Clean Energy Technology Center at NCSU and the School of Government. Recent updates to the ordinance were reviewed by the Planning Board and approved by the County Commissioners. These updates addressed concerns that were raised in approving the first section of the Stanly Solar project.

Farmland preservation – solar farms do cover large tracts of land. Some parcels where solar farms are proposed are not very productive. Some are on farms owned by older farmers who may not be able to continue farming and have no heirs interested in managing or leasing the farm. In some cases, solar farms may preserve larger tracts of land from being subdivided or developed into housing or other uses. The solar farm will provide a steady income for the farmer/property owner and his/her family.

Visibility – the nearest solar panel to St. Martin Road will be more than 1,200 feet away from the right-of-way. By the lay of the land, this may be visible even with the planting of a buffer. The project is nearest to homes owned by Shaun Huneycutt, Gerald Slater, Doris Efird and Stephen Efird. The farm will be located close to Old Aquadale Road on the Efird property. Buffers will be installed as required by the zoning ordinance in all areas. These buffers, once grown, should minimize the visual impact of those traveling on Old Aquadale Road, Sides Road and St. Martin Road.

Addition to already approved project – do recall that this is an addition to an already approved project. The addition of these three parcels does not increase the scope of the project for power production, but actually allows the project to not remove as many trees or have to grade as much land to improve topography. This would add 87.19 acres to the already existing over 300 acre SEPGS overlay district. The actual construction of the project is dependent on the acceptance of a connection agreement with Duke Energy who controls the transmission lines in the area.

Mr. Remsburg reported that he had visited the properties involved in this request. The Efirid property is currently in use for farm production with row crops. Most of the McSwain property is uncultivated and not in farm production of any type. A small section is leased for horses and another small portion for vegetable growing by a group of families. Some of these uses will be relocated on remaining land owned by the McSwains.

This project is not in a growth area per the 2010 Stanly County Land-Use Plan but does meet the goals of the plan which calls for economic development which does not impede on possible industrial locations. Due to the positive economic impact, and no significant effect on the value of neighboring, mostly agricultural property, the Planning staff continues to recommend approval of this request.

Chair Loflin reminded the audience that the Board had heard information about the project at the previous meeting and requests that those sharing information would not repeat information already presented.

Chair Loflin invited Mr. Dennis Richter, representing Stanly Solar LLC and Solterra to speak concerning this request.

Mr. Richter came forward and shared that Stanly Solar needed to add several parcels to the project. As revised, the new lease agreement with the McSwains would keep the solar field 250'-300' from Mr. Shaun Huneycutt's property. Mr. Richter reported that he had met with Mr. Gerald Slater, an adjoining property owner and that Mr. Slater was happy with the proposed location. Mr. Richter outlined how the construction would address height, buffers, farmland preservation, property valuation, glare and safety and health. He showed that height would be generally not exceed 6 ½ feet and had pictures of an installation showing the panels lower than head height. He showed photos of buffers and discussed how this project may be able to preserve farmland/large tracks for future generations. Mr. Richter cited research from Indiana by Cohn Reznick in July 2018 which indicated that property valuation was unaffected by solar installations. A study has been completed on glare and there are no concerns. He addressed that the panels are landfill safe and that the vast majority of components were likely to be recycled. He discussed the safety of the components and the installation in general. Necessary signs will be placed for added safety.

The chair invited others to come and speak in favor of the request.

Mr. Wayne Sasser, Jordan Pond Drive, Albemarle indicated that he lives nearby. He cited a recent workshop hosted by the Stanly County Extension Service with Steve Kalland, Executive Director of the NC Clean Energy Technology Center of NC State University. Mr. Kalland explained how solar was renewable, clean energy and was not a significant loss of available farmland for the state. Solar was seen as economical and has benefits to the farm family for a source of revenue. It would increase the tax base for the county without being a burden on the farmer. Mr. Sasser also referred to the idea of property rights and the ability of the landowner to utilize his/her property as they deem best. This was recently addressed by the NC General Assembly with legislation which limited HOAs from imposing certain restrictions and not allowing law suits against farmers due to odors, noise, etc.

Stephen Efird spoke next. He is one of the landowners leasing to Stanly Solar. Mr. Efird indicated that he had completed much research on the issues of solar farms prior to agreeing to the lease and more research since the last planning board meeting. He stated that he agreed with the information which Mr. Remsburg presented. His home will be surrounded on two sides by the proposed solar farm. He is hoping that it will provide a good habitat for quail, turkeys and rabbits. He is at retirement age and does not plan to continue farming for much longer. He asked the Planning Board to not deny him the ability to use the farm for solar which would provide a steady income. He asked that the Board base their decision on accurate facts such as the research from NC State.

Andrew McSwain came forward. He is also one of the landowners leasing to Stanly Solar. He and his brother, Dan, have operated the family farm for most of their lives. He is basically retired from farming but wants to keep the farm intact. He has studied his options and realizes that renting to other farmers may not provide an adequate income to cover taxes and maintenance costs. In the past, he taught science in the local schools and knows that solar is a reliable renewable energy source. It doesn't require pipelines, fossil fuels or dangerous materials. He thought no one would oppose because it is all good – a “no-brainer”. This was his grandfather's farm and he would like to maintain it for future generations. He did some additional research recently and googled solar farms. His research found them to be good neighbors and he looked to make sure the data he found was from reliable sources and advised the Board to make certain it was using information from reliable sources. Mr. McSwain had spoken with representatives from Agriculture and Soil and Water. These indicated that the land could be planted in cover that is wildlife friendly and would be good for the environment. Mr. McSwain said that he thought the project would meet the slogan for Stanly County – water, air, land, success. If Stanly doesn't allow the solar farms, the income they generate will go to other counties instead. The fact that North Carolina is the second largest producer of solar speaks to its value in our state.

Chair Loflin asked if there were any who wanted to speak against the request.

Shaun Huneycutt, St. Martin Road, Albemarle, an adjoining landowner came forward. Mr. Huneycutt presented a petition with 68 signatures asking for the Board and the Commissioners to reject this request and to undo the overlay district on the parcels already approved. He indicated that most of those that signed either did not like the appearance of solar farms, were afraid of the hazards of a solar farm or did not believe the zoning ordinance was sufficient to protect their property. Mr. Huneycutt shared that he wanted the county to protect the rights of the owners if the LLC went belly-up and that solar farms were better sited in eastern counties which are flatter and have more open land. While the panels may have a lifespan of 20 years, they are only 20% efficient when new. Solar farms are not cleaner than nuclear power plants or hydroelectricity. An LLC can be dissolved for \$125 and could leave landowners hold the bag. Removal of the panels and equipment could cost millions of dollars. Potentially, the panels have no recycle value. He mentioned the requirements in Pasquotank County for decommissioning. He does not think this is a wise investment. We should be looking 20 years down the road. He compared nuclear to solar in the amount of waste produced after 20 years and indicated that nuclear was less of a problem. He indicated that the panels contain heavy metals and the issue with electromagnetic radiation, heat transfer and glare is a significant problem not addressed

satisfactorily by the ordinance or research. He believes Stanly County should require a performance bond.

Edward Gann, Mabry Road, an adjoiner to the first part of the project already approved spoke next. He verbally shared a letter from Mr. Nalan Efird. Mr. Efird lives across from the McSwain property approximated 1,500 feet from the proposed solar district. The letter made reference to the petition, maintaining property values and the views from other properties. Mr. Efird is concerned about well-water contamination, possible fire danger, and whether firefighters would be trained to deal with potential solar fires. Mr. Efird referred to visitstanly.com and the photos of Stanly County musing whether we wanted to be known as water, air, land and solar farms.

With no one else wishing to speak against, Chair Loflin invited Mr. Richter to respond to any of the concerns raised. Mr. Richter reviewed how the decommissioning would work and explained how the Stanly Solar LLC was organized. He discussed that the investors and the contracts were established. The investors would expect the project to succeed and the LLC would have assets and liabilities. He reminded the Board that this was an appropriate land-use.

Chair Loflin asked if the Board had any further questions. Mr. Frank Sparger asked if Mr. Shaun Huneycutt could come up and asked whether he was familiar with the information from NC State University. Mr. Huneycutt indicated that he thought the information from NC State was biased and telling the Board what they wanted to hear. Mr. Sparger challenged Mr. Huneycutt to provide the sources of his research and background materials. Mr. Sparger indicated that he would trust researched and documented materials more than information from various unnamed internet sources.

Chair Loflin invited the Board to discuss the matter. A few comments were made about relying on trusted sources and that this was an addition to an already approved request.

The chair called for a motion to be offered.

Motion: Frank Sparger made the motion to recommend approval of the request to the County Commissioners since this met the goals of the land-use plan.

Second: John Eckman

Results: Motion passed, 4-2. Sparger, Eckman, Brickman, Loflin voted to approve; Smith, Davis voted against.

The chair shared that ZA 18-11 request for a Solar Electric Power Generating System will be considered for approval by the Stanly County Board of Commissioners at their November 5, 2018 meeting.

Chair Loflin introduced the second item on the agenda:

ZA 18-12 Orion Renewable Energy Group requests the establishment of a Solar Electric Power Generating System Overlay District (SEPGS) to portions of three tracts located on Reeves Island Road and Glenmore Roads, Misenheimer. Tax Record #8973, 19354, 11291; PIN 661302596350, 661302555834, 661303240441. The total acreage of the three tracts is 501 acres with 439.9 acres in the proposed SEPGS Overlay District.

Chair Loflin invited Mr. Remsburg to share the details of this request.

Mr. Remsburg used maps and provided the following information.

Orion Renewable Energy Group requests that portions of three tracts owned by Gus Schad and Cletus O. Hill located on the northwest side of Reeves Island Road and on the southwest side of Glenmore Road have the Solar Electric Power Generating System Overlay District applied to the current RA (Residential Agricultural) and M1 Districts. The tracts combined contain 501 acres. The SEPGS area will be smaller due to areas along both US 52 and Reeves Island Road reserved for other development by Mr. Schad. The proposed SEPGS Overlay District on these three parcels will total 439.9 acres. Orion Renewable has reached lease agreements with Mr. Schad and Mr. Hill for use of their properties. The total project includes an additional 254.4 acres in the zoning jurisdiction of the Village of Misenheimer owned by Mr. John Pickler. The project proposes to include approximately 342,000 solar panels.

Currently the properties are zoned RA – Residential Agricultural and M1 – Light Industrial. Normal uses in the RA district include single-family dwellings on large lots, farm-type enterprises including greenhouses, poultry houses, hatcheries, and agricultural processing facilities as a part of bona fide farms. The M1 district allows for manufacturing activities which “can be operated in a relatively clean and quiet manner” and “will not be obnoxious to adjacent residential and business districts.” Most of the M1 zoned area will not be in the SEPGS Overlay District.

The proposed solar generating system will connect to the existing Duke Energy transmission line which runs through the Hill property. A utility easement through a portion of the M1 zoned area owned by Mr. Schad will allow for the connection to the transmission line. Most of the Schad property is wooded and a buffer of existing vegetation will be preserved. While much of the Hill property is open field, many of the borders are wooded and these trees will be preserved as natural buffers. Plans have been submitted to the county indicating the required buffer will be added where needed and all areas will meet the fencing requirements. Orion Renewable is submitting an Interconnection Request for a Large Generating Facility to Duke Energy for an 80 megawatt facility. Traffic on Reeves Island Road in this area averages 210 vehicles per day and on Glenmore Road it also averages 210 vehicles per day according to the 2015 NCDOT traffic count. US 52 traverses the area and averaged around 6700 vehicles per day in 2016. Similar to other solar farm projects, traffic will increase during the period of construction, but any increase will be minimal during regular operation.

The solar areas are located far enough from US 52 to be mostly out of sight. Buffer requirements are shown on the plans per recent updates in the Stanly County Zoning Ordinance and, once grown, should block the solar fields nearly entirely from view. Pfeiffer University and its Trustees are aware of the project and the Planning Department has received a copy of a letter addressed to the County Commissioners from President Keith supporting the project. She states “We look forward to having Orion as neighbors, and to the potential of having a partnership with them that could benefit our campus and our students. We are also excited about the positive economic impact this project will have on both the Village of Misenheimer and Stanly County.”

The Schad property is located in a growth area per the 2010 Stanly County Land-Use Plan. Nearly half of the Hill property is in a growth area per the 2010 Stanly County Land-Use Plan including the frontage on Glenmore Road. Planning staff recommends approval of this request since this property is located in a growth area and will have minimal visual and environmental impact. Mr. Schad is reserving nearly 49 acres of the area zoned M1-Light Industrial for potential future development.

Due to the positive economic impact and no significant effect on the value of neighboring property, the Planning staff recommends approval.

Chair Loflin invited those representing Orion Renewable Energy Group to speak concerning their request.

Katherine Ross of Parker Poe Attorneys came forward to speak for Orion Renewable. She declared that Stanly County had a well-written ordinance that was clear and easy for the developers to understand and to prepare needed materials. She has worked on many solar projects and as a municipal attorney and found the ordinance very appropriate and easy to implement. She stated that Orion's plan for the properties involved meet or exceed all the objectives of the ordinance. The project is properly sited for approval. Ms. Ross then introduced Tim Lasocki to further explain Orion's request.

Mr. Lasocki shared that Orion has been in the business of developing energy systems for many years with over 5,000 MW of power generated worldwide. This project is now proposed to be 80 MW to meet Duke Energy's needs for this target area. He had recently toured the properties and the surrounding tree canopy will almost completely screen the project. He showed on a map the areas where vegetative buffer will need to be installed to meet ordinance guidelines. The area has shallow bedrock, so some overhead power connections will be needed. All structures will be less than 25' in height. He anticipates annual property tax revenue for this project to exceed \$100,000. Tree removal and erosion control will be done meeting Department of Environmental Quality guidelines. Decommissioning of the project will be Orion's responsibility. Salvage value exceeds net cost. He anticipates the project to last up to 50 years.

Frank Sparger asked why 80 MW was selected for the size of this project. Ms. Ross replied that this was under an amount which required additional federal regulation. She also explained that the Duke Energy has a competitive program for these projects with several rounds of submittals and awards possible. The first round deadlines to be submitted are due on October 9 and 600 MW are to be awarded. Duke Energy has much discretion in the process.

Chair Loflin invited others to come speak in favor of the request.

Dr. Colleen Keith, President of Pfeiffer University came forward and shared that the students, faculty and trustees have reviewed the proposed project and are in favor of having this located nearby. The university community is excited about the project and has already used it for educational purposes through the Environmental Studies classes. She shared a statement created by the students in favor of the project.

John Pickler, II came forward and explained that he owned the farmland within the Misenheimer jurisdiction that is under consideration for the remaining portion of the solar farm. He explained that his land does not have much topsoil. It is part of the old Barringer Mine and is known locally as “Richfield” soil. Mr. Pickler indicated that this was a good fit for his family. He is 59 years old. Last year he paid around \$4,600 in taxes on his property. He anticipates that the tax will exceed \$50,000 on his parcel alone once the project is complete. The project will maintain the tree borders and screens. He and his wife want to be good neighbors to the Misenheimer community. Mr. Pickler was asked about the decommissioning portion of his contract. Mr. Pickler replied that he was satisfied that the company would remove the equipment at the conclusion of the life of the project. He indicated it was like he always instructed in camping... if you pack it in, you pack it out. He sees this as a way to help the area generate additional tax revenue and he wants to help the community. He feels good about the project.

James Schad, an adjoining landowner and son of Mr. Gus Schad came forward. He indicated that his father had owned the land for quite a few years and had been trying to find a use for it. His father wanted to see something productive and positive come from the land. This seems to be the perfect use of this property and they are excited about the project.

Katherine Ross returned to the podium and shared that solar is a good neighbor with low impact, no need for additional infrastructure and that Orion’s project completely meets the ordinance requirements. Tim Lasocki shared that this is a very nice project for all concerned.

Chair Loflin invited the Board to discuss the matter. The general consensus expressed was that this was a good project and fit for the properties involved.

The chair called for a motion to be offered.

Motion: John Eckman made the motion to recommend approval of the request to the County Commissioners since this met the goals of the land-use plan.

Second: Frank Sparger

Results: Motion passed, 4-2. Sparger, Eckman, Brickman, Loflin voted to approve; Smith, Davis voted against.

The chair shared that ZA 18-12 request for a Solar Electric Power Generating System will be considered for approval by the Stanly County Board of Commissioners at their November 5, 2018 meeting.

Adjournment

Chair Loflin asked if there was any additional business for the meeting. Hearing none, he asked for a motion to adjourn. Terry Smith made the motion to adjourn with a second from John Eckman. The motion was approved.

The meeting was adjourned at 9:05 p.m.

Robert Loflin, Chairman

Robert Remsburg, Clerk