

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 2, 2014

**Action Agenda
Item No. 7**

SUBJECT: Class A Special Use Permit – Solar Array off Redman Road in Cheeks Township

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENTS:

INFORMATION CONTACT:

- | | | | | | |
|---|---|--------------------------------|----------|--------------------------|----------|
| <ol style="list-style-type: none"> 1. Vicinity Map 2. Applicant Submitted Evidence Via E-mail On Use of Pesticides 3. Findings of Fact | <table border="0"> <tr> <td>Michael D. Harvey, Planner III</td> <td style="text-align: right;">245-2597</td> </tr> <tr> <td>Craig Benedict, Director</td> <td style="text-align: right;">245-2592</td> </tr> </table> | Michael D. Harvey, Planner III | 245-2597 | Craig Benedict, Director | 245-2592 |
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| Craig Benedict, Director | 245-2592 | | | | |

PURPOSE: To complete review of, and make a recommendation on, a Class A Special Use Permit (hereafter ‘SUP’) application proposing the development of a solar array in accordance with Section 2.7 *Special Use Permits* and Section 5.9.6 (C) *Solar Array-Public Utility* of the Orange County Unified Development Ordinance (UDO).

BACKGROUND: This item was presented at the February 24, 2014 Quarterly Public Hearing and the March 5, 2014 Planning Board meeting. Agenda materials from the February 24, 2014 Quarterly Public Hearing can be viewed at: <http://orangecountync.gov/occlerks/140224.pdf>. Agenda materials from the March 5, 2014 Planning Board meeting can be viewed at: <http://orangecountync.gov/planning/documents/3.5.14PBPacket.pdf>.

As discussed at the March 5, 2014 Planning Board meeting the following testimony/evidence has already been entered into the record:

- i. Staff abstract and attachments, including the SUP application and site plan.
- ii. Staff testimony on the project and its compliance with various provisions of the UDO.
- iii. Applicant testimony from Mr. Louis Iannone, Mr. Bret Niemann, Mr. Gabriel Cantor, and Mr. Richard Kirkland, on how the project complied with the UDO.

The applicant entered copies of affidavits and a real estate report, completed by Mr. Kirkland, into the record providing additional information on the project’s compliance with applicable standards.
- iv. Staff entered an email and letter from adjoining property owners into the record. The applicant testified they would address the concerns expressed by both property owners and respond in writing to the County.

STAFF NOTE: The applicant’s response was presented to the Planning Board at its March 5, 2014 regular meeting.

v. Comments from the BOCC, Planning Board, and the general public.

The applicant has submitted additional written comment(s) on the project to address questions from the public hearing about the use of chemicals for treating grass on the subject properties. This is contained within Attachment 2. Staff has reviewed the response and has no concerns related to the use of pesticides/fertilizers on the properties.

Analysis: As required under Section 2.7.4 of the UDO, the Planning Director is required to: *'cause an analysis to be made of the application'* and pass that analysis on to the reviewing body. In analyzing this request, the Planning Director offers the following:

- a. Application submittal requirements detailed within Section 2.7 of the UDO have been satisfied.
- b. The applicant has demonstrated compliance with respect to landscaping and buffering requirements as detailed within Section 6.8 of the UDO.
- c. Staff has made the determination that a formal Environmental Impact Statement would not be required per Section 6.18 of the UDO.
- d. The applicant has complied with specific development standards associated with the development of a solar facility as detailed within Section 5.9.6 (C) of the UDO.
- e. Comments received from various County agencies (i.e. Sheriff, Fire Marshal, DEAPR, Orange County Health) indicate there are no concerns associated with the request.

Please refer to the February 24, 2014 Quarterly Public Hearing packet for additional information.

- f. Staff finds the proposal is consistent with the various goals outlined within the Comprehensive Plan concerning development, including:
 - a. Natural and Cultural Systems Goal 1: Energy conservation, sustainable use of non-polluting renewable energy resources, efficient use of non-renewable energy resources and clean air.
 - b. Objective AE-15: Foster participation in green energy programs such as installation incentives for solar hot water/solar generation/solar tempering in residential or commercial construction. The County should develop programs that will link citizens and businesses with options for alternative and sustainable energy sources.
 - c. Objective AG-8: Encourage the use and production of natural fuel alternatives to petroleum based products and pursue new types of energy sources.

Planning Director's Recommendation: In accordance with the provisions of Section 2.7.4 of the UDO, the Planning Director recommends **approval** of the application subject to:

- Approval of the recommended Findings of Fact as detailed within Attachment 3,
- The imposition of the recommended conditions detailed within Attachment 3, and
- The Planning Board's and BOCC's ability to make an affirmative finding on the general standards outlined within Section 5.3.4 of the UDO.

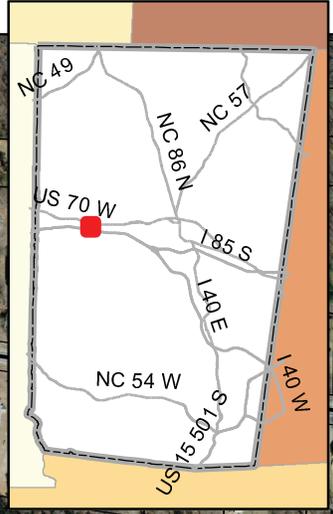
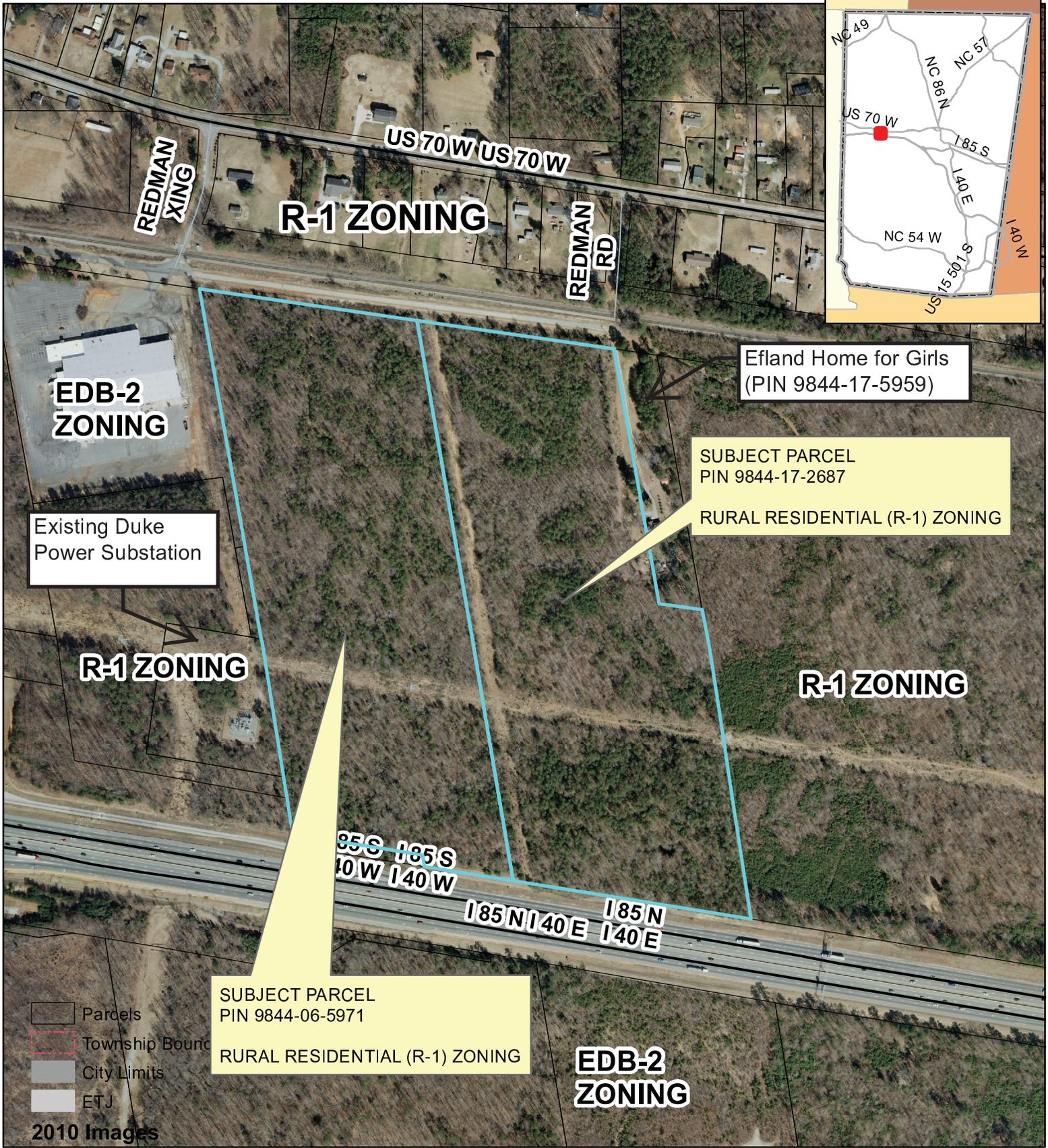
Public Hearing Procedural Information: In accordance with Section 2.7.8 (A) (3) of the UDO, the BOCC has requested that the Planning Board recommendation be made available in time for the May 8, 2014 BOCC regular meeting. As a procedural note, additional comments on the application must be submitted in writing to the Planning Board in order to become part of the official record of these proceedings.

FINANCIAL IMPACT: Staff has determined the project would not require augmentation of County budgetary outlays to support services and that anticipated revenues from property taxes should supplement increases in cost.

RECOMMENDATION: The Planning Director recommends the Board:

1. Deliberate as necessary,
2. Review the Findings of Fact and Conditions of Approval as contained in Attachment 3,
3. If deemed necessary, suggest additional conditions or modifications to the site plan, and
4. Make an affirmative recommendation to the BOCC regarding the Findings of Fact and Conditions of Approval as detailed within Attachment 3.

**VICINITY MAP - STRATA SOLAR
CLASS A SPECIAL USE PERMIT REQUEST**



- Parcels
- Township Bound
- City Limits
- ETJ

- RGB**
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3

1 inch = 400 feet

0 500

Orange County Planning and Inspections Department
01/10/201

[Return to Agenda](#)

STRATA SOLAR LLC
50101 Governors Drive Chapel Hill NC 27517

STANDARD OPERATING PROCEDURE: HERBICIDE

Herbicide use on Solar Farms owned and operated by Strata Solar will be applied at the rate suggested by the manufacture. All spraying will be done by a Licensed North Carolina Pesticide Applicator or an employee working directly under the supervision of a license holder. Persons applying herbicides will use proper PPE including but not limited to long pants and long sleeved shirts, eye protection, chemical resistant gloves and boots, and respirators depending on weather conditions. Any PPE that comes in contact with the herbicide will be washed according to the manufacturers recommendations. If there are no recommendations given, soap and hot water are to be used. All PPE will be washed separately form regular clothing. All persons who come into contact with the chemicals will wash hands with soap and warm water before visiting the toilet, eating, or using chewing tobacco. Chemicals will be used only where there is no chance of contamination to ground water or wetlands. All empty containers will be disposed at the proper location and with local codes. Should there be a major spill of chemicals, the proper authorities will be contacted and the appropriate measures will be taken to ensure the site is safe and cleanup has been done correctly.

Herbicides are typically applied to the areas under the racks holding the solar modules. These areas are sprayed two times per year. This has been shown to keep the weeds and grass under control so as not to shade the array. The fence line will also be sprayed at this time. There has been no need to spray selective broadleaf herbicides on the entire farm. Spraying will be done according to weather patterns. No spraying will take place when there are windy or rainy conditions in the immediate forecast.

Organic Herbicide use is being field tested and might come in to play in the future. Herbicide use is limited to the fence line where sheep are being used to manage the vegetation. All MSDS labels can be found on the manufacturer's web sites. These will also be on the truck applying the herbicide. These include but are not limited to Roundup Pro, Spectricide, 2,4d generic brands, and other generic glyphosate brands.

*Should there be an emergency, please contact the local authorities
and contact the Strata Solar office
(919) 960-6015*

STRATA SOLAR LLC
50101 Governors Drive Chapel Hill NC 27517

STANDARD OPERATING PROCEDURE: FERTILIZER

Fertilizer use on all farms owned and operated by Strata Solar LLC will be done in accordance to manufacturer's recommendations. All Fertilizer applications will be done by a licensed North Carolina Pesticide Applicator or an employee working directly under the supervision of a license holder. Persons applying fertilizers will use proper PPE including but not limited to long pants and long sleeved shirts, eye protection, chemical resistant gloves and boots, and respirators depending on weather conditions. Any PPE that comes in contact with the fertilizer will be washed according to the manufacturers recommendations. If there are no recommendations given, soap and hot water are to be used. All PPE will be washed separately from regular clothing. All persons who come into contact with the chemicals will wash hands with soap and warm water before visiting the toilet, eating, or using chewing tobacco. Chemicals will be used only where there is no chance of contamination to ground water or wetlands. All empty containers will be disposed at the proper location and with local codes. Should there be a major spill of chemicals, the proper authorities will be contacted and the appropriate measures will be taken to ensure the site is safe and cleanup has been done correctly.

Fertilizers are applied based on two sources. One is a standard that is written on the plan approved by each local authority. **On other farms that have been built in Orange County, the recommended rate of application for fertilizer use is 1,000 pounds per acre of 10-10-10. The suggested application is a split application of 500 pounds per acre in the spring and 500 pounds per acre in the fall.** We also take suggestions from soil samples taken from the site and analyzed by the North Carolina Extension Agency. This provides us with a more accurate representation of the amendments needed. All fertilizer applications will be done in consideration to weather patterns. No fertilizer will be applied when a large storm event is expected.

All fertilizers applied will have MSDS sheets available on the truck doing the application, on the manufactures website, and are available upon request from Strata Solar. Fertilizer use is limited on sites where there are sheep managing the grass.

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