

**ORANGE COUNTY PLANNING DEPARTMENT  
131 W. MARGARET LANE, SUITE 201  
HILLSBOROUGH, NORTH CAROLINA 27278**



**AGENDA  
ORANGE COUNTY PLANNING BOARD**

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING  
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)  
HILLSBOROUGH, NORTH CAROLINA 27278  
Wednesday, March 5, 2014  
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
1.		<b>CALL TO ORDER</b>
2.	3-4	<b>INFORMATIONAL ITEMS</b> a. Planning Calendar for March and April
3.	5-10	<b>APPROVAL OF MINUTES</b> February 5, 2014 Regular Meeting
4.		<b>CONSIDERATION OF ADDITIONS TO AGENDA</b>
5.		<b>PUBLIC CHARGE</b> Introduction to the Public Charge
		<p>The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its residents and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.</p> <p><b>Public Charge</b></p> <p>The Planning Board pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time, should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.</p>
6.		<b>CHAIR COMMENTS</b>

No.	Page(s)	Agenda Item
7.	11-78	<p><b>CLASS A SPECIAL USE PERMIT:</b> To make a recommendation to the BOCC on a Class A Special Use Permit application seeking to develop a solar array/public utility station on two parcels of property, totaling approximately 52 acres in area, off of Redman Road between the railway and Interstate 85/40 in Cheeks Township. This item was heard at the February 24, 2014 quarterly public hearing.</p> <p><b>Presenter:</b> Michael Harvey, Current Planning Supervisor</p>
8.	79-86	<p><b>ZONING ATLAS AMENDMENT:</b> To make a recommendation to the BOCC on an application seeking to rezone an approximately 12 acre parcel of property located at 5908 US 70 East in Eno Township from Economic Development Eno Low Intensity (EDE-1); Economic Development Eno High Intensity (EDE-2); and Lower Eno Protected Watershed Protection Overlay to Economic Development Eno High Intensity (EDE-2) and Lower Eno Protected Watershed Protection Overlay. This item was heard at the February 24, 2014 quarterly public hearing.</p> <p><b>Presenter:</b> Michael Harvey, Current Planning Supervisor</p>
9.	87-100	<p><b>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT:</b> To make a recommendation to the BOCC on an application seeking to amend Section 5.6.5 (A) (2) (b) Kennels (Class II) – Standards of Evaluation to reduce required setbacks for Class II Kennels developed within the EDE-2 zoning district. This item was heard at the February 24, 2014 quarterly public hearing.</p> <p><b>Presenter:</b> Michael Harvey, Current Planning Supervisor</p>
10.		<p><b>COMMITTEE/ADVISORY BOARD REPORTS</b></p> <ul style="list-style-type: none"> <li>a. Board of Adjustment</li> <li>b. Orange Unified Transportation</li> </ul>
11.		<p><b>ADJOURNMENT</b></p>

**IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR PERDITA HOLTZ (919-245-2578).**

# March 2014

March 2014							April 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	<b>Feb 23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>Mar 1</b>
Feb 23 - Mar 1							
	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
Mar 2 - 8			7:00pm BOCC Reg Meeting (Department of Social Services)	7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg )	7:00pm BOCC Meeting (Dept Social Services)		
	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
Mar 9 - 15		7:30pm Board of Adjustment (West Campus Office Bldg)	5:30pm BOCC Work Session Dinner Meeting (Link Gov't Service)  7:00pm BOCC Work Session (Link Gov't Service)				
	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>
Mar 16 - 22			6:00pm BOCC Reg Meeting (Southern Human Services)	7:00pm OUTBoard Meeting (West Campus Office Bldg)			
	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>
Mar 23 - 29					7:00pm BOCC/Town of Chapel Hill Joint Meeting (Southern Human Services)		
	<b>30</b>	<b>31</b>	<b>Apr 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Mar 30 - Apr 5							

\*Planning Board Member Attendance Required

# April 2014

April 2014

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May 2014

Su	Mo	Tu	We	Th	Fr	Sa
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Mar 30 - Apr 5	Mar 30	31	Apr 1	2	3	4	5
			6:00pm BOCC Reg Meeting (Department of Social Services)	7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg )			
Apr 6 - 12	6	7	8	9	10	11	12
			7:00pm BOCC Work Session (Link Gov't Service)		7:00pm BOCC Budget Work Session (Southern Human Services)		
Apr 13 - 19	13	14	15	16	17	18	19
		7:30pm Board of Adjustment (West Campus Office Bldg)	7:00pm BOCC Reg Meeting (Southern Human Services)	7:00pm OUTBoard Meeting (West Campus Office Bldg)		HOLIDAY	
Apr 20 - 26	20	21	22	23	24	25	26
Apr 27 - May 3	27	28	29	30	May 1	2	3
		8:30am Legislative Breakfast (Solid Waste Adm)					

\*Planning Board Member Attendance Required

MINUTES  
ORANGE COUNTY PLANNING BOARD  
FEBRUARY 5, 2014  
REGULAR MEETING

**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Johnny Randall, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township;

**MEMBERS ABSENT:** James Lea, Cedar Grove Township Representative; Vacant- Eno Township Representative; Vacant- Hillsborough Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Jennifer Leaf, Planner I; Patrick Mallett, Planner II; Michael Kelly, Planning Technician; Tina Love, Administrative Assistant II

**OTHERS PRESENT:** Terry Boylan, David Lazzo, Judith Timyau, David Delgado, Cole King, David & Lisa O'Hara, Charles Porter, Gary Paschall, Terry Rishar, Chris Jones, Scott & Susan Tilley, Susan Heckman

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

Pete Hallenbeck called the meeting to order.

**AGENDA ITEM 2: INFORMATIONAL ITEMS**

- a) Planning Calendar for February and March
- b) Quarterly Public Hearing – 7 p.m. on Feb. 24 @ Dept. of Social Services – draft legal ad attached

Michael Harvey: There is a change in the quarterly public hearing ad. The item for the proposed solar array off Mt. Sinai Road has been removed from the quarterly public hearing scheduled for February 24, 2014 at the request of the applicant. It is scheduled for the May quarterly public hearing.

**AGENDA ITEM 3: APPROVAL OF MINUTES  
JANUARY 8, 2014 ORC SUMMARY  
JANUARY 8, 2014 REGULAR MEETING**

Pete Hallenbeck: I have a couple of changes, the first is on page 21, line 131 to add Planning Board so that it reads "how the Planning Board would" and the second one is on page 24, line 260, put the word "something" before "I'm seeing" and strike the word some.

**MOTION** by Tony Blake to approve the January 8, 2014 ORC notes with changes and Planning Board minutes. Seconded by Maxecine Mitchell.

**VOTE: UNANIMOUS**

55 **AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**

56  
57

58 **AGENDA ITEM 5: PUBLIC CHARGE**

59

60 **Introduction to the Public Charge**

61 The Board of County Commissioners, under the authority of North Carolina General Statute,  
62 appoints the Orange County Planning Board (OCPB) to uphold the written land development  
63 laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and  
64 harmonious development. OCPB shall do so in a manner which considers the present and  
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69

70 **PUBLIC CHARGE**

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72 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with  
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75 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting  
76 until such time that a genuine commitment to this public charge is observed.

77

78

79 **AGENDA ITEM 6: CHAIR COMMENTS**

80

81

82 **Agenda Item 7: Major Subdivision Concept Plan** – To review and make a decision on a major subdivision  
83 concept plan application (Pleasant Green Woods, Phase IV), located off Pleasant Green Rd.  
84 **Presenter:** Jennifer Leaf, Planner I

85

86 *Michael Harvey reviewed the major subdivision approval process and steps*

87 *Jennifer Leaf reviewed the application*

88

89 Pete Hallenbeck: We will now give the members time to ask questions.

90

91 Andrea Rohrbacher: What is the intent on clearing the site and preserving the site?

92

93 Terry Boylon: The site is heavily wooded and the intent is to only clear the right of way for the proposed road. The  
94 rest would remain wooded and the individual lots would be cleared as necessary.

95

96 Michael Harvey: In our ordinance, we have tree preservation guidelines and standards that do allow clearing of lots  
97 for house sites and septic and repair fields. There are still requirements that a percentage of trees be preserved on  
98 site. There will not be mass clearing. The presence of trees on the site will also help with storm water and nutrient  
99 reduction loads.

100

101 Terry Boylon: Yes, that is the case.

102

103 Pete Hallenbeck: Are there covenants on the deeds on these properties that would have additional limits or  
104 restrictions on the percentage of trees that will be cleared.

105

106 David Lazzo: We have not established covenants but they are very likely to be almost identical to what is in  
107 Pleasant Green Woods now. It is in our best interest as the homebuilder to preserve the trees.

108

109 Pete Hallenbeck: At this point, since this is the concept plan, which is reasonable. As we move forward, those  
110 covenants will be available.  
111  
112 David Lazzo: Yes sir, I am not sure what the rules are.  
113  
114 Michael Harvey: The preliminary plan application will require the applicant to file a preliminary set of covenants and  
115 deed restrictions for our review and comment. That is one of the conditions that this Board will be looking for.  
116  
117 Paul Guthrie: This storm water lot, have you envisioned what the gallon capacity will be?  
118  
119 David Lazzo: For fire protection? No not yet, that could be smaller or larger, it is a placeholder at this point as to  
120 where a good location is for that lot.  
121  
122 Paul Guthrie: Water and sewer, are you thinking about individual septic fields or a series of septic field that cover  
123 more than one property.  
124  
125 David Lazzo: At this point, we are looking at individual septic fields.  
126  
127 Paul Guthrie: Are you thinking of individual wells or some form of joint well production.  
128  
129 David Lazzo: On individual lots.  
130  
131 Paul Guthrie: On each lot, you will have a well and septic field?  
132  
133 David Lazzo: Yes.  
134  
135 Paul Guthrie: This is something you may want to pay attention to depending on the types of soils there are.  
136  
137 Pete Hallenbeck: I assumed there were preliminary perk tests done?  
138  
139 David Lazzo: That happens in the next stage. There are preliminary soil profiles available that lead us to make  
140 assumptions about the availability of septic soils. An actual survey by the health department will be done.  
141  
142 Michael Harvey: This project is based on 16 lots but there may be only 15 or 14 lots if there are no soils or there  
143 may an alternation of the existing layout to accommodation additional soil areas.  
144  
145 Paul Guthrie: Do you have any information as to what depth you have to go and what flows you can get?  
146  
147 David Lazzo: Not at this time.  
148  
149 Herman Staats: *Reviewed location.*  
150  
151 Johnny Randall: It looks like the forest is about 30 years old. Has any type of natural area inventory been done on  
152 this site?  
153  
154 Michael Harvey: Preliminary assessments have not indicated any natural or heritage sites. Obviously there will be  
155 a more in depth investigation.  
156  
157 Tony Blake: The streams empty into the Eno?  
158  
159 Michael Harvey: I would say yes.  
160  
161 Tony Blake: It appears there is source stream on one side, is that a stream?  
162

163 Terry Bolan: On the east side, that is spring fed.  
164  
165 Tony Blake: That would probably not be the one that fed the fire pond. The proximity of the road to this lot that is  
166 sort of insert, does that meet all the setbacks? So that is okay.  
167  
168 Pete Hallenbeck: The diameter of the cul-de-sac was 96 feet which was nice to see.  
169  
170 Jennifer Leaf: Actually it is not 96 feet, there was a comment by the fire marshal that he would like for it to be.  
171 They have what makes it looks like a Y here. That has been acceptable with the fire marshal.  
172  
173 Michael Harvey: On page 40 and 41 are the emails from the fire marshal.  
174  
175 Jennifer Leaf: There will be further engineering done at the preliminary plan stage.  
176  
177 Pete Hallenbeck: We have a request from the fire marshal for 96 foot radius and a proposal there is some cutouts  
178 to allow a three point turn. That sounds good.  
179  
180 Lisa Stuckey: What happens with these cutouts, you can't put anything on them?  
181  
182 Michael Harvey: It is in the right of way.  
183  
184 Terry Boylan: It would actually be a concrete surface.  
185  
186 Tony Blake: Is there any proposed square footage of the houses?  
187  
188 David Lazzo: The minimum in Pleasant Green Woods, Phase III was around 2,800. Everything we plan is 2,800  
189 feet or larger.  
190  
191 Pete Hallenbeck: Another fire related comment with regard to the 20 foot stretch that comes to the pond is to  
192 continue it on through. There have been problems in the past with that. The distance from Pleasant Green Road to  
193 the closest a house could get is almost 200 feet.  
194  
195 Terry Boylan: The shaded buffer is 65 feet; it is probably 200 feet between 150 to 200.  
196  
197 Michael Harvey: There will be a 100 foot building set back.  
198  
199 Paul Guthrie: What would be the likely timeline from now until the first occupied house?  
200  
201 David Delgado: This whole process to get out preliminary plat approval is going to likely take until September.  
202 Maybe early Spring 2015.  
203  
204 Pete Hallenbeck: Are there comments from the public? You can make a comment tonight and also a written  
205 presentation that will go into the minutes.  
206  
207 Charles Porter: I am the president of the Pleasant Green Woods Homeowners Association. I want to ask about the  
208 covenants and the homeowners association, are you planning on joining or not? How do you plan to work with us?  
209  
210 David Lazzo: There has been no plan to be part of the homeowners just yet. Our covenants will closely mirror the  
211 covenants in place for Pleasant Greens Woods, Phase III. We are calling it Pleasant Green Woods, Phase IV out  
212 of convenience.  
213  
214 Charles Porter: If you don't join the homeowners association, would you plan on doing your own homeowners  
215 association?  
216

217 David Lazzo: If we are not part of the existing homeowners, we would set up our own.  
218  
219 Susan Huffman: When you say the runoff will go into the Eno River, it has to go through the pond that is bordered  
220 by Rapids Lane homes on the west side in Pleasant Green. I have heard from the homeowners in the past that  
221 drainage area at the end of the pond going into the river hasn't been kept open and it backs up into their crawl  
222 spaces. If you decrease impervious by having more impervious and having more runoff going into the streams  
223 leading into the Eno, you have to work on keeping that channel open or it will back up.  
224  
225 Pete Hallenbeck: The problem is that the water way that runs and feeds that pond is not cleared enough and the  
226 pond backs up.  
227  
228 Susan Huffman: I think it is at the end where the pond dumps into the river.  
229  
230 Lisa Stuckey: Whose responsibility is that?  
231  
232 Pete Hallenbeck: At this point, we can take that comment and have the planning department be aware and look at  
233 what they can do.  
234  
235 David Lazzo: The ponds are designed for the flow that runs off the property to be exactly as it is today.  
236  
237 Terry Boylan: This is a requirement by state law.  
238  
239 Susan Tilley: In addition to being concerned about Paper Birch as people who live on that road, we are very  
240 concerned about sight lines for people coming around that curve. Has there been any thought to changing the  
241 entrance to that neighborhood onto Pleasant Green which as opposed to Paper Birch?  
242  
243 Pete Hallenbeck: For my edification Paper Birch is not DOT maintained? But the plan is that it will be DOT  
244 maintained?  
245  
246 Terry Boylan: It is in the process of DOT accepting that.  
247  
248 Maxecine Mitchell: Is Paper Birch Road a cul-de-sac?  
249  
250 Terry Boylan: Yes. As far as access onto Paper Birch that is the best location site distance wise. It would not have  
251 been feasible to access the neighborhood from Pleasant Green Road. We would have to cross 130 foot buffer.  
252  
253 Pete Hallenbeck: You already have a crossing over that stream on Paper Birch and if you come in off Paper Birch  
254 you would be using that. If you went to Pleasant Green, there would be a second crossing across that waterway.  
255  
256 Terry Boylan: Right.  
257  
258 Maxecine Mitchell: Is Willett a regular size road, private road?  
259  
260 Michael Harvey: State maintained.  
261  
262 **MOTION** by Maxecine Mitchell to approve Planning Director's recommendation. Seconded by Buddy Hartley.  
263 **VOTE: UNANIMOUS**  
264  
265 Michael Harvey: *Introduced Michael Kelly, Planning Technician and Patrick Millett, Planner II who is taking Glenn*  
266 *Bowles position.*  
267  
268  
269  
270

271 **AGENDA ITEM 8: COMMITTEE/ADVISORY BOARD REPORTS**

272

273 a) Board of Adjustment

274 No Meeting.

275 b) Orange Unified Transportation

276 The OUTBoard meeting will be in two weeks.

277

278

279 **AGENDA ITEM : ADJOURNMENT**

280

281 **MOTION:** made by Lisa Stuckey to adjourn. Seconded by Tony Blake.

282 **VOTE: UNANIMOUS**

283

284

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: March 5, 2014

**Action Agenda  
Item No. 7**

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

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**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING:** (Y/N)

Yes

**ATTACHMENTS:**

1. Vicinity Map
2. Applicant Affidavit(s) Submitted at the February 24, 2014 Quarterly Public Hearing
3. E-mail Correspondence Submitted at the February 24, 2014 Quarterly Public Hearing

**INFORMATION CONTACT:**

Michael D. Harvey, Planner III    245-2597  
Craig Benedict, Director        245-2592

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**PURPOSE:** To begin review of 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).

As a reminder the review of this item is carried out in a *quasi-judicial* format. Decisions relating to the approval or denial of SUP applications are based solely on the sworn testimony of all parties involved with the case, both those for and against, as well as the review of competent material and substantial evidence submitted during the public hearing. Hearsay or unsubstantiated opinions are not sufficient testimony.

Applicants have the burden of establishing, by the submission of competent material and substantial evidence, the existence of facts and conditions that demonstrate the project’s compliance with the UDO. Those opposing approval of the application shall have the burden of establishing, also through the submission of competent material and substantial evidence, the specific manner in which the proposal does not satisfy the requirements for approval of the application.

**Please remember to bring your copy of the abstract, attachments, and handouts from the February 24, 2014 Quarterly Public Hearing.**

CADENCE OF REVIEW: The review of a SUP is as follows:

- **STEP ONE – PUBLIC HEARING:** The first step in the review of an SUP application is the holding of a public hearing to allow the applicant and other interested parties to provide sworn testimony related to the proposal.

*STAFF COMMENT:* The required public hearing was held at the February 24, 2014 Quarterly Public Hearing where the following testimony/evidence was entered into the record:

- i. Staff entered the abstract and attachments, including the SUP application and site plan, into the record.
  - 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.
  - v. Comments from the BOCC, Planning Board, and the general public.
- **STEP TWO – PLANNING BOARD REVIEW:** The Planning Board reviews the request and makes a recommendation on the project's compliance with specific development standards (Section 5.9.6 (C) *Solar Array-Public Utility*) and the general standards (Section 5.3.2 *Special Uses*) of the UDO. Staff prepares a script to aid the Board in making required findings and denoting the 'evidence' utilized in rendering a decision.

*STAFF COMMENT:* This review will begin at the March 5, 2014 regular meeting and be continued to the April 2, 2014 regular meeting where the Board will be asked to make a recommendation.

This will allow the applicant to respond, in writing, to concerns from adjacent property owners presented at the public hearing.

- **STEP THREE – DECISION:** The BOCC will receive the Planning Board recommendation as well as any other written evidence, deliberate, certify the record, close the public hearing, and then render a final decision.

**BACKGROUND:** This item was presented at the February 24, 2014 Quarterly Public Hearing where staff indicated the applicant proposing the development of a solar array on 2 parcels (PIN 9844-06-5971 and 9844-17-2687) of property totaling 52 acres in area, owned by Stout Farm LLC, off of Redman Road (please refer to the vicinity map in [Attachment 1](#)).

During the public hearing the following comments and questions were asked:

1. A BOCC member asked the applicant about the use of chemicals to treat the grass and asked for a list of products that would be used.

*STAFF COMMENT:* The applicant indicated disturbed area(s) would be stabilized with grass seed and chemical use would be consistent with the typical care of a residential lawn. The applicant agreed to provide a list of possible chemicals that could be used to 'care for' the grass growing on site.

2. A BOCC member asked about stormwater runoff and if drainage ponds would have to be built.

*STAFF COMMENT:* Both staff and the applicant stated the property had a natural grade channeling stormwater towards Interstate 85.

Staff said the applicant would be required to submit both an erosion control plan and a stormwater management plan as part of the project. Runoff from the property would be strictly limited based on current regulations, addressing a concern expressed from both adjacent property owners.

The applicant said they prefer to develop and install vegetated swales to convey and capture stormwater as it is more environmental friendly and allow for greater natural infiltration of water. This method was utilized at the solar facility off of White Cross Road and has proven very successful.

The applicant indicated there would not be any mass grading on the property and existing topography would be preserved.

3. A BOCC member asked how many solar facilities there were in Orange County.

*STAFF COMMENT:* There is a major solar facility, approved through the SUP process in 2012, off of White Cross Road. Several farms, including Maple View off of Dairyland Road and the Pickard's Mountain Eco Institute off of Pickard Mountain Road, also have large solar arrays located on their property.

4. A BOCC member asked if there would be a lot of noise emanating from the site.

*STAFF COMMENT:* The panels themselves had no electrical components on them generating noise. There is a transformer in the middle of the property, over 500 feet from adjoining property lines, which would generate some noise.

Due to its central location on the property, and the presence of required land use buffers, the applicant testified adjoining property owners will not hear any noise from the property.

5. A Planning Board member indicated he was concerned over the removal of the trees from the lot and increased levels of noise being heard from Interstate 85 over increased levels of stormwater runoff. While the member expressed support for alternative energy development the suggestion was made that such facilities are better located on previously cleared sites or 'brownfield' sites to avoid unnecessary clearing of forests.

*STAFF COMMENT:* The property has been timbered in the past as part of an agricultural operation (i.e. tree farm). There are various timer rights that have been extended to allow for the harvesting of these existing hardwoods and, from our standpoint, existing trees were always intended to be 'harvested' regardless of this project.

In effect, this will project will represent the redevelopment of previously disturbed property as the trees will be removed as part of an agricultural operation.

Per County regulations the project will not be allowed to increase stormwater runoff beyond what already exists in its current, forested, state. This means runoff will be captured on-site to avoid impacting adjacent property owners.

The clearing of the property will not result in an increase in stormwater flow from the property.

6. A member of the general public, Ms. Megan Tobin the owner of the Pickards Mountain Eco Institute, expressed support for the project.

Staff Analysis: At the public hearing, staff said the project complied with the various provisions of the UDO, including:

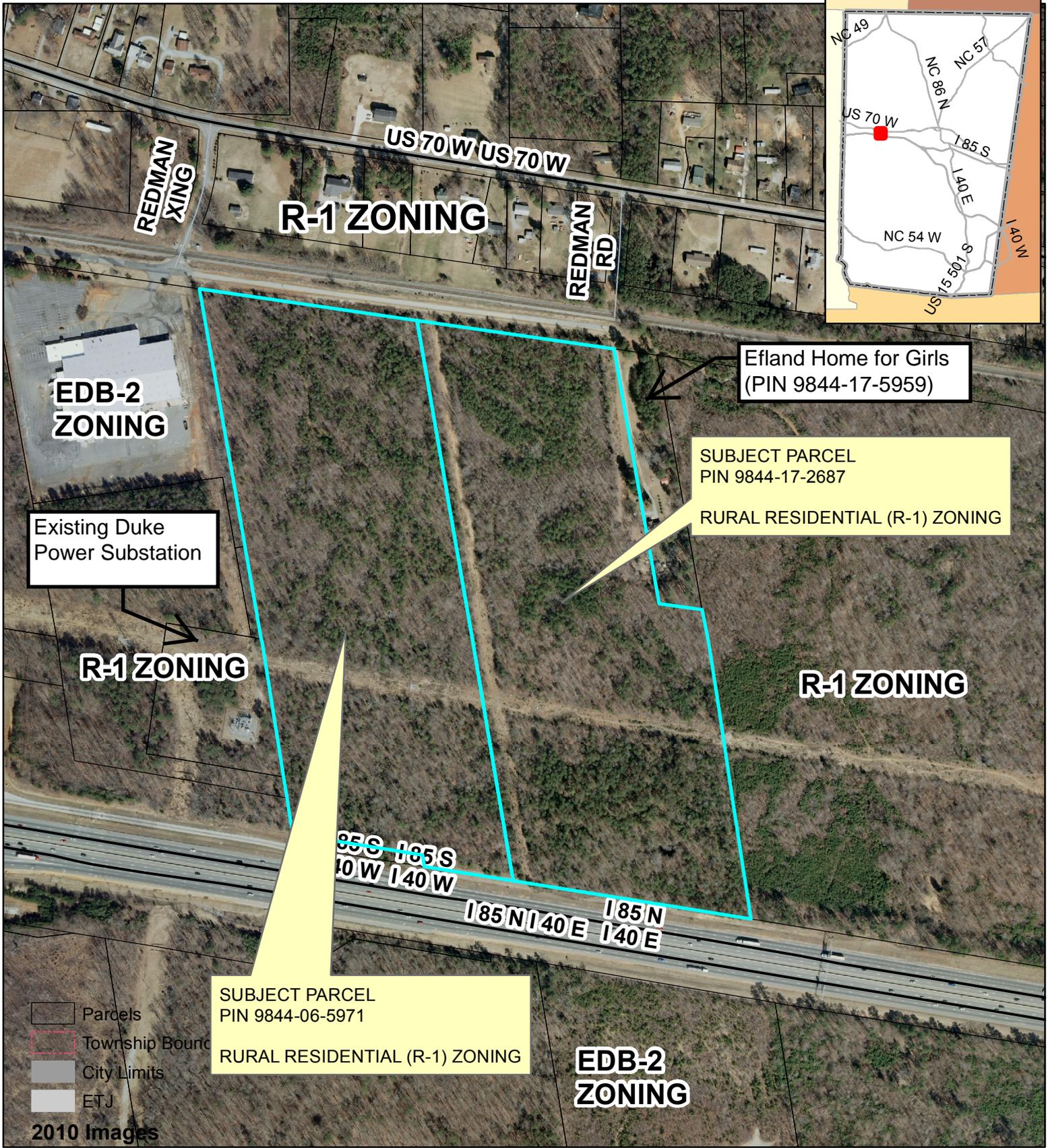
- a. The application has been deemed complete in accordance with the requirements of Section 2.7 of the Unified Development Ordinance (UDO).
- b. Staff has determined that the leased area of the property is of sufficient size to support the proposed solar array.
- c. Staff is satisfied that the proposed landscaping and buffering complies with the provisions of Section 6.8 of the UDO.
- d. Comments received from various County agencies (i.e. Sheriff, Fire Marshal, DEAPR, Orange County Health) indicate there are no concerns associated with the request.
- e. Staff made the determination that a formal Environmental Impact Statement would not be required per Section 6.18 of the UDO.
- f. The applicant had submitted sufficient documentation denoting compliance with specific development standards as detailed within Section 5.9.6 (C) of the UDO.
- g. 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.

Staff is still awaiting the submittal of additional information, most notably written responses to adjacent property owner questions (please see [Attachment 3](#)) prior to making a formal recommendation. We anticipate completing our review in time for the April 2, 2014 regular meeting.

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.

**RECOMMENDATION:** The Planning Director recommends the Board begin deliberating on the application.

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



- RGB**
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

1 inch = 400 feet

0 500

Orange County Planning and Inspections Department  
01/10/2014

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

BEFORE THE  
BOARD OF COMMISSIONERS  
AND PLANNING BOARD

February 24, 2014

**Special Use Permit Application For A  
Solar Array Off Redmon Road In Cheeks Township**

**Special Use Permit Application For a  
Solar Array off Redmon Road in Cheeks Township**

1. Affidavit of Louis Iannone, Site Developer for Strata Solar Development, LLC
2. Affidavit of Brent Niemann, Professional Engineer
3. Affidavit of Gabriel Cantor, Professional Engineer
4. Affidavit of Richard Kirkland, MAI, Appraiser

STATE OF NORTH CAROLINA

BEFORE THE BOARD OF  
COMMISSIONERS AND PLANNING  
BOARD

COUNTY OF ORANGE

SPECIAL USE PERMIT )  
APPLICATION FOR A )  
SOLAR ARRAY – PUBLIC UTILITY )

**AFFIDAVIT OF  
LOUIS IANNONE**

NOW COMES the undersigned Affiant, who, being first duly sworn, deposes and says:

1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.
2. I am Site Developer for Strata Solar Development, LLC. I have worked in this capacity since 2013. During that time I have overseen the planning and development of more than a dozen solar facilities located within towns and counties throughout North Carolina.
3. Stout Farm, LLC proposes to construct a solar array – public utility on 52.66± acres of land owned by David Stout, Sr. and Stephen Stout. The property is located just west of the Efland Community, off US 70W. I am familiar with the proposed solar array - public utility use, including the special use permit request.
4. The proposed solar array - public utility is classified as a Class A Special Use, as such it meets all general standards required by Section 5.3.2 (A) and all specific standards required by Section 5.3.2 (B) of the Orange County Unified Development Ordinance.
5. The proposed solar array - public utility will maintain the public health, safety and general welfare. The solar facility will not be staffed daily. Employees are expected to visit the property weekly or less frequently to check and maintain the equipment, mow the grass and make repairs. Since there will be no buildings or employees on the property, there is no need for sewage disposal or water utilities on the site.
6. The active area of the solar array - public utility will be enclosed by an eight foot (8') high fence and gated for security purposes. Access codes to the gate will be provided to local police, fire, and emergency service providers.
7. The proposed solar array - public utility will comply with all County stormwater regulations. All environmental buffers will be maintained and respected. A Type D land use buffer will be provided in accordance with the Orange County Code.
8. The proposed solar array - public utility will meet all applicable standards under Section 5.9.6 (C) (2) and (3) of the Unified Development Ordinance. The site is of adequate size for the proposed solar array - public utility.

9. The proposed solar array - public utility is consistent with Orange County's desire to encourage locally-generated alternative energy resources and to promote alternative and sustainable fuels.

10. Allowing the Stout Farm to develop as a solar array - public utility provides an opportunity for locally generated energy resources in Orange County and creates income for the property owner and tax base for the County that does not result in another suburban-style residential subdivision.

Further the Affiant Sayeth Not.

This the 21<sup>st</sup> day of February 2014.

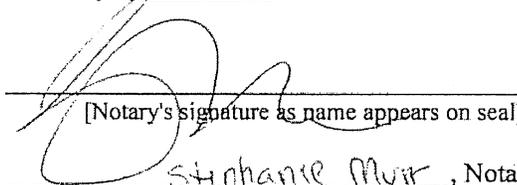


LOUIS IANNONE

Chatham COUNTY, NORTH CAROLINA

Signed and sworn to or affirmed before me this day by Louis Iannone.

Date: February 21, 2014



[Notary's signature as name appears on seal]

Stephanie Murr, Notary Public

[Notary's printed name as name appears on seal]

STEPHANIE MURR  
Notary Public  
North Carolina  
Durham County

My commission expires: 7/11/18, 20    

[Affix Official Seal in Space Above]

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

BEFORE THE BOARD OF  
COMMISSIONERS AND  
PLANNING BOARD

SPECIAL USE PERMIT )  
APPLICATION FOR A SOLAR )  
FARM )

AFFIDAVIT OF  
BRENT NIEMANN, PE

NOW COMES the undersigned Affiant, who, being first duly sworn deposes and says:

1. I am over the age of eighteen years of age and competent to testify as to the matters set forth in this Affidavit.

2. I am a licensed North Carolina professional engineer. I am employed by Strata Solar, LLC.

3. Strata Solar, LLC is a local company with its headquarters in Chapel Hill, North Carolina. Strata Solar is one of the top solar utility providers in America with over forty-five (45) existing solar farm facilities already installed and operational in North Carolina.

4. Stout Farm, LLC proposes to construct a solar array – public utility on two tracts of land totaling 52.20± acres and owned by David Stout, Sr. and Stephen Stout.

5. I am familiar with the proposed solar farm facility use, including this special use permit request. I personally have toured the property, inspected, and studied the location and siting of this proposed project. I prepared the site plan for this facility.

6. I looked at the specific adjacent parcels of land surrounding this proposed solar farm. The property is bounded to the north by the railroad and on the south by the I-40/I-85 Highway corridor. Located on the west side of the site is a Duke Energy substation, and a wood furniture manufacturer. Adjoining land containing a single-family residence borders the site on the east; however, it is the only residential use adjacent to the property. I believe the existing land uses are compatible uses with the proposed solar facility.

7. The solar farm facility will contain rows of photovoltaic cells set in the ground individually to minimize grading impacts.

8. The site will be constructed in a single phase.

9. The solar cell configuration proposed contains no moving parts.

10. Access to the site will be from a proposed driveway off of Redman Road as shown on the site plan. This drive will provide access for occasional maintenance vehicles, as well as fire department access.

11. In my professional opinion, this proposal raises no concerns regarding traffic control or safety. The proposed solar farm will generate almost no traffic. The solar farm will not be staffed daily. Employees will visit the site weekly or less frequently to check and maintain the equipment. I am familiar with the principles of traffic engineering. The Institute of Transportation Engineers Trip Generation manual 8<sup>th</sup> Edition reports that the average single-family housing unit will produce an average of 9.57 trips on a weekday. The proposed solar farm will generate far fewer daily trips than one average single-family detached home.

12. There is no on-site parking or loading areas proposed as this is an unmanned facility with no enclosed structures.

13. There are no on-site refuse or services areas proposed as this is an unmanned facility.

14. This solar farm facility will be virtually silent.

15. This solar farm facility will emit no odor.

16. This solar farm facility will emit no light, as no exterior lighting is proposed for the site. The solar panels themselves are designed to absorb rather than reflect light. There will be no effect upon traffic safety or neighboring properties from exterior lighting or glare.

17. This solar farm facility will have no impacts upon demand for municipal or county utility services, as the facility will not be connected to public water or sewer services.

18. This solar farm facility will connect to and serve the existing power grid of Duke Energy.

19. This solar farm facility will be secured by an eight (8) foot tall chain link fence topped with three (3) strands of barbed wire.

20. It is my professional opinion based upon my experience as the engineer of record of many rural solar farm facilities in the State of North Carolina and my familiarity with this proposal and its design that establishment, maintenance, and operation of the proposed solar farm will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

21. It is my professional opinion based upon familiarity with this proposal and my review of the applicable provisions of the Orange County UDO that the proposed solar farm facility meets all of the requirements of the UDO for issuance of the requested Special Use Permit.

Further the Affiant Sayeth Not.

**REMAINDER OF PAGE INTENTIONALLY BLANK**

**SIGNATURE & NOTARY FOLLOW**

This the 24 day of FEBRUARY, 2014.

*Brent Niemann*  
BRENT NIEMANN, PE

Chatham COUNTY, NORTH CAROLINA

Signed and sworn to or affirmed before me this day by Brent Niemann, PE.

Date: February 24, 20 14

*Stephanie Murr*  
[Notary's signature as name appears on seal]  
Stephanie Murr, Notary Public  
[Notary's printed name as name appears on seal]

STEPHANIE MURR  
Notary Public  
North Carolina  
Durham County

My commission expires: 7/11/18, 20    

[Affix Official Seal in Space Above]

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

BEFORE THE  
BOARD OF COMMISSIONERS  
AND PLANNING BOARD

SPECIAL USE PERMIT )  
APPLICATION FOR A SOLAR )  
FARM )

AFFIDAVIT OF  
GABRIEL CANTOR, PE

1. I am over eighteen (18) years of age, under no legal disability, and competent to testify to the matters set forth in this Affidavit.

2. I am a licensed North Carolina professional engineer employed by Strata Solar.

3. I hold a Bachelor of Science degree in Mechanical Engineering and a Master of Science degree in Manufacturing Engineering.

4. I have been employed in the solar industry the past seven (7) years, and am familiar with the concepts of electrical engineering and design.

5. As an employee of Strata Solar, my responsibilities include the design of all electrical aspects of each solar farm we build, including the proposed solar farm that is the subject of this proceeding.

6. The solar farm will consist of fixed solar panels that generate no noise, no smell and less traffic than one typical residential dwelling. The solar panels will be less than ten feet (10') in height, much lower than the typical house.

7. The solar farm will contain rows of photovoltaic ("PV") cell solar panels mounted to steel and aluminum racking that is mechanically driven in the ground to minimize disturbance. The site will be constructed in one phase.

8. The solar cell configuration contains no moving parts. All electric components will have an Underwriters Laboratories (UL) listing ("approval") and will comply with the edition of the National Electrical Code adopted at the time of construction.

9. I have been asked to give an opinion about potential health effects of electromagnetic fields ("EMF") generated from the proposed solar farm installation on adjacent properties.

10. As part of my research in developing my opinion, I have also reviewed a letter from John Lushetsjky, Program Manager for the U.S. Department of Energy, Solar Energy Technologies Program, along with a Memo from the National Renewable Energy Laboratory. A copy of the letter and memo are attached hereto as Exhibit A and incorporated herein by reference.

11. From my education and experience, I know that EMF is present wherever electricity is used. EMF is produced by magnets, electric tools, computers, radio and television transmitters, mobile phones, and medical devices, for example. EMF are produced by a variety of natural sources as well as the production and distribution of electrical power. Ordinary household appliances such as televisions and refrigerators produce EMF. EMF strength attenuates rapidly as the distance from the source increases.

12. PV panels produce weaker EMF than many household appliances, such as televisions and refrigerators.

13. The solar farm will produce very low levels of EMF, comparable to low-voltage power lines.

14. Inverters, used to convert electricity from direct current (DC) to alternating current (AC), power will be located in the interior of the solar facility. Although the inverters inside the solar farm facility do produce EMF, the strength of the field declines rapidly with distance such that EMF measured at the perimeter of the physical facility is immeasurable when compared to background EMF.

15. The subject property currently contains power poles utilized by Duke Energy to transmit power through the region. There is an electrical substation located nearby. In order to effectively distribute electricity, the solar farm has to match the voltage of line it is "tapping" into. Therefore, the electricity generated and transmitted by a solar farm does not increase the electrical voltage already running through the existing lines of the subject property and adjacent neighborhood.

16. Based on my education, research and experience in the solar industry, it is my professional opinion that the proposed solar farm does not generate any more EMF than the existing electrical lines and therefore will not materially endanger the public health or safety.

[Remainder of Page Intentionally Blank]

This the 24<sup>th</sup> day of February, 2014.

*Gabriel Cantor*  
GABRIEL CANTOR, PE

Chatham COUNTY, NORTH CAROLINA

Signed and sworn to or affirmed before me this day by Gabriel Cantor, PE.

Date: February 24, 2014

*Stephanie Murr*  
[Notary's signature as name appears on seal]

Stephanie Murr, Notary Public  
[Notary's printed name as name appears on seal]

My commission expires: 7/11/18, 20  

[Affix Official Seal in Space Above]

STEPHANIE MURR  
Notary Public  
North Carolina  
Durham County



**Department of Energy**  
Washington, DC 20585

November 12, 2009

Allison Hamilton  
Oregon Department of Transportation  
355 Capitol St. NE Room 115  
Salem, OR 97301-3871

Dear Ms. Hamilton:

Thank you for contacting the U.S. Department of Energy regarding the Oregon Solar Highway program and your proposed 3 megawatt photovoltaic installation. In response to citizen concerns about potential health effects of electromagnetic fields (EMF) generated from the proposed installation, I have asked the National Renewable Energy Laboratory to conduct a literature review on the topic.

Their analysis shows that the health risks of the proposed installation due to electromagnetic fields are minimal, and that this issue should not impede the project from moving forward.

In summary, the magnitude of EMF exposure measured at the perimeter of PV installations has been shown to be indistinguishable from background EMF, and is lower than that from many household appliances such as televisions and refrigerators. Further, evidence linking EMF exposure from high-voltage power lines to cancer has been shown to be weak. High voltage power lines produce much stronger EMF than the proposed PV installation.

The Department of Energy believes strongly in the need to deploy solar technologies on a large scale to meet our national priorities for clean energy. The Department's Solar Energy Technologies Program will continue to aggressively analyze issues of concern to ensure safe, sustainable solar installations nationwide.

Please see the attached memo that further outlines the issues and references the published literature.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lushetsky".

John Lushetsky  
Program Manager  
U.S. Department of Energy  
Solar Energy Technologies Program

Attachment



Printed with soy ink on recycled paper

## MEMO

To: John Lushetsky and JoAnn Milliken

From: Greg Brinkman and Robert Margolis, National Renewable Energy Laboratory

Subject: Health effects of electromagnetic fields from solar photovoltaic arrays

Date: August 18, 2009

This memo is in response to citizen concerns about electromagnetic field exposure from a proposed 3 MW solar photovoltaic (PV) installation in Oregon.

Electromagnetic fields (EMF) are produced by a variety of natural sources and can also be generated by the production and distribution of electricity. Residential to utility-scale solar PV arrays (i.e., a few kW to MWs) will produce very low levels of EMF, comparable to low-voltage power lines. While PV produces direct current (DC) power, it is typically converted into alternating current (AC) power which is either used locally, or fed to the grid, typically on low voltage distribution lines.

The strength of an electromagnetic field is measured in units of Gauss (G). Electromagnetic fields at large PV arrays have been measured by Chang and Jennings.<sup>1</sup> PV panels produce weaker electromagnetic fields (<1 mG 3" from the panel) than many household appliances, such as televisions (7 mG at 10.5") and refrigerators (2.6 mG at 10.5").<sup>2</sup> Inverters and power conditioning units inside a solar PV array do produce significant electromagnetic fields, but the strength of all fields declines rapidly with distance. Electromagnetic fields at the perimeter of the PV system were indistinguishable from the background fields.

Studies have shown human exposure to EMF increases when power lines are within close proximity (less than 150 feet) to a residence. Zaffanella and Kalton<sup>3</sup> estimated that mean residential EMF exposure at homes with overhead power lines within 25 feet was 1.74 mG, with a 95<sup>th</sup> percentile value of 4.48 mG. Mean residential exposure at homes further than 150 feet from the nearest overhead power line was 0.93 mG, with a 95<sup>th</sup> percentile value of 2.21 mG. EMF strengths up to 10.3 mG have been measured at houses near high-voltage power lines.

The only evidence that links power lines and EMF to adverse health effects exists for high-voltage power lines. Even this evidence, however, is relatively weak (as described below). The level of EMF produced from high-voltage power lines is much stronger than the level of EMF produced by a solar array or the low voltage power lines required to transmit the electricity from a typical solar array.

Two approaches have been used to evaluate the possible health effects from EMF – epidemiology and toxicology.

- Epidemiological studies investigate correlations between exposure to a potential hazard and adverse health effects in a study population. Bias can occur due to confounding

factors if the exposure being studied is correlated with other variables that affect the outcome. For example, living in a residence close to a power line may be correlated with having a lower socioeconomic status, which could affect the incidence of certain health outcomes. This can be controlled using statistical methods if the confounding variables are known.

- Toxicological studies investigate correlations between exposure to a potential hazard and health effects in a population of animals that are usually assigned to a group that receives the exposure and a control group that does not. These studies have an advantage because the two groups can be identical except for exposure levels, and very high exposure levels can be tested. However, laboratory conditions do not always represent environmental exposures and results from animal studies are not always easily extrapolated to humans.

The National Institute of Environmental Health Sciences (NIEHS) at the National Institutes for Health (NIH) performed a review summarizing the health effects of electric and magnetic fields for the Electric and Magnetic Fields Research and Public Information Dissemination Program in the Energy Policy Act of 1992.<sup>4</sup>

The NIEHS study found that the scientific evidence suggesting a link between EMF from high voltage power lines and health effects is weak. The study did find a possible small increased risk of childhood leukemia due to increased exposure to EMF from high voltage power lines using certain methods to measure the exposure.<sup>4</sup> For example, the NIEHS report reviewed five epidemiological studies that examined proximity to different types of power lines as an indicator of EMF exposure. Two of these studies<sup>5,6</sup> showed no evidence of a correlation between power line type and childhood leukemia. Three of the studies did indicate a possible relationship.

Of these three studies, only one study<sup>7</sup> showed a statistically significant correlation between the group with high-voltage power lines near the residence and childhood leukemia. However, this study also measured EMF levels and found no correlation between EMF levels and childhood leukemia. The lack of correlation between EMF levels and childhood leukemia could indicate the presence of a confounding variable that biases the relationship between power line types and childhood leukemia. More recent reviews of scientific studies have found similar results.<sup>8</sup>

Animal exposure studies have not demonstrated a significant link between EMF exposure levels from high voltage power lines and cancers<sup>4</sup>, although one study showed a significant reduction in mammary gland tumors in the exposed group.

### **Conclusion:**

Evidence that EMF from power lines can lead to adverse health effects in humans is relatively weak, and is based on exposure to high-voltage power lines in close proximity (within 150 feet) to residences. Large solar photovoltaic arrays would not likely lead to these levels of exposure anywhere outside the perimeter of the system. Based on the available literature, there is little cause for concern of adverse impacts due to the projected electromagnetic fields at homes near the proposed installation.

### **References:**

1. Chang, GJ, Jennings, C. Magnetic Field Survey at PG&E Photovoltaic Sites. Pacific Gas and Electric Company Research and Development Department. August, 1994. Available at: <http://www.osti.gov/bridge/servlets/purl/82309-WOEtJb/webviewable/82309.pdf>
2. Zaffanella L. Survey of Residential Magnetic Field Sources. Volume 1: Goals, Results and Conclusions. Volume 2: Protocol, Data analysis, and Management TR102759-V1, TR-102759-V2. Palo Alto: EPRI, 1993.
3. Zaffanella LE, Kalton GW. Survey of Personal Magnetic Field Exposure Phase II: 1000-Person Survey EMFRAPID Program Engineering Project #6. Oak Ridge, TN: Lockheed Martin Energy Systems, Inc., 1998.
4. Health Effects from Exposure to Power-Line Frequency Electric and Magnetic Fields. National Institute of Environmental Health Sciences, National Institutes of Health, 1999. Available at: <http://www.niehs.nih.gov/health/topics/agents/emf/>
5. McBride ML, Gallagher RP, Thériault G, Armstrong BG, Tamaro S, Spinelli JJ, Deadman JE, Fincham B, Robson D, Chaoi W. Power-frequency electric and magnetic fields and risk of childhood leukemia in Canada. *American Journal of Epidemiology* 149:831-842(1999).
6. Linet MS, Hatch EE, Kleinerman RA, Robison LL, Kaune WT, Friedman DR, Severson RK, Haines CM, Hartsock CT, Niwa S, Wacholder S, Tarone RE. Residential exposure to magnetic fields and acute lymphoblastic leukemia in children. *New England Journal of Medicine* 337:1-7(1997).
7. London SJ, Thomas DC, Bowman JD, Sobel E, Cheng T-C, Peters JM. Exposure to residential electric and magnetic fields and risk of childhood leukemia. *American Journal of Epidemiology* 134:923-937(1991).
8. Schuz J, Ahlbom, A. Exposure to electromagnetic fields and the risk of childhood leukemia: a review. *Radiation Protection Dosimetry* 132:202-211(2008).

STATE OF NORTH CAROLINA

BEFORE THE BOARD OF  
COMMISSIONERS AND PLANNING  
BOARD

COUNTY OF ORANGE

SPECIAL USE PERMIT	)	
APPLICATION FOR A	)	<b>AFFIDAVIT OF</b>
SOLAR ARRAY – PUBLIC UTILITY	)	<b>RICHARD C. KIRKLAND, MAI</b>

NOW COMES the undersigned Affiant, who, being first duly sworn, deposes and says:

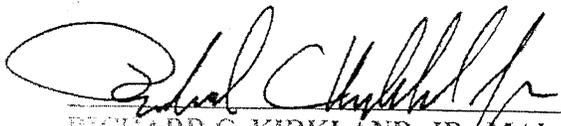
1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.
2. I am a licensed North Carolina real estate appraiser actively practicing in North Carolina. I am the owner of Kirkland Appraisals, an appraisal firm headquartered in Fuquay-Varina, North Carolina.
3. I hold the MAI professional designation from the Appraisal Institute. The MAI designation denotes appraisers who are experienced in the valuation and evaluation of commercial, industrial, residential and other types of properties, and who advise clients on real estate investment decisions.
4. Stout Farm, LLC proposes to construct a solar array – public utility on 52.66± acres of land owned by David Stout, Sr. and Stephen Stout. I have been retained by Strata Solar, the solar utility provider, to address the likely impact of this proposed solar array – public utility on adjoining properties.
5. I am familiar with the proposed solar farm facility. I inspected the property and surrounding properties as a part of my evaluation. The property proposed for the solar farm facility is currently used for timber purposes.
6. The height of the solar arrays situated at the facility will be considerably shorter than a typical residential dwelling.
7. The solar farm facility will consist of fixed solar panels that will generate no noise, no odor, and less traffic than one single-family residence.
8. The proposed solar array – public utility is consistent with the land use pattern that exists in the area today. The proposed solar array – public utility is bordered on the north by the railroad and on the south by the I-40/I-85 Highway corridor. Located on the west side of the site is a Duke Energy substation, and a wood office and store fixture manufacturer called Redmanrhino. Adjoining land containing a single-family residence borders the site on the east; however, it is the only residential use adjacent to the property.

9. Access to the site will be from a new private drive onto Secondary Road 1311, a state road, then onto Redman Crossing Road and US 70W. The proposed solar array – public utility will generate almost no traffic.
  
10. On January 3, 2014, I conducted a Real Property Appraisal Consulting Assignment for the proposed solar farm facility (the “Report”). A copy of the Report is attached hereto as Exhibit A.
  
11. The Report has been prepared in accordance with the professional standards of the State of North Carolina and the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Institute.
  
12. As part of the Report I conducted a matched pair analysis. This analysis indicated that adjacent property values will be maintained in the presence of an adjacent solar farm facility use.
  
13. Solar farms are a prevalent and growing land use situated in closing proximity to other land uses, including residential subdivision, agricultural uses, and industrial operations. Solar farms generate none of the criteria associated with downward adjustments on property values such as appearance, noise, odor, or traffic.
  
14. Based upon my training, research, and experience as summarized by the Report, it is my professional opinion that the proposed solar array-public utility will be in harmony with the area in which it is to be located.
  
15. Based upon my training, research, and experience as summarized by the Report, it is my professional opinion that the proposed solar array – public utility will maintain and enhance the values of contiguous properties.

Further the Affiant Sayeth Not.

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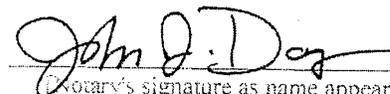
This the 24 day of February 2014.

  
RICHARD C. KIRKLAND, JR., MAI

Durham COUNTY, NORTH CAROLINA

Signed and sworn to and affirmed before me this day by Richard C. Kirkland, Jr., MAI.

Date: February 24 2014

  
[Notary's signature as name appears on seal]

John J. Day, Notary Public  
[Notary's printed name as name appears on seal]

My commission expires: 11/02/2015 2015





# Kirkland Appraisals

Richard C. Kirkland, Jr., MAI  
 5029 Hilltop Needmore Road  
 Fuquay Varina, North Carolina 27526  
 Phone (919) 285-2951  
[rkirkland2@gmail.com](mailto:rkirkland2@gmail.com)  
[www.kirklandappraisals.com](http://www.kirklandappraisals.com)

January 3, 2014

Mr. Louis Iannone  
 Strata Solar  
 Suite 101  
 1119 US 15-501 Hwy South  
 Chapel Hill, North Carolina 27517

Dear Mr. Iannone:

At your request, I have considered the likely impact of a solar farm to be located on 52.66 acres of land located on the south side of a gravel access road east of Redman Crossing in Mebane, North Carolina.

The scope of this assignment is to address the likely impact this may have on adjoining properties. To this end I have researched and visited existing and proposed solar farms, researched articles through the Appraisal Institute and other studies, as well as discussed the likely impact with other real estate professionals. I have not been asked to assign any value to any specific property.

This letter is a limited report of a real property appraisal consulting assignment and subject to the limiting conditions attached to this letter. My client is Strata Solar represented to me by Mr. Louis Iannone. The intended use is to assist in the Special Use Permit application. The effective date of this consultation is January 1, 2014, the date of my inspection of the property and surrounding area.

### **Proposed Use Description**

The property is located on the south side of a gravel access road east of Redman Crossing in Mebane, North Carolina. The property is currently used for timber. There is a power line easement running parallel to I-40/I-85 through this and adjoining tracts.

Adjoining land to the north are a series of older residential uses that are sandwiched between the railroad tracks and US Highway 70 West. Adjoining land to the west is an industrial building. Adjoining land to the east is mostly vacant with one residential structure located adjacent to the proposed solar farm. There is a 50-foot wide buffer on the subject property and all of this buffer will be planted to screen this residential use from the solar farm. To the south is I-85 and across I-85 is Orange County property currently being used as Gravelly Hill Middle School.

The solar farm will consist of fixed solar panels that will generate no noise, no odor, and less traffic than a residential subdivision. The appearance will all be panels less than 10 feet in height that will be located behind a chain link fence.

The property has 18 parcels that adjoin the parent tract of the subject property. I have numbered the parcels as shown on the following map. The adjoining uses are predominately residential in nature with some industrial use.



**Surrounding Uses**

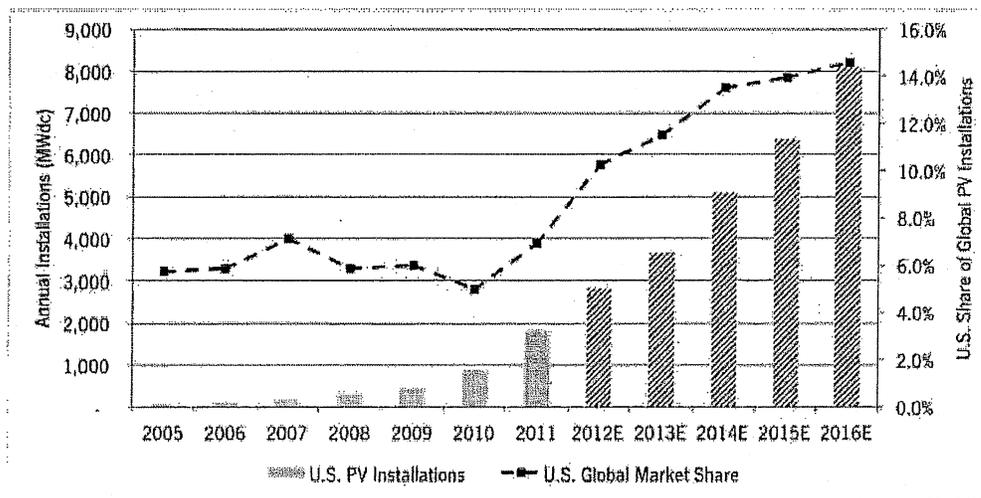
#	PIN	Owner	GIS Data		% Adjoining	
			Acres	Present Use	Acres	% Adjoining
1	9844-17-5959	Grant	2.35	Residential	1.01%	5.56%
2	9844-26-4137	Simpson	89.13	Agricultural	38.15%	5.56%
3	9844-15-7438	Orange Co.	35.14	Residential	15.04%	5.56%
4	9844-05-7652	Orange Co.	65.73	Residential	28.13%	5.56%
5	9844-06-5557	NCDOT	0.42	Residential	0.18%	5.56%
6	9775-64-8260	Stevens	9.31	Residential	3.98%	5.56%
7	9844-18-0866	English	0.52	Residential	0.22%	5.56%
8	9834-97-7555	Redmanrhin	9.34	Industrial	4.00%	5.56%
9	9844-07-1440	Duke Energy	3.47	Industrial	1.49%	5.56%
10	9834-98-7376	Redmanrhin	9.99	Industrial	4.28%	5.56%
11	9844-08-3922	McCoys Temple	1.8	Residential	0.77%	5.56%
12	9844-08-5877	Bailey	1.28	Residential	0.55%	5.56%
13	9844-08-7922	English	0.96	Residential	0.41%	5.56%
14	9844-08-8875	English	1.37	Residential	0.59%	5.56%
15	9844-18-1838	Powell	0.67	Residential	0.29%	5.56%
16	9884-18-2862	Powell	0.65	Residential	0.28%	5.56%
17	9884-18-3748	Starbuck	0.66	Residential	0.28%	5.56%
18	9884-18-5748	McAdoo	0.87	Residential	0.37%	5.56%
<b>Total</b>			<b>233.66</b>		<b>100.00%</b>	<b>100.00%</b>

### Adjoining Use Breakdown

	Acrage	Parcels
Agricultural	38.15%	5.56%
Residential	52.10%	77.78%
Industrial	9.76%	16.67%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

### Analysis Summary

Across the nation the number of solar installations has dramatically increased over the last few years as the change in the technology and economy made these solar farms more feasible. The chart below shows how this market has grown and is expected to continue to grow from 2007 through 2009, with a significant leap in 2010 and 2011. The newness of this product is illustrated by the data presented by the U.S. Solar Market Insight Reports for 2010 and 2011 which is put out by the Solar Energy Industries Association. These reports point out that 2010 was a "breakout" year for solar energy and 2011 continued the boom of solar power. North Carolina was ranked as the 9<sup>th</sup> most active photovoltaic installations in 2010 and 8<sup>th</sup> in 2011. A total of 31 MW were installed in 2010 and 55 MW in 2011 in North Carolina.



I have researched a number of solar farms in North Carolina to assess the impact of these facilities on the value of adjoining property. I have provided a breakdown of the adjoining uses to show what adjoining uses are typical for solar farms and what uses would likely be considered consistent with a solar farm use. This breakdown is included in the Harmony of Use section of this report.

I also conducted a matched pair analysis using data from the AM Best Solar Farm in Goldsboro. A matched pair analysis is where you consider two similar properties with only one difference of note so that you can determine whether or not that difference has any impact on value. In this case, I have considered residential properties adjoining a solar farm versus similar residential properties that do not adjoin a solar farm. I consider the lack of any impact on residential use to also support the conclusion that there is no impact on adjoining agricultural uses.

The analysis shows two sales of homes that adjoin what was solar farm that was under construction at AM Best Solar Farm. Those two sales show prices similar to those that came before and after it in the same Spring Gardens Subdivision. Current listing information shows that the homes that back up to the solar farm as well as those that do not are being listed at the same prices. This price point is similar in total

dollars for similar sized homes, but also in the overall price per square foot. This data does not indicate that there is any relationship between the proximity of the solar farm and the price paid for homes.

Supporting data on the Goldsboro solar farm as well as a few notable others are shown below.

### Solar Farm Comparables Near Residential Subdivisions

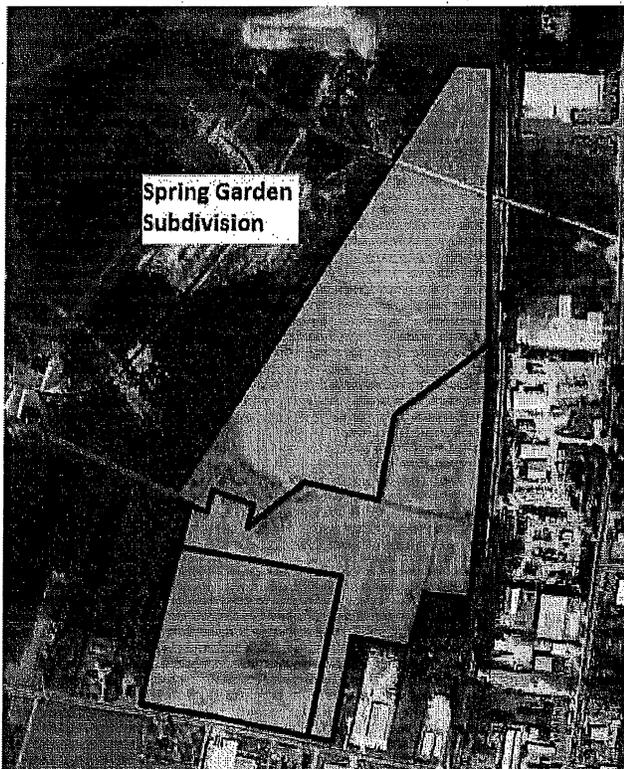
I have provided more detailed information on a few of the solar farms attached to the addendum of this report to focus on those that adjoin residential subdivisions.

#### 1 - AM Best Solar Farm, Goldsboro, NC

This proposed solar farm adjoins Spring Garden Subdivision that has new homes and lots still available for new construction. The recent home sales have ranged from \$200,000 to \$250,000. Currently homes are being listed for \$240,000 to \$260,000.

Homes backing up to the solar farm are selling at the same price for the same floorplan as the homes that do not back up to the solar farm in this subdivision. According to the builder the solar farm has proven to be a complete non-factor. This is a similar sized farm as the subject property.

Specific sales are shown on the following page and the current listing information is shown below.



#### Floor Plans in Spring Garden



**Americana**  
SqFt: 3,194  
Bed / Bath:  
3 / 3.5

Price: \$237,900

[View Now »](#)



**Presidential**  
SqFt: 3,400  
Bed / Bath:  
5 / 3.5

Price: \$247,900

[View Now »](#)



**Virginia**  
SqFt: 3,449  
Bed / Bath:  
5 / 3

Price: \$259,900

[View Now »](#)

**Matched Pairs**

As of Date: 11/23/2013

**Adjoining Sales After Solar Farm Announced**

#	TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
20	3600169964	Feddersen	1.56	Feb-13	\$247,000	2012	3,571	\$69.17	Ranch
21	3600169964	Gentry	1.42	Apr-13	\$245,000	N/A	N/A	N/A	N/A
	3600195570	Helm	0.76	Sep-13	\$250,000	2013	3292	\$75.94	2 Story
	3600195361	Leak	1.49	Sep-13	\$260,000	2013	3652	\$71.19	N/A
		Average	1.31		\$250,500	2013	3,505	\$72.10	
		Median	1.46		\$248,500	2013	3,571	\$71.19	

**Nearby Sales After Solar Farm Completed**

#	TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
	3600193710	Barnes	1.12	Oct-13	\$248,000	2013	3,400	\$72.94	2 Story
		Average	1.12		\$248,000	2013	3,400	\$72.94	
		Median	1.12		\$248,000	2013	3,400	\$72.94	

**Adjoining Sales Before Solar Farm Announced**

#	TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
22	3600183905	Carter	1.57	Dec-12	\$240,000	2012	3,347	\$71.71	1.5 Stories
23	3600193097	Kelly	1.61	Sep-12	\$198,000	2012	2,532	\$78.20	2 Story
24	3600194189	Hadwan	1.55	Nov-12	\$240,000	2012	3,433	\$69.91	1.5 Stories
		Average	1.59		\$219,000	2012	2,940	\$74.95	
		Median	1.59		\$219,000	2012	2,940	\$74.95	

**Nearby Sales Before Solar Farm Announced**

#	TAX ID	Owner	Acres	Date Sold	Sales Price	Built	GBA	\$/GBA	Style
	3600191437	Thomas	1.12	Sep-12	\$225,000	2012	3,276	\$68.68	2 Story
	3600087968	Lilley	1.15	Jan-13	\$238,000	2012	3,421	\$69.57	1.5 Stories
	3600087654	Burke	1.26	Sep-12	\$240,000	2012	3,543	\$67.74	2 Story
	3600088796	Hobbs	0.73	Sep-12	\$228,000	2012	3,254	\$70.07	2 Story
		Average	1.07		\$232,750	2012	3,374	\$69.01	
		Median	1.14		\$233,000	2012	3,349	\$69.13	

## 2 - Pickards Mountain Eco Institute, Chapel Hill, NC

Pickards Mountain Eco Institute is an educational farm located just outside of Chapel Hill, NC. They recently completed a small solar farm that is clearly visible from Pickards Meadows Road. This is a smaller solar farm on roughly one-acre.

This solar farm is not screened and is clearly visible as you drive in to Pickards Meadows. Pickards Meadows is a large lot subdivision with lots on the market for \$200,000 to \$250,000 for homes starting at \$800,000.



I spoke with Lynn Hayes a broker with Berkshire Hathaway who is handling lots leading up to Pickards Mountain Eco Institute who noted that she did not see any reason it would be a detriment to home values and could be an enhancement given the green nature of the energy. The solar farm is an enlightened enhancement for the environmental savvy.

The owner of this farm lives in an adjoining home and shown in the aerial photo southeast of the solar array.

There is currently a home for sale located right at the entrance to the Eco Institute on adjoining land and shown in the aerial photo to the west of the solar array. This older home is on the market for \$750,000. I spoke with Linda Carol Davis with Berkshire Hathaway regarding this listing and she indicated the solar farm was considered a huge plus for the buyers of this property. The home is currently under contract to close in January 2014 after a reasonable marketing period.



### 3 - Zebulon Solar Farm, Zebulon, NC

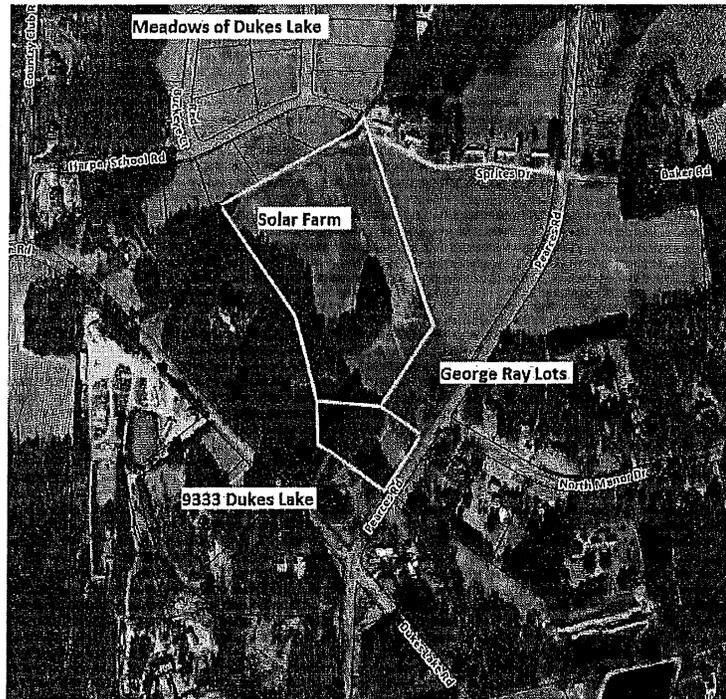
A new solar farm was approved near Zebulon off Pearces Road. This is not a Strata Solar project.

I have considered a residential sale located at 9333 Dukes Lake Road that sold on September 17, 2012 for \$165,000. This property was purchased prior to knowledge of the proposed solar farm and was therefore not impacted by that farm in the purchase price. I spoke with the broker who listed this property, but she had no opinion on what impact the solar farm would have had. She noted that the buyers were interested in buying this lot because they could see trees from the property, but that there were certainly no guarantees that trees on adjoining land would remain.

The owner of this land, George Ray, also owns two adjoining lots that back up to this property and he intends to build spec homes on those lots in the future.

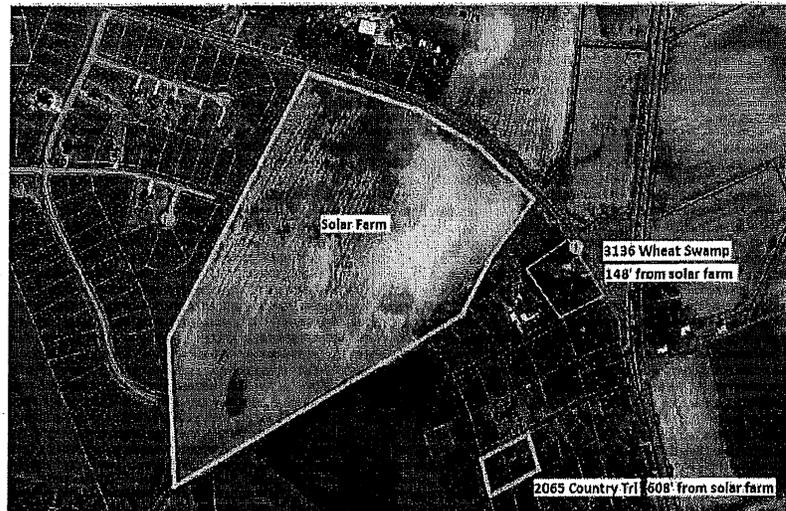
Lots adjoining this property to the north are owned by Dukes Lake Properties, LLC and are part of the Meadows of Dukes Lake. This subdivision was developed in 2007/2008 and not a single lot has been sold or single home sold in this subdivision since that time due to the recession. Initially, the developer intended to build \$350,000 homes.

Across the street to the south of the solar farm entrance is North Manor Subdivision that was developed in 1985 with homes in the \$150,000 to \$300,000 range.



### 4 - Lenoir Solar Farm, Kinston, NC

I have also considered two residential home sales in close proximity to a new solar farm located at 3200 Wheat Swamp Road in Kinston, NC. Carolyn Craig, a Realtor with C21 Harry H. Cummings listed a home located at 3136 Wheat Swamp Road and sold it on January 23, 2013 for \$132,500. I spoke with her regarding the impact of the solar farm and she said that they were unaware of that project at the time of the listing or the time of the sale. She further noted that if she had been it would not have had any impact on this sale. This property was 148 feet from the solar farm property line. Ms. Craig noted that the property is one lot off the property, but very close and in sight. She also noted that there was another sale on Country Trail that happened nearby. She was not involved with that sale, but it was listed prior to knowledge of the solar farm and sold prior to awareness of the solar farm. It sold on March 15, 2013 for \$105,000.



and was 608 feet from the solar farm. Both of these sales were close in time to the awareness of the solar farm, but closed prior to awareness according to the broker's comments. The broker's comments were however all positive. She noted that a solar farm in the area would be positive. "A solar farm is color coordinated and looks nice." "A solar farm is better than a turkey farm," which is allowed in that area. She would not expect a solar farm will have any impact on adjoining home prices in the area.

The adjoining subdivision to the west is Dogwood Creek which was developed in the aftermath of Hurricane Floyd by an investor from outside this area to help with overflow of displaced housing for the area. This was one of the last developed such subdivisions and the homes were all being built on slabs, which was not well received by the victims of flooding and therefore this subdivision has languished over the last 8 years.

### Harmony of Use/Compatibility of Use

I have visited a number of existing and proposed solar farms to determine what uses are compatible with a solar farm. The data strongly supports adjoining agricultural and residential uses. While I have focused on adjoining uses, I note that there are many examples of solar farms being located within a quarter mile of residential developments, including such notable developments as Governor's Club in Chapel Hill, which has a nearby Strata Solar Farm. Governor's Club is a gated golf community with homes selling for \$300,000 to over \$2 million.

The matched pair subdivisions noted above also show an acceptance of residential uses adjoining solar farms as a compatible or harmonious use.

Beyond these anecdotal references, I have quantified the adjoining uses for a number of solar farm comparables that are included in the addendum to this report to derive a breakdown of the adjoining uses for each solar farm. The chart below shows the breakdown of adjoining uses by total acreage.

Percentage By Adjoining Acreage								All Res	All Comm
	Res	Ag	Res/AG	Park	Sub	Comm	Ind	Uses	Uses
1 Goldsboro	35%	23%	0%	0%	3%	2%	37%	61%	39%
2 Willow Springs	8%	26%	66%	0%	0%	0%	0%	100%	0%
3 Kings Mtn	3%	12%	4%	0%	0%	0%	82%	18%	82%
4 White Cross	5%	51%	44%	0%	0%	0%	0%	100%	0%
5 Two Lines	3%	87%	8%	0%	3%	0%	0%	100%	0%
6 Strata	0%	0%	0%	100%	0%	0%	0%	100%	0%
7 Avery	13%	40%	47%	0%	0%	0%	0%	100%	0%
8 Mayberry	24%	51%	0%	0%	0%	4%	20%	76%	24%
9 Progress I	0%	45%	4%	0%	0%	0%	50%	50%	50%
10 Progress II	1%	99%	0%	0%	0%	0%	0%	100%	0%
11 Sandy Cross	0%	0%	100%	0%	0%	0%	0%	100%	0%
12 Zebulon	47%	0%	53%	0%	0%	0%	0%	100%	0%
13 Baldenboro	18%	59%	22%	0%	0%	0%	0%	100%	0%
14 Dement	33%	40%	27%	0%	0%	0%	0%	100%	0%
15 Vale Farm	1%	13%	86%	0%	0%	0%	0%	100%	0%
16 Eastover	0%	0%	0%	0%	0%	0%	0%	0%	0%
17 Wagstaff	7%	89%	4%	0%	0%	0%	0%	100%	0%
18 Roxboro	1%	93%	5%	0%	0%	0%	1%	99%	1%
19 McCallum	5%	93%	1%	0%	0%	0%	0%	100%	0%
Average	11%	43%	25%	5%	0%	0%	10%	84%	10%
Median	5%	40%	5%	0%	0%	0%	0%	100%	0%
High	47%	99%	100%	100%	3%	4%	82%	100%	82%
Low	0%	0%	0%	0%	0%	0%	0%	0%	0%

Res = Residential, Ag = Agriculture, Sub = Substation, Com = Commercial, Ind = Industrial.

I have also included a breakdown of each solar farm by number of adjoining parcels by parcel instead of acreage. Using both factors provides a better concept of what the neighboring properties consist.

Percentage By Number of Parcels Adjoining								All Res	All Comm
	Res	Ag	Res/AG	Park	Sub	Comm	Ind	Uses	Uses
1	Goldsboro	0%	0%	0%	0%	0%	0%	0%	0%
2	Willow Springs	42%	37%	21%	0%	0%	0%	100%	0%
3	Kings Mtn	40%	30%	10%	0%	0%	20%	80%	20%
4	White Cross	33%	20%	40%	0%	7%	0%	100%	0%
5	Two Lines	38%	46%	8%	0%	8%	0%	100%	0%
6	Strata	71%	0%	14%	14%	0%	0%	100%	0%
7	Avery	50%	38%	13%	0%	0%	0%	100%	0%
8	Mayberry	42%	8%	0%	0%	25%	25%	50%	50%
9	Progress I	0%	50%	25%	0%	0%	25%	75%	25%
10	Progress II	20%	80%	0%	0%	0%	0%	100%	0%
11	Sandy Cross	17%	0%	83%	0%	0%	0%	100%	0%
12	Zebulon	90%	0%	10%	0%	0%	0%	100%	0%
13	Bladenboro	62%	28%	7%	0%	3%	0%	100%	0%
14	Dement	83%	6%	11%	0%	0%	0%	100%	0%
15	Vale Farm	10%	20%	70%	0%	0%	0%	100%	0%
16	Eastover	0%	0%	0%	0%	0%	0%	0%	0%
17	Wagstaff	65%	30%	3%	0%	0%	3%	98%	3%
18	Roxboro	33%	50%	8%	0%	0%	8%	92%	8%
19	McCallum	77%	15%	4%	0%	0%	4%	96%	4%
<b>Average</b>									
		41%	24%	17%	1%	1%	4%	84%	6%
<b>Median</b>									
		40%	20%	10%	0%	0%	0%	100%	0%
<b>High</b>									
		90%	80%	83%	14%	8%	25%	100%	50%
<b>Low</b>									
		0%	0%	0%	0%	0%	0%	0%	0%

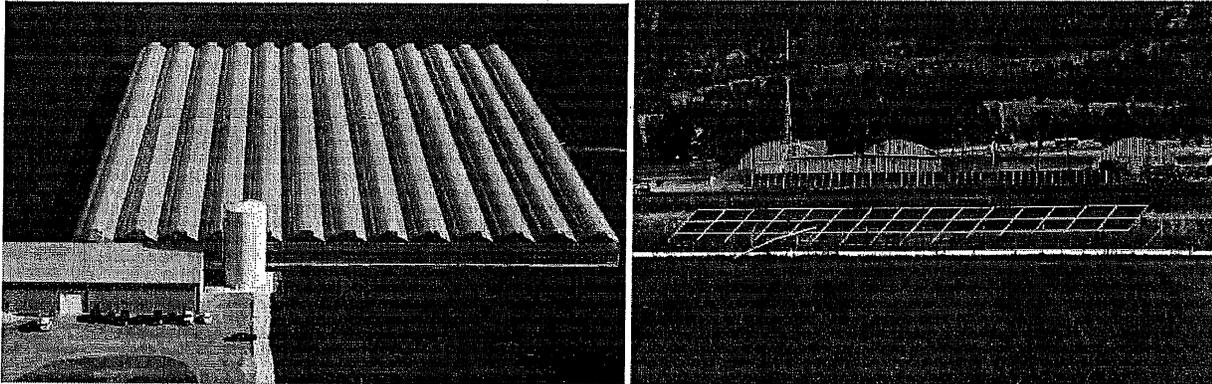
Res = Residential, Ag = Agriculture, Sub = Substation, Com = Commercial, Ind = Industrial.

Both of the above charts show a marked residential and agricultural adjoining use for most solar farms. In fact every single solar farm considered included an adjoining residential use except for Progress I, which included an adjoining residential/agricultural use. These comparable solar farms clearly support a compatibility with adjoining residential uses along with agricultural uses.

## **Specific Factors on Harmony and Compatibility of Use**

### **Appearance**

Solar farm panels have no associated stigma at this time and in smaller collections are found in yards and roofs in many residential communities. Larger solar farms using fixed panels are a passive use of the land that is considered in keeping with a rural/residential area. Comparing a solar farm to a larger greenhouse as shown below is a very reasonable comparison given that a greenhouse is essentially another method for collecting passive solar energy. The greenhouse use is well received in residential/rural areas and has a similar visual impact as a solar farm.



I note that the fixed solar panels are all less than 10 feet high, which means that the visual impact of the solar panels will be less high than a typical greenhouse or even a single story residential dwelling. This property could be developed with single family housing that would have a much greater visual impact on the surrounding area given that a two-story home with attic could be four times as high as these proposed panels. The panels will be located behind a chain link fence.

The comparable solar farms that I have considered are presented in the addenda and include a variety of photos of solar farms. The photos show that these sites are generally well-maintained and there is no significant negative view.

For the reasons stated above, I conclude that the appearance of the proposed solar farm will maintain or enhance adjoining property values.

### **Noise**

The proposed solar panels will be fixed and will not move to follow the sun. As these are passive, fixed solar panels there is no noise associated with these panels. The transformer reportedly has a hum that can only be heard in close proximity to this transformer and the buffers on the property are sufficient to make this hum inaudible from the adjoining properties.

There will be minimal onsite traffic generating additional noise.

The various solar farms that I have inspected and identified in the addenda were inaudible from the roadways. I heard nothing on any of these sites associated with the solar farm.

For the reasons stated above, I conclude that the lack of any noise associated with the proposed solar farm indicates that this use will maintain or enhance adjoining property values.

### **Odor**

The solar panels give off no odor of which I am aware.

The various solar farms that I have inspected and identified in the addenda produced no noticeable odor off site.

I therefore conclude that odor from the proposed project is not a factor and the project as designed will maintain or enhance the value of contiguous properties.

## **Traffic**

The solar farm will have no onsite employee's or staff. Maintenance of the site is minimal and relative to other potential uses of the site, such as a residential subdivision, the additional traffic on this site is insignificant.

For the reasons stated above, I conclude that the lack of any significant traffic associated with the proposed solar farm indicates that this use will maintain or enhance adjoining property values.

## **Hazardous material**

The solar farm presents no potential hazardous waste byproduct as part of normal operation. Any fertilizer, weed control, vehicular traffic, or construction will be significantly less than typically applied in a residential development or even most agricultural uses.

The various solar farms that I have inspected and identified in the addenda have no known pending environmental impacts associated with the development and operation of those farms.

I therefore conclude that there is no hazardous material concerns associated with the proposed project and therefore the project as designed will maintain or enhance the value of contiguous properties.

## **Market Commentary**

I have surveyed a number of builders, developers and investors regarding solar farms over the last year. I have received favorable feedback from a variety of sources with some examples provided below.

Rex Vick with Windjam Developers has a subdivision in Chatham County off Mt. Gilead Church Road known as The Hamptons. Home prices in The Hamptons start at \$600,000 with homes over \$1,000,000. Mr. Vick expressed interest in the possibility of including a solar farm section to the development as a possible additional marketing tool for the project.

Mr. Eddie Bacon, out of Apex North Carolina, has inherited a lot of family and agricultural land and he has expressed interest in using a solar farm as a method of preserving the land for his children and grandchildren while still deriving a useful income off of the property. He indicated that he believed that solar panels would not in any way diminish the value for this adjoining land.

I spoke with Carolyn Craig, a Realtor in Kinston, North Carolina who is familiar with the Strata Solar Farms in the area. She noted that a solar farm in the area would be positive. "A solar farm is color coordinated and looks nice." "A solar farm is better than a turkey farm," which is allowed in that area. She would not expect a solar farm will have any impact on adjoining home prices in the area.

Mr. Michael Edwards, a broker and developer in Raleigh, indicated that a passive solar farm would be a great enhancement to adjoining property. "You never know what might be put on that land next door. There is no noise with a solar farm like there is with a new subdivision."

I spoke with Lynn Hayes, a broker with Berkshire Hathaway who is selling lots on Pickards Meadow Road near the solar farm at the Eco Institute who noted no reason it would be a detriment and could be an enhancement.

These are just excerpts I've noted in my conversations with different clients or other real estate participants that provided other thoughts on the subject that seemed applicable.

## Conclusion

The matched pair analysis on the AM Best Solar Farm in Goldsboro shows no impact in home values due to the adjacency to the solar farm. The solar farm at Pickards Mountain Eco Institute shows no impact on lot and home marketing nearby. The criteria for making downward adjustments on property values such as appearance, noise, odor and traffic all indicate that a solar farm is a compatible use for a rural/residential transition area.

Similar solar farms have been approved adjoining agricultural uses and residential developments. The adjoining residential uses have included single family homes up to \$260,000 on lots as small as 0.74 acres, mobile homes, and apartments. The solar farm at the Pickards Mountain Eco Institute adjoins a home that is selling for around \$750,000 and in proximity to lots being sold for \$200,000 to \$250,000 for homes over a million dollars. Clearly, adjoining agricultural uses are consistent with a solar farm.

Based on the presented information and my experience in appraising land and residential subdivision developments, I conclude that the proposed solar farm will have no negative impact on the adjoining properties and that this is a compatible and harmonious use with the area.

If you have any further questions please call me any time.

Sincerely,



Richard C. Kirkland, Jr., MAI  
State Certified General Appraiser



### ***Limiting Conditions and Assumptions***

Acceptance of and/or use of this report constitutes acceptance of the following limiting conditions and assumptions; these can only be modified by written documents executed by both parties.

- ❖ The basic limitation of this and any appraisal is that the appraisal is an opinion of value, and is, therefore, not a guarantee that the property would sell at exactly the appraised value. The market price may differ from the market value, depending upon the motivation and knowledge of the buyer and/or seller, and may, therefore, be higher or lower than the market value. The market value, as defined herein, is an opinion of the probable price that is obtainable in a market free of abnormal influences.
- ❖ I do not assume any responsibility for the legal description provided or for matters pertaining to legal or title considerations. I assume that the title to the property is good and marketable unless otherwise stated.
- ❖ I am appraising the property as though free and clear of any and all liens or encumbrances unless otherwise stated.
- ❖ I assume that the property is under responsible ownership and competent property management.
- ❖ I believe the information furnished by others is reliable, but I give no warranty for its accuracy.
- ❖ I have made no survey or engineering study of the property and assume no responsibility for such matters. All engineering studies prepared by others are assumed to be correct. The plot plans, surveys, sketches and any other illustrative material in this report are included only to help the reader visualize the property. The illustrative material should not be considered to be scaled accurately for size.
- ❖ I assume that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. I take no responsibility for such conditions or for obtaining the engineering studies that may be required to discover them.
- ❖ I assume that the property is in full compliance with all applicable federal, state, and local laws, including environmental regulations, unless the lack of compliance is stated, described, and considered in this appraisal report.
- ❖ I assume that the property conforms to all applicable zoning and use regulations and restrictions unless nonconformity has been identified, described and considered in this appraisal report.
- ❖ I assume that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- ❖ I assume that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in this report.
- ❖ I am not qualified to detect the presence of floodplain or wetlands. Any information presented in this report related to these characteristics is for this analysis only. The presence of floodplain or wetlands may affect the value of the property. If the presence of floodplain or wetlands is suspected the property owner would be advised to seek professional engineering assistance.
- ❖ For this appraisal, I assume that no hazardous substances or conditions are present in or on the property. Such substances or conditions could include but are not limited to asbestos, urea-formaldehyde foam insulation, polychlorinated biphenyls (PCBs), petroleum leakage or underground storage tanks, electromagnetic fields, or agricultural chemicals. I have no knowledge of any such materials or conditions unless otherwise stated. I make no claim of technical knowledge with regard to testing for or identifying such hazardous materials or conditions. The presence of such materials, substances or conditions could affect the value of the property. However, the values estimated in this report are predicated on the assumption that there are no such materials or conditions in, on or in close enough proximity to the property to cause a loss in value. The client is urged to retain an expert in this field, if desired.

- ❖ Unless otherwise stated in this report the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act (effective 1/26/92). The presence of architectural and/or communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
- ❖ Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
- ❖ Possession of this report, or a copy thereof, does not carry with it the right of publication.
- ❖ I have no obligation, by reason of this appraisal, to give further consultation or testimony or to be in attendance in court with reference to the property in question unless further arrangements have been made regarding compensation to Kirkland Appraisals, LLC.
- ❖ Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of Kirkland Appraisals, LLC, and then only with proper qualifications.
- ❖ Any value estimates provided in this report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interests has been set forth in the report.
- ❖ Any income and expenses estimated in this report are for the purposes of this analysis only and should not be considered predictions of future operating results.
- ❖ This report is not intended to include an estimate of any personal property contained in or on the property, unless otherwise stated.
- ❖ This report is subject to the Code of Professional Ethics of the Appraisal Institute and complies with the requirements of the State of North Carolina for State Certified General Appraisers. This report is subject to the certification, definitions, and assumptions and limiting conditions set forth herein.
- ❖ The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).
- ❖ This is a Real Property Appraisal Consulting Assignment as identified in Standard 4 of USPAP and reported following Standard 5 of USPAP.

### **Certification – Richard C. Kirkland, Jr., MAI**

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct;
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal;
7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;
8. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
10. I have made a personal inspection of the property that is the subject of this report, and;
11. No one provided significant real property appraisal assistance to the person signing this certification.
12. As of the date of this report I have completed the requirements of the continuing education program of the Appraisal Institute;
13. I have not appraised this property within the last three years.

Disclosure of the contents of this appraisal report is governed by the bylaws and regulations of the Appraisal Institute and the National Association of Realtors.

Neither all nor any part of the contents of this appraisal report shall be disseminated to the public through advertising media, public relations media, news media, or any other public means of communications without the prior written consent and approval of the undersigned.



Richard C. Kirkland, Jr., MAI  
State Certified General Appraiser

# Addendum

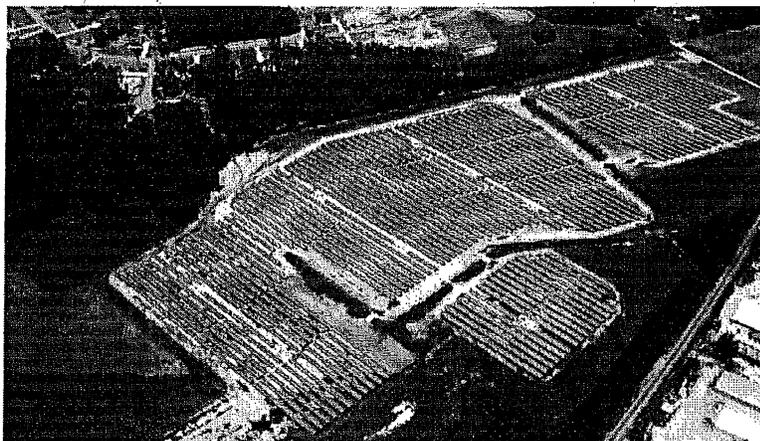
## Solar Farm Comparable 1

**Name** AM Best Farm  
**Address** 2815 N William St  
**City** Goldsboro  
**County** Wayne

**Tract Acres** 38  
**Effective Acres** 38  
**Output (MW)** 6.65

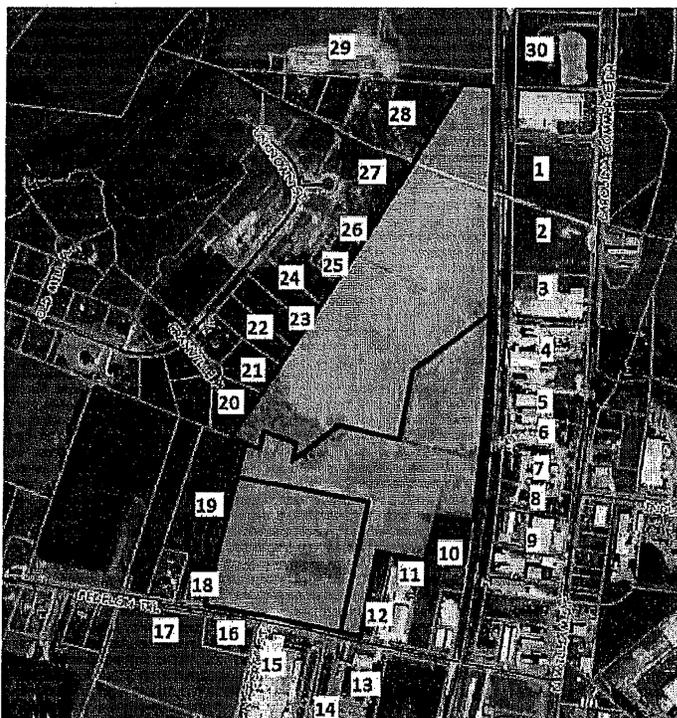
**Remarks:**

**Year Built** 2013  
**SUP Approved** Feb-13  
**Inspection Dat** Feb-13



### Adjoining Use Breakdown

	Acreege	Parcels
Industrial	37.41%	43.33%
Commercial	1.92%	3.33%
Agriculture	22.69%	3.33%
Substation	2.58%	3.33%
Residential	35.40%	46.67%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



# Addendum

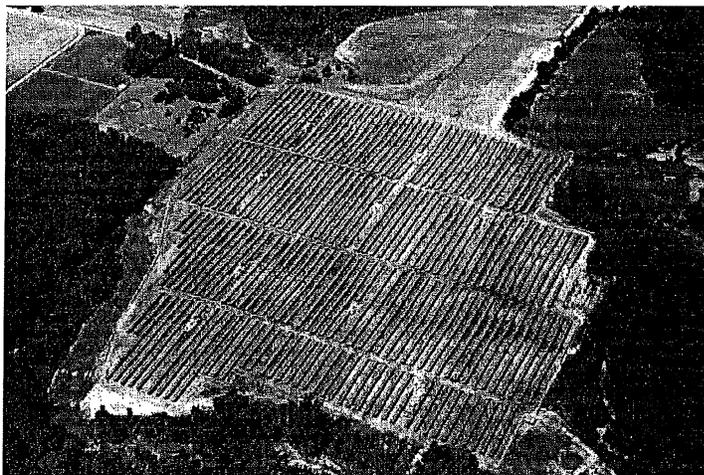
## Solar Farm Comparable 2

**Name** Fuquay Farm  
**Address** 9205 Old Store Road  
**City** Willow Springs  
**County** Wake

**Tract Acres** 111.75  
**Effective Acres** 45  
**Output (MW)** 6.4

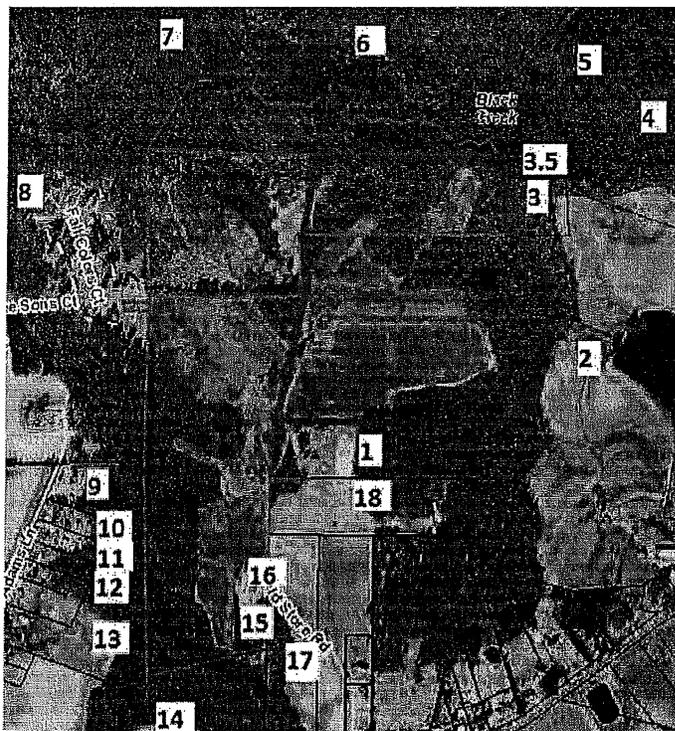
**Remarks:** Proposed to be built on Phase III Subdivision Land. Phases I and II still proposed.

**Date Built** 2013  
**SUP Approved** 2012  
**Inspection Date** 3/26/2012



## Adjoining Use Breakdown

	Acreage	Parcels
Agricultural	25.58%	36.84%
Res/Ag	66.08%	21.05%
Residential	6.20%	21.05%
Mobile Home	2.13%	21.05%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



# Addendum

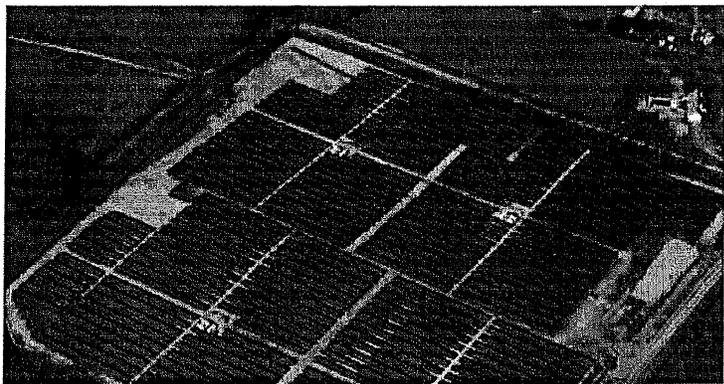
## Solar Farm Comparable 3

**Name** Kings Mountain  
**Address** 1633 Battleground Ave  
**City** Shelby  
**County** Cleveland

**Tract Acres** 690.26  
**Effective Acres** 30  
**Output (MW)** 5

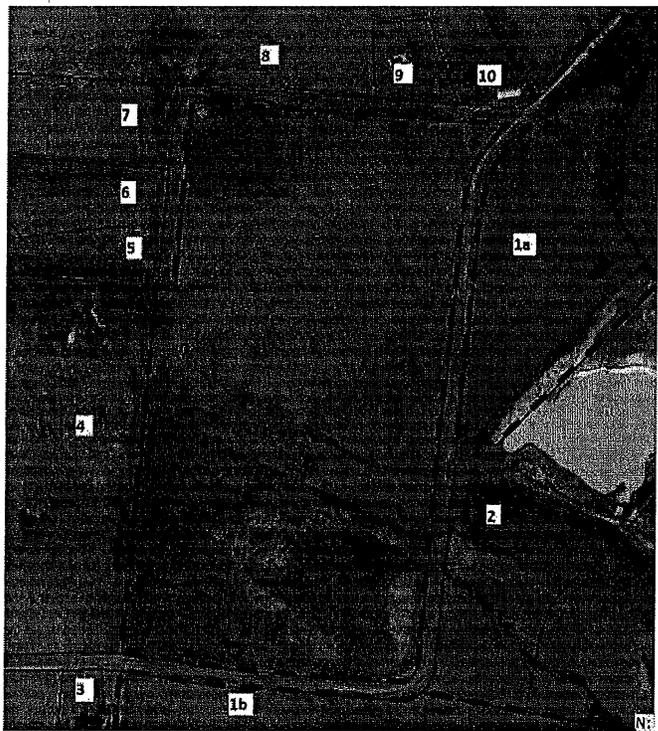
**Remarks:** Parent tract is also shown as Surrounding Use 1 below.

**Date Built** 2011  
**SUP Approved** 2011  
**Inspection Date** 7/31/2012



### Adjoining Use Breakdown

	Acreage	Parcels
Res/Ag	3.63%	10.00%
Agricultural	12.01%	30.00%
Residential	2.53%	40.00%
Industrial	81.83%	20.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



**Addendum**

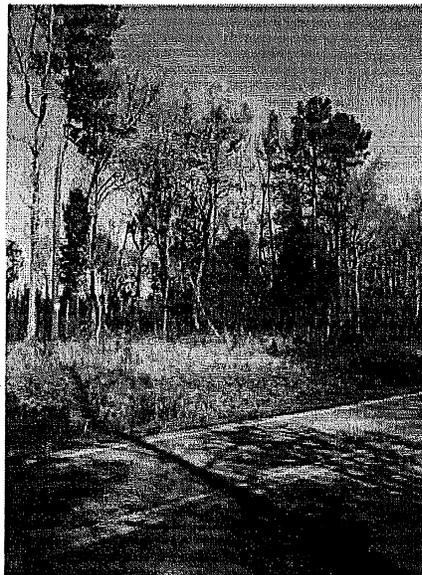
**Solar Farm Comparable 4**

**Name** White Cross  
**Address** 2159 White Cross Rd  
**City** Chapel Hill  
**County** Orange

**Tract Acres** 121.21  
**Effective Acres** 45  
**Output (MW)** 5

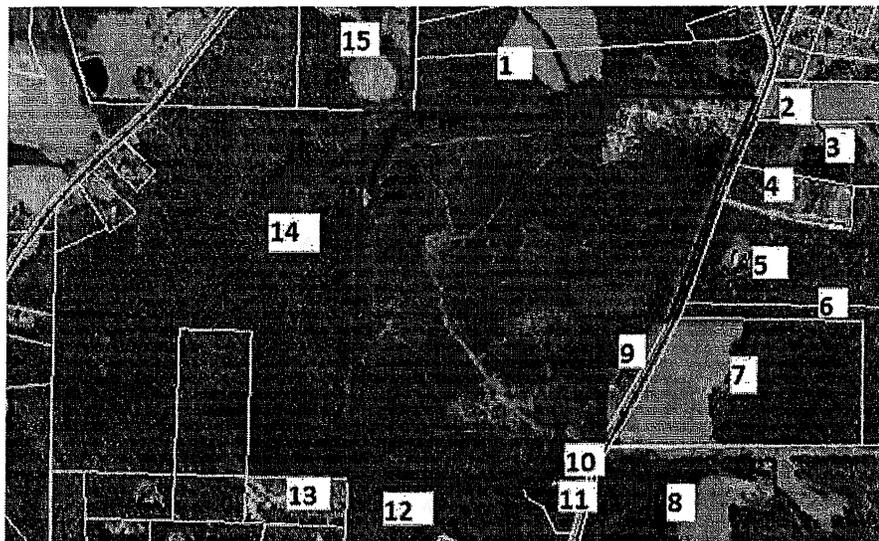
**Remarks:** Built on land adjoining a mobile home park with the same ownership of the solar farm. Owner also adjoining agricultural land.

**Date Built** 2013  
**SUP Approved** 2012  
**Inspection Date** 3/26/2012



**Adjoining Use Breakdown**

	<b>Acreage</b>	<b>Parcels</b>
Agricultural	50.98%	20.00%
Res/Ag	44.16%	40.00%
Residential	4.58%	33.33%
Substation	0.28%	6.67%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



# Addendum

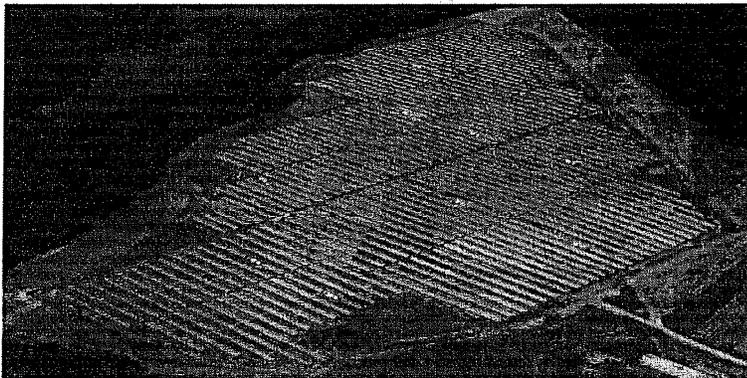
## Solar Farm Comparable 5

**Name** Two Lines Farm  
**Address** Zion Church Road  
**City** Hickory  
**County** Catawba

**Tract Acres** 100.56  
**Effective Acres** 100.56  
**Output (MW)** 6.4

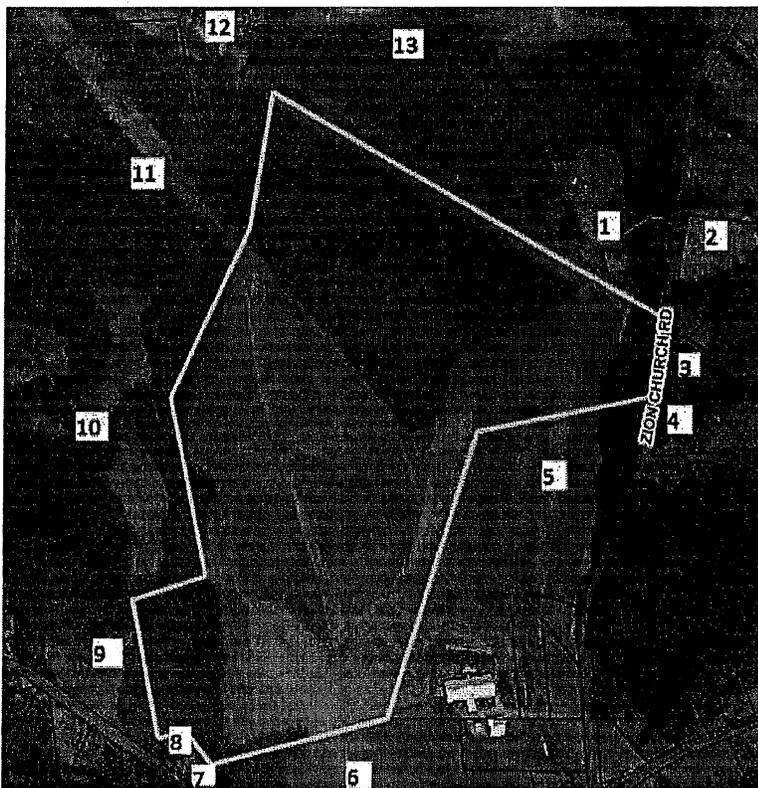
**Remarks:** Owner of solar farm also owns 87% of adjoining acreage and 46% of adjoining parcels. Two large powerline easements cross this property.

**Date Built** 2013  
**SUF Approved** 2012  
**Inspection Date** 6/4/2012



### Adjoining Use Breakdown

	Acreage	Parcels
Agricultural	86.64%	46.15%
Res/Ag	7.71%	7.69%
Residential	2.84%	38.46%
Substation	2.81%	7.69%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



**Addendum**

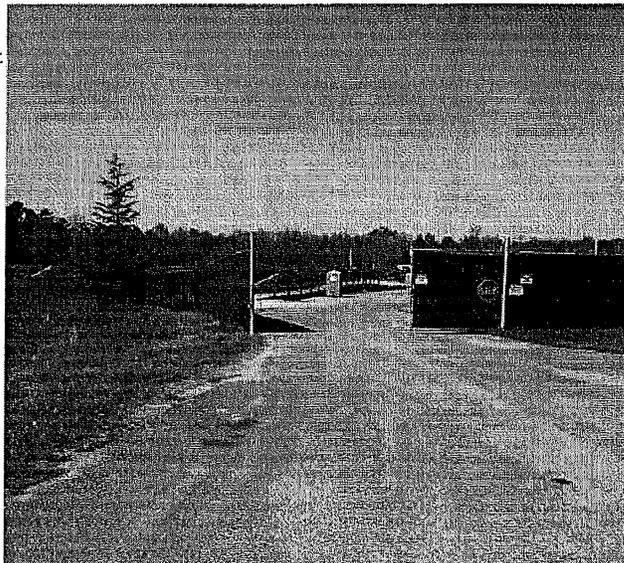
**Solar Farm Comparable 6**

**Name** Strata Warehouse Project  
**Address** 2835 Farrington Point Rd  
**City** Chapel Hill  
**County** Chatham

**Tract Acres** 14.154  
**Effective Acres** 14.154  
**Output (MW)** 1.57

**Remarks:** Warehouse for Strata Solar with solar panels installed in yard. Governor's Club within quarter mile.

**Date Built** 2012  
**SUP Approved** 2011  
**Inspection Date** 3/26/2012



**Adjoining Use Breakdown**

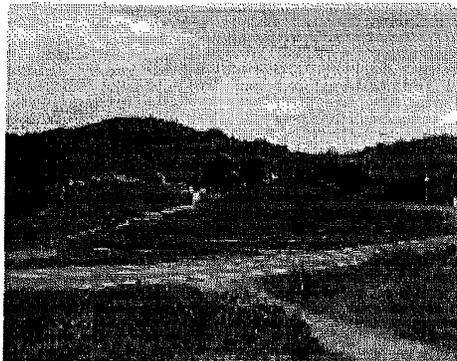
	<b>Acreage</b>	<b>Parcels</b>
Res/Ag	0.13%	14.29%
Residential	0.02%	71.43%
Park	99.85%	14.29%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



**Addendum**

**Solar Farm Comparable 7**

**Name** Avery Solar, LLC  
**Address** Trim Branch Road  
**Town** Newland  
**County** Avery



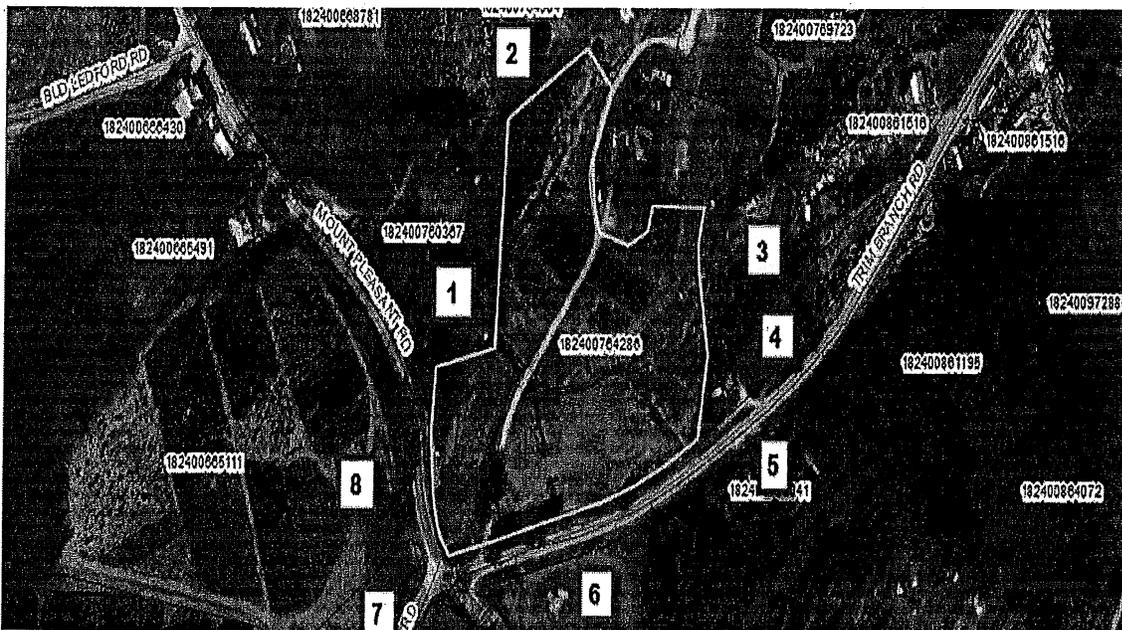
**Tract Acres** 6.08  
**Effective Acres** 6.08  
**Output (MW)** 0.9

**Remarks:** Located at the corner of Trim Branch Road and Mount Pleasant Road property was a part of a Christmas tree farm that was difficult to grow on

**Date Built** 2011  
**Deed Date** 5/12/2011

**Adjoining Use Breakdown**

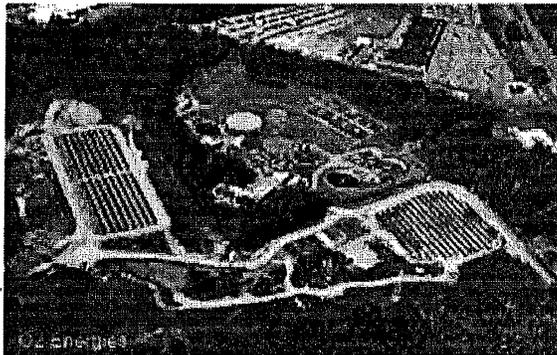
Agricultural	40.25%	37.50%
Res/Ag	47.05%	12.50%
Residential	12.70%	50.00%
Mobile Home	0.00%	0.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



**Addendum**

**Solar Farm Comparable 8**

**Name** Mayberry Solar LLC  
**Address** Wastewater Treatment Road  
**City** Mount Airy  
**County** Surry



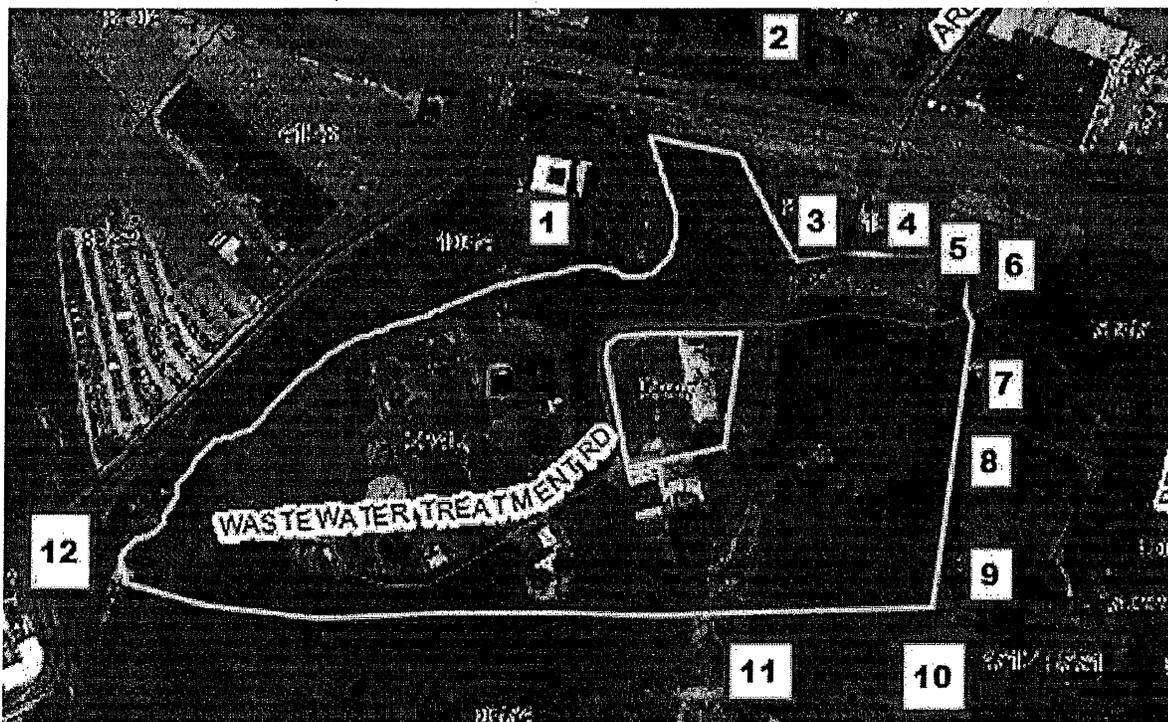
**Tract Acres** 48.24  
**Effective Acres** 6  
**Output (MW)** 1

**Remarks:** 2 separate parcels  
 The smaller parcel is inside of the bigger parcel and is covered completely covered by solar panels  
 The larger parcel contains solar panels, a waste water treatment plant, and vacant land

**Date Built** 2011

**Adjoining Use Breakdown**

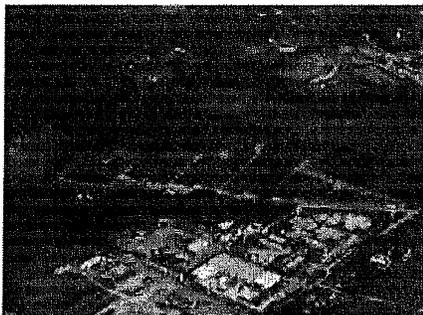
Agricultural	51.49%	8.33%
Religious	14.94%	8.33%
Residential	9.13%	33.33%
Industrial	20.29%	25.00%
Commercial	4.14%	25.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



**Addendum**

**Solar Farm Comparable 9**

**Name** Progress Solar I LLC  
**Address** 5814 NC 39 Hwy S  
**Town** Bunn  
**County** Franklin



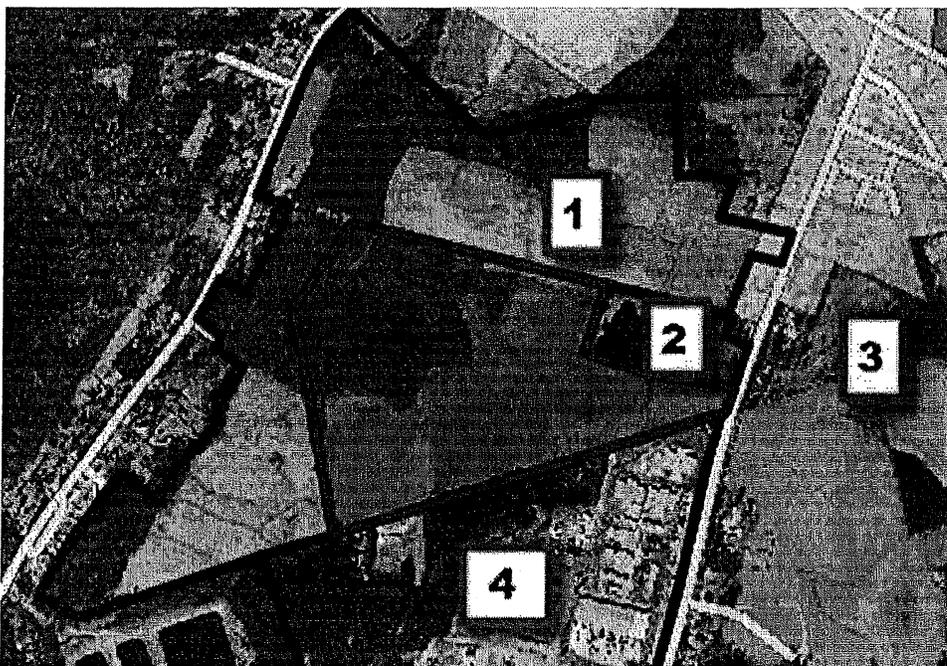
**Tract Acres** 46.59  
**Effective Acres** 46.59  
**Output (MW)** 4.5

**Remarks:** Owned by O2 Energies DBA Progress Solar I LLC

**Date Built** 2012  
**Deed Date** 6/5/2012  
**Inspection Date** 1/20/2013

**Adjoining Use Breakdown**

Agricultural	45.39%	50.00%
Res/Ag	4.42%	25.00%
Prison	50.19%	25.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



**Addendum**

**Solar Farm Comparable 10**

**Name** Progress Solar II LLC  
**Address** 5719 Old Stage Road  
**Town** Fairmont  
**County** Robeson



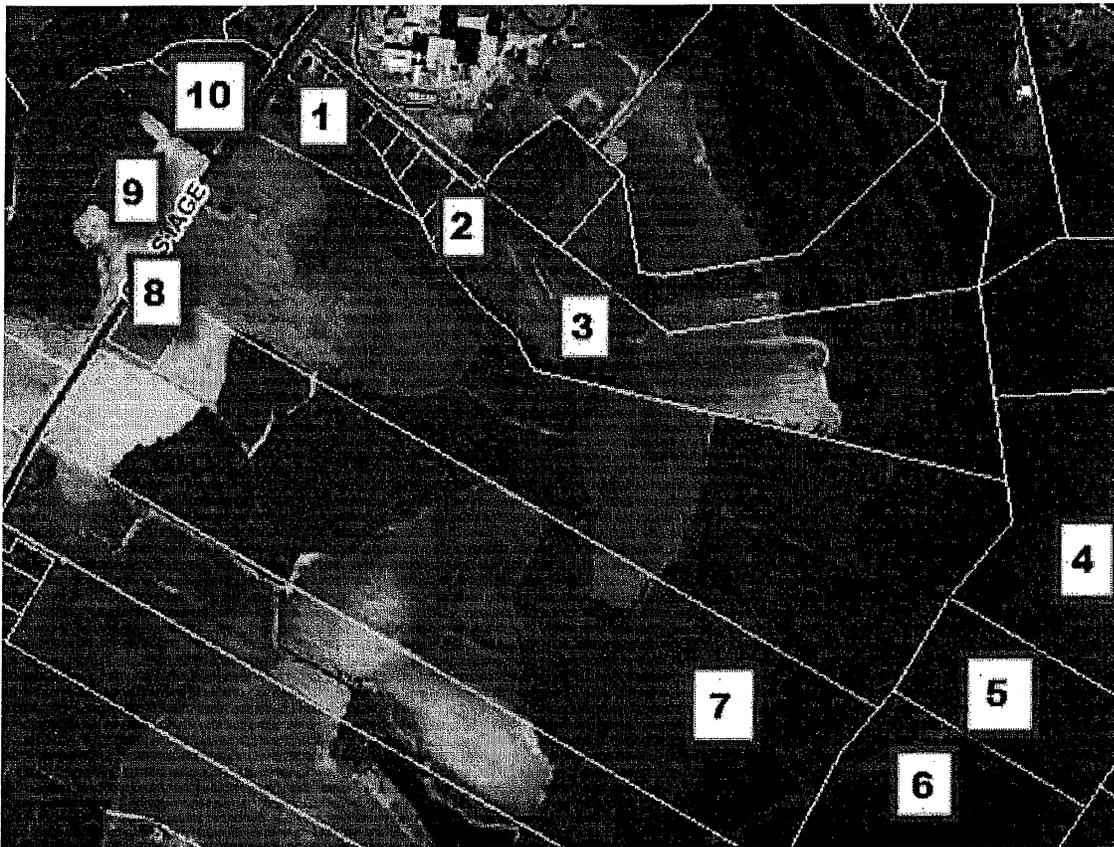
**Tract Acres** unknown, GIS unavailable  
**Effective Acres** 25  
**Output (MW)** 4.5

**Remarks:** located close by Fairmont High School

**Date Built** 2012

**Use Breakdown**

Agricultural	98.53%	80.00%
Residential	1.47%	20.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

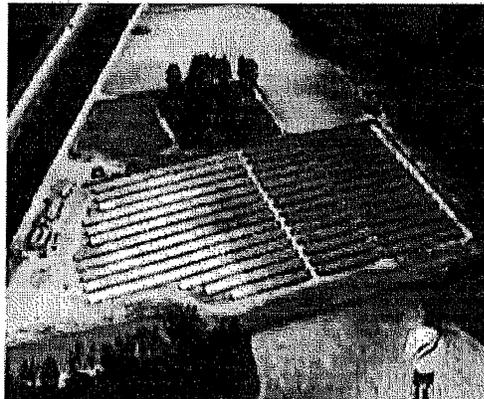


**Addendum**

**Solar Farm Comparable 11**

**Name** Sandy Cross Solar LLC  
**Address** 2999 Lewis Road  
**Town** Elm City  
**County** Nash

**Tract Acres** 21.66  
**Effective Acres** 11  
**Output (MW)** 1.5

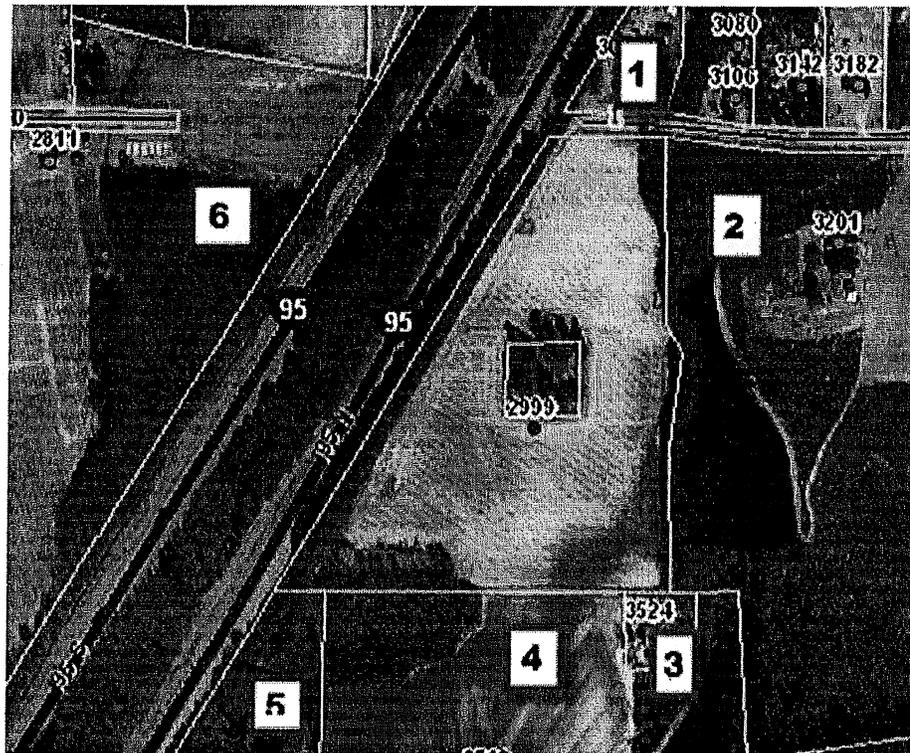


**Remarks:** Located on a farm that was split due to I-95 construction  
 On the other side of I-95 is Sandy Cross Vineyards  
 Cemetery lot is inside the solar parcel

**Date Built** 2012

**Adjoining Use Breakdown**

Res/Ag	99.58%	83.33%
Residential	0.42%	16.67%
Total	100.00%	100.00%



# Addendum

## Solar Farm Comparable 12

**Name** Zebulon Solar Farm  
**Address** 2129 Pearces Road  
**City** Zebulon  
**County** Wake

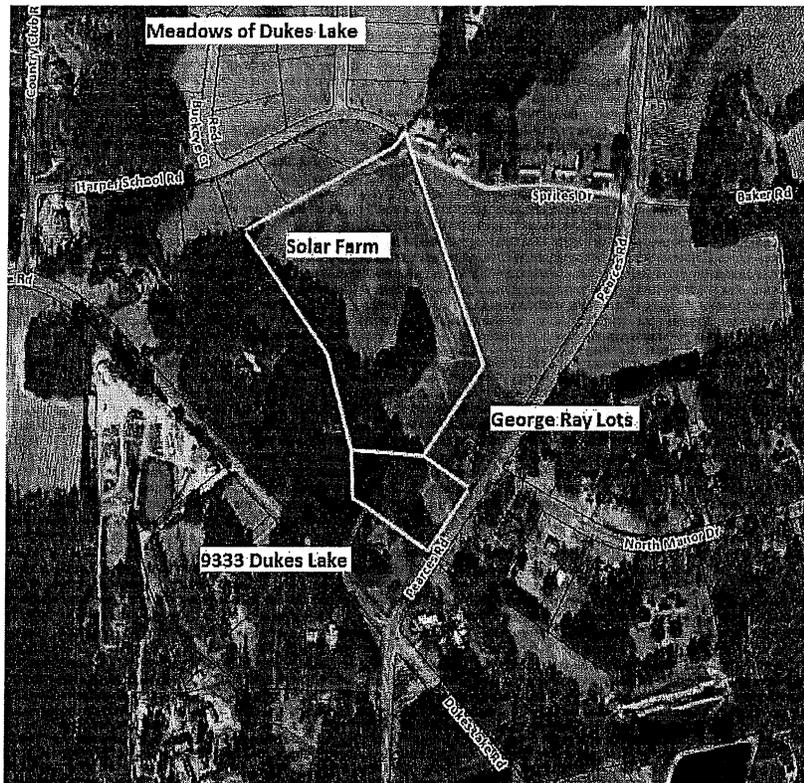
**Tract Acres** 15.5  
**Effective Acre** 15.5  
**Output (MW)**

**Remarks:** Owner plans to build homes on adjoining lots.

**Date Built** Proposed  
**SUP Approved**  
**Inspection Da** 1/20/2013

### Adjoining Use Breakdown

	Acreage	Parcels
Res/Ag	53.41%	10.00%
Residential	46.59%	90.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



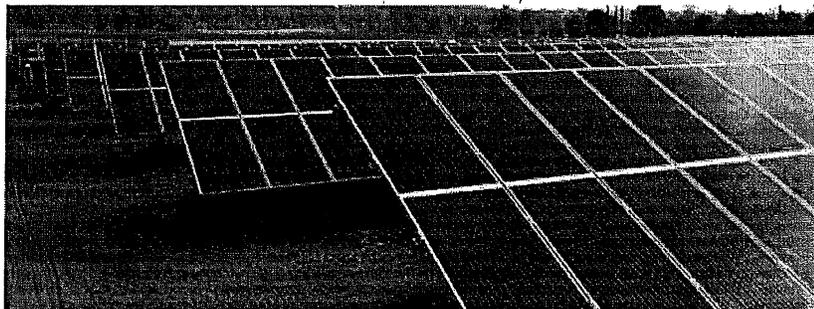
**Addendum**

**Solar Farm Comparable 13**

**Name** Bladenboro Farm  
**Address** Forrest Street  
**City** Bladenboro  
**County** Bladen

**Tract Acres** 245.56  
**Effective Acre** 30  
**Output (MW)** 6.35

**Remarks:** Owner also owns adjoining land



**Date Built** Proposed  
**SUP Approved**  
**Inspection Da** 2/4/2013

**Adjoining Use Breakdown**

	<b>Acreage</b>	<b>Parcels</b>
Res/Ag	22.44%	6.90%
Agriculture	59.06%	27.59%
Substation	0.30%	3.45%
Residential	18.20%	62.07%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

**Surrounding Use Map**



# Addendum

## Solar Farm Comparable 14

**Name** Dement Farm  
**Address** 5393 US 39  
**City** Henderson  
**County** Vance



**Tract Acres** 75  
**Effective Acres** 45.3  
**Output (MW)** 5

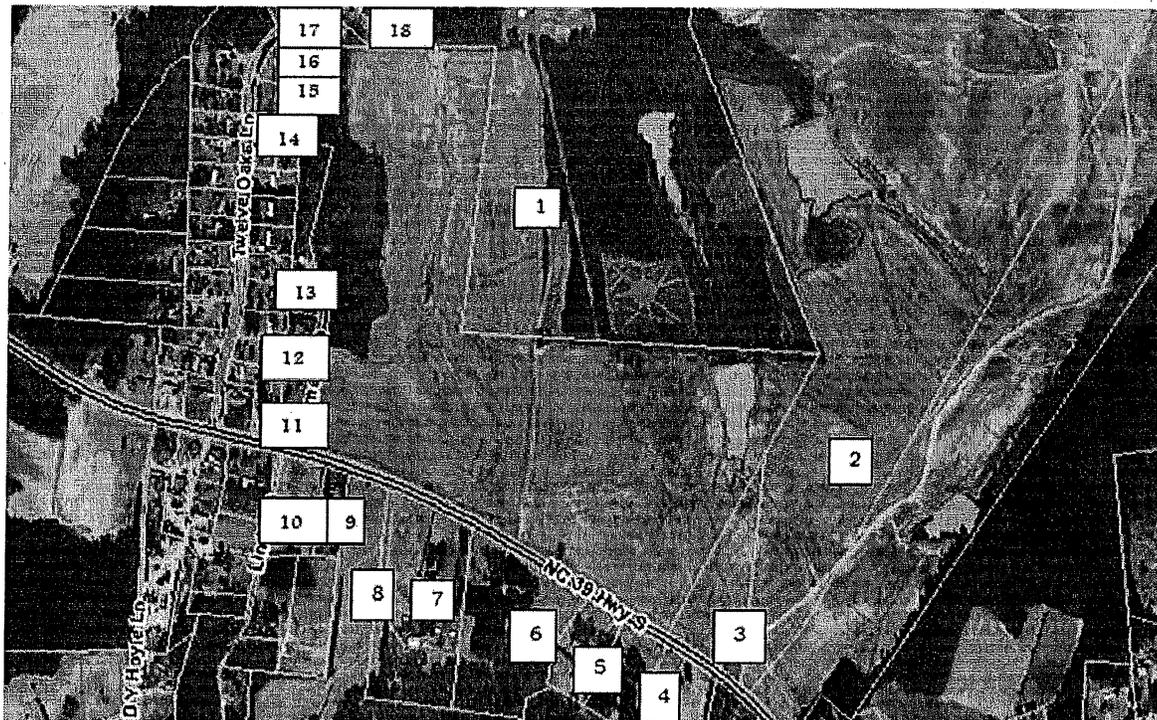
**Remarks:**

**Date Built** 2013  
**SUP Approved** 2013  
**Inspection Date** 2013

### Adjoining Use Breakdown

	Acreage	Parcels
Mobile home	2.03%	38.89%
Residential	31.45%	44.44%
Agriculture	39.96%	5.56%
Res/Ag	26.56%	11.11%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

### Surrounding Use Map



# Addendum

## Solar Farm Comparable 15

**Name** Vale Farm  
**Address** NC Highway 27  
**City** Vale  
**County** Lincoln

**Tract Acres** 48.999  
**Effective Acres** 48.999  
**Output (MW)** 5

**Remarks:** Owner of solar farm also owns two of the adjoining residential/agricultural tracts.



**Date Built**  
**SUP Approved** 2012  
**Inspection Date** 6/4/2012

### Adjoining Use Breakdown

	Acreage	Parcels
Agricultural	12.96%	20.00%
Res/Ag	85.83%	70.00%
Residential	1.21%	10.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

### Surrounding Use Map



**Addendum**

**Solar Farm Comparable 16**

**Name** Eastover Farm Solar  
**Address** Johns Road  
**Town** Laurinburg  
**County** Scotland

**Tract Acres** 27.84  
**GIS Data Acres** 189.77  
**Tax Data Land Units (Acres)** 181.29  
**Output** 6.4MW

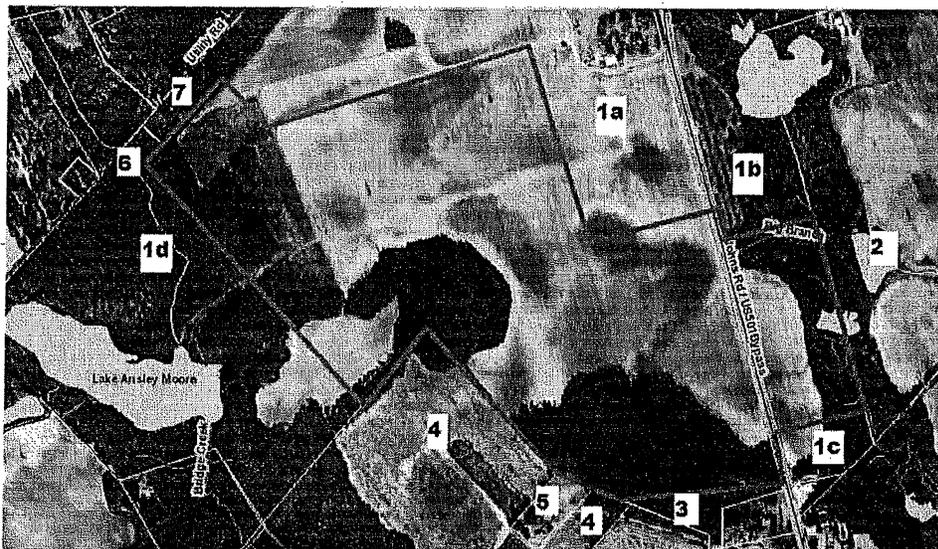
**Remarks:** Owned by Elizabeth Turner, Legal Description John W Jones Estate

**Date Built**  
**Deed Date** 2/18/2012  
**SUP Approved**  
**Inspection Date**

**Adjoining Use Breakdown**

	<b>Acreage</b>	<b>Parcels</b>
Agricultural	62.73%	57.14%
Res/Ag	37.27%	42.86%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

**Surrounding Use Map**



# Addendum

## Solar Farm Comparable 17

**Name** Wagstaff Farm  
**Address** 945 Woodscale Road  
**City** Roxboro  
**County** Person

**Tract Acres** 594.22  
**Effective Acres** ~30  
**Output** 5.5MW



**Remarks:**

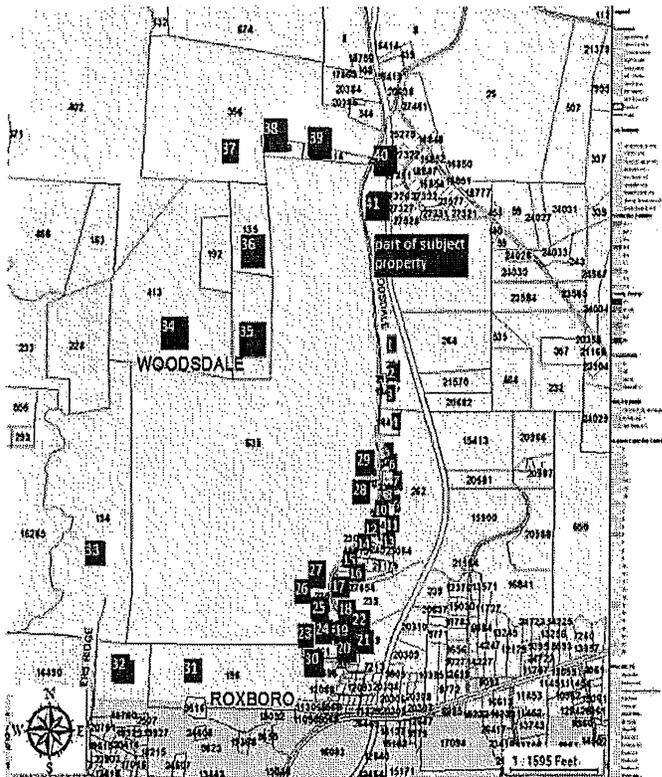
The farm is ~5% of a large 594.22 acre parcel.  
 It is surrounded on 3 sides by that parcel. The majority of surrounding use properties do not touch the actual solar farm area.

**Date Built** 2013  
**SUP Approved** 2013  
**Inspection Date** 2013

**Adjoining Use Breakdown**

	Acreage Parcels	
Agricultural	88.58%	30.00%
Residential	7.44%	65.00%
Res/Agri	3.51%	2.50%
Industrial	0.47%	2.50%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

**Surrounding Use Map**



# Addendum

## Solar Farm Comparable 18

**Name** Roxboro Farm  
**Address** 7891 Boston Road  
**City** Roxboro  
**County** Person

**Tract Acres** 478.71  
**Effective Acres** 34.83  
**Output** 6MW

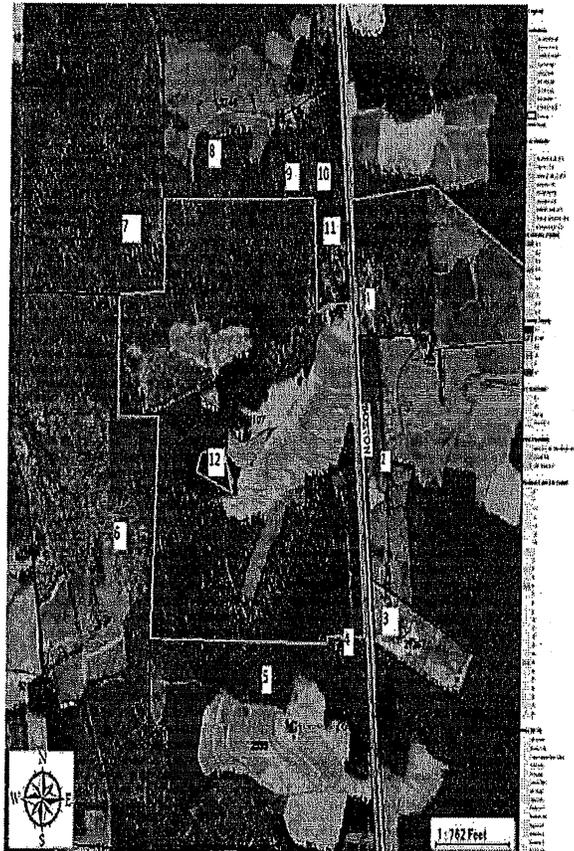
**Remarks:**

**Date Built** Proposed  
**SUP Approved** 2013  
**Inspection Date** 2013

**Use Breakdown**

Agricultural	92.55%	50.00%
Industrial	1.14%	8.33%
Residential	1.40%	33.33%
Res/Agri	4.91%	8.33%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>

**Surrounding Use Map**





Item C1  
Strata Solar-<sup>67</sup> SUP  
Feb 24, 2014 APK

**Michael Harvey**

**From:** Perdita Holtz  
**Sent:** Monday, February 24, 2014 2:36 PM  
**To:** Andrea Rohrbacher ; Buddy Hartley; Deputy Chief Pete Hallenbeck; Herman Staats; James Lea; Johnny Randall; Lisa Stuckey; Maxecine Mitchell; Paul Guthrie; Tony Blake  
**Cc:** Michael Harvey; Donna Baker; Tina Love; Craig Benedict  
**Subject:** Planning Board Information - Efland Home for Girls  
**Attachments:** Efland Home for Girls.pdf

Information on  
Efland Home for  
Girls  
provided by  
Chair Jacobs.

Dear Planning Board Members,

Please see the attached file that Chair Jacobs asked be forwarded to you. I believe this information is related to the Special Use Permit application on tonight's quarterly public hearing agenda.

See you tonight (at least the folks who are able to attend!).

Perdita

**From:** Donna Baker  
**Sent:** Monday, February 24, 2014 2:25 PM  
**To:** Tina Love; Perdita Holtz  
**Subject:** Please forward to Planning Board-

Tina/Perdita,

Chair Jacobs asked me to forward to planning board- could you please do that since you have their addresses and I will forward to BOCC -thanks!

Donna Baker  
Clerk to the Board  
P.O. Box 8181  
200 South Cameron St.  
Hillsborough, N.C. 27278  
Phone: (919) 245-2130  
Fax: (919) 644-0246  
Cell: (919) 428-3212  
[dbaker@orangecountync.gov](mailto:dbaker@orangecountync.gov)

### **Efland Home for Girls**

The North Carolina Federation of Negro Women (NCFNW) founded the North Carolina Industrial Home for Colored Girls, also known as the Efland Home for Girls, in 1921. These clubwomen were motivated by the state of North Carolina's gross neglect of delinquent African American girls. They were also motivated by the desire to save African American womanhood. One clubwoman wrote, "As mothers and sisters, we want to save the young colored girls who are going astray" (Brown, 1920). Efland Home served as that facility by which to save the delinquent African American girl.

Efland Home was a frame cottage with nine rooms and a fully equipped kitchen, located on 147 acres of land, in Efland, Orange County, North Carolina. This facility housed approximately 22 residents, ages six to sixteen years of age. The facility was governed by a Board of Trustees made up of seven to thirteen influential, predominantly African American, clubwomen representing various regions of the state. Efland Home was staffed by a superintendent, a matron, up to two teachers, and a farm supervisor. The board required that the superintendent be a trained social worker, which was a significant request because there were only thirteen professionally trained African American social workers in the state during this time (Crow, Escott, & Hatley, 1992).

There was a straightforward referral process. Candidates deemed 'problems in their communities', particularly those described as having 'immoral characteristics' were referred to the home by a number of sources, including the North Carolina Board of Charities and Public Welfare (the state child welfare agency), county juvenile court systems, Efland's Board of Trustees, and community members. The referral source submitted a written application to the board. If the applicant was deemed suitable by the board, the child welfare agency petitioned the county juvenile courts for commitment orders to Efland Home. The applicant was then admitted to Efland Home as a parolee of the juvenile court system. Residents of Efland Home were referred to as inmates (North Carolina Board of Public Welfare-Institutions and Corrections, 1920-1939).

### **The plight of delinquent African American girls**

Efland Home was a necessary facility in the state. Between 1919 and 1939, North Carolina's juvenile courts handled approximately 192 cases annually involving African American girls. Efland Home was the only facility for delinquent African American girls in the state of North Carolina. It was privately run and funded, receiving a meager stipend from the state. Although at the inception of the home the state adequately funded facilities for delinquent boys of both races, and for white girls, it did not fund a facility for African American girls until 1943. Efland Home provided a second chance for African American girls to lead a productive and meaningful life.

From the initial conception of providing a formal system of care for delinquent African American girls, these clubwomen received contributions from the African American community and from whites. This aid included assistance with legislative efforts, economic provisions, and guidance with addressing public health needs. Contributors seemed to be cognizant of the predicament of African American girls, and to appreciate the reform efforts of African American clubwomen.

Although there was approval from the African American community and progressive whites towards the perilous condition of delinquent African American girls, there is evidence of efforts to destabilize progress from that same group of supporters. There were activities designed to damage legislative efforts, economic backing, and public health strategies. These undermining efforts spoke volumes of the prevailing negative attitudes towards delinquent African American girls and the clubwomen who provided services to them.

Item C1  
Strata Solar - SUP<sup>70</sup>  
Feb 24 2014 QPH

**Michael Harvey**

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**From:** Louis Iannone <liannone@stratasolar.com>  
**Sent:** Monday, February 24, 2014 11:23 AM  
**To:** wisemom4444@yahoo.com; Michael Harvey; Louis Iannone  
**Subject:** Strata Solar Project

Email Correspondence  
From adjacent  
property owner

Ms. Wise:

My name is Louis Iannone and I work with Strata Solar. Our company is based in Chapel Hill. Michael Harvey in the Orange County Planning Department forwarded an e-mail with a number of questions from you to me late Friday afternoon. We would like to meet with you to discuss your concerns. Do you have some time that I might meet with you this week? I'm happy to come by your house, walk the site with you and share more detailed information about our proposal.

Thank-you

Louis Iannone  
Site Acquisition and Entitlement  
919-960-6015 ext. 305  
919-669-0693 cell

## Michael Harvey

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**From:** Michael Harvey  
**Sent:** Friday, February 21, 2014 4:42 PM  
**To:** Louis Iannone (liannone@stratasolar.com)  
**Cc:** 'Virginia Wise'  
**Subject:** Questions concerning solar facility

Mr. Iannone: the following was received today from an adjacent property owner expressing concern over the project with specific questions I believe you can answer (she is copied on the e-mail). Thanks.

Does the solar panels emit a magnetic field? And if so at what level mG should we expect at the perimeter fence line?

We are concerned over the long term effects of seemingly low grade magnetic fields on healthy humans, because we have not found in this short preparatory time we were given, any long term studies that have been performed. In fact what we did find is that there has not or were not as of 2010 any long term studies done to set a guideline of safe levels, as per International Commission on Non-Ionizing Radiation Protection (ICNIRP, 2010).

Would you please let us know what studies you know that have been performed and where we can find this information? We are also quite concerned of the immediate effects on electrical devices as in a cardiac pacemaker/ defibrillator. We are in serious fear of the possibility of interference with the device implanted in my heart. I am also concerned about my ability to walk freely and enjoy my property without risk to a malfunctioning or shock.

Who will be responsible for the ongoing management of the solar array and are they local to the area?

Will there be a radio transmitter installed anywhere on the proposed lots?

Can you guarantee that there will not be interference in the electrical devices, like cell phone or television service.

How will Strata Solar ensure that our ground water quality will not be affected by this proposed plan? What safeguards are in place to make for certain the sarcophagus housing the batteries will not leak over time?

The ground around our home becomes saturated quite easily. We fear that when the trees are cleared this will become much more of an issue. What type of ground water drainage plan is in place?

Can you speak to the likelihood of particulate matter which we have learned can be significant pollutant? How much of this if any could be expected?

Will Strata Solar be responsible for the upkeep and maintenance of the buffer zone area?

Are you planning to make improvements to Redman Crossing Road to handle the amount of traffic from the work flow?

At best what type of time frame are you planning on for completion? And what would be your worst case scenario?

Will Strata Solar employees themselves handle all of the work to be completed or will the work be subcontracted out? And what type of safeguards does Strata Solar employ with respect to their hiring of employees and management of subcontractors?

We purchased our home and property because of the privacy and tranquility it provided. We all know that a "view" also affects the pricing of properties either increasing the value or decreasing it. We cannot understand how our property value would not decline when as of present there are mature trees that add privacy, beauty, and help reduce interstate traffic noise that would then be gone. The view would no longer be natural we would see a tree lined buffered area with an 8 foot chainlink security fence with 3 barb wire a top. Beyond that point we will see solar panels at their top height of 9ft. This type of view would seem to us to negatively affect the value of our property. We are concerned at the possibility of the mature trees being "topped off" at a height of 15ft. This would indeed completely change the look and feel of the area. We are just as concerned about the option to clear the entire lot of trees and then replant. If the requirement of the county for replanting is for a mature tree at least 1in thick, standing even at 6-7 feet tall, solar panels could easily top them by 3ft. Aesthetics do play a major role in the value of a property. Wildlife would also be displaced by this construction.

Can you explain the following scenario with respect to property value? Suppose that during the time of the construction of this solar array we decide to put our home and property on the market and are unsuccessful at finding a buyer at the current market value? Does Strata guarantee that property values will not decrease due to this proposed plan and in fact may increase, because of it? What happens if we never find a buyer for our property because of the changes that have been brought about by this plan? And if so, for how long is this value guaranteed? Can it be that the tax value does not drop but the real market value actually does? Please explain. We just purchased our home three months ago, in late November 2013 and one of our major deciding factors was the element of privacy and serenity. Throughout the duration of this process, this will be lost. We do realize the many positive aspects of solar power on our global community, however we feel that the solar array would be better placed in a naturally open area where there are not residential homes. We may be only one family, but we are here. And we would rather not live next to a solar farm. Perhaps you can offer other options that might be feasible for your company that would mutually benefit us.

Michael D. Harvey AICP, CFO, CZO  
Current Planning Supervisor – Planner III  
Orange County Planning Department  
131 West Margaret Lane  
PO Box 8181  
(919) 245-2597 (phone)  
(919) 644-3002 (fax)

## Michael Harvey

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**From:** Michael Harvey  
**Sent:** Friday, February 21, 2014 4:43 PM  
**To:** 'Virginia Wise'  
**Subject:** RE: Solar Array on Redman Crossing Road Mebane, NC

I can respond to some of your comments as follows:

1. Letter: a certified letter was mailed to you on February 7, 2014. We have the stamped certified mail receipt to prove it. It was send to Mary Grant at 201 Redman Crossing, which is the property owner information on file with the County. Sorry you did not get it but it was mailed as required by our regulations.
2. Sign: a sign was posted on Wednesday February 12. Unfortunately it was damaged by the snow. We reposted the property.
3. I have forwarded a copy of the remaining questions, which I am happy to do, to a Strata Solar employee so they can be addressed (I have copied you on the e-mail). I will follow up with any response

Michael D. Harvey AICP, CFO, CZO  
 Current Planning Supervisor – Planner III  
 Orange County Planning Department  
 131 West Margaret Lane  
 PO Box 8181  
 (919) 245-2597 (phone)  
 (919) 644-3002 (fax)

**From:** Virginia Wise [mailto:wisemom4444@yahoo.com]  
**Sent:** Friday, February 21, 2014 4:05 PM  
**To:** Michael Harvey  
**Subject:** Solar Array on Redman Crossing Road Mebane, NC

Strata Solar  
 c/o Michael Harvey, AICP, CZO  
 Orange County Planning & Inspections Dept.  
 131 W. Margaret Lane #201  
 Hillsborough, NC 27278  
 919-245-2597

I am the owner of the property that adjoins the proposed site for the solar array on Redman Crossing Road, Mebane, NC.

My family and I have several concerns that we'd like to have noted and addressed at the public hearing.

First we'd like to notify you that we did not receive the written notice that should have been mailed out to any/all adjacent property owners by February 7, 2014 with information that a public hearing would be held. We have double checked the address that the county has for us and it is correct. The county website also stated that the parcel of land was to be posted with the public hearing sign by February 14, 2014 and this was not done until February 19, 2014 allowing us just 5 days notice until the hearing. The delay in notification is a major concern to us, being that these are guidelines set up by Orange County. If this project is in the preliminary planning stages and already we have not been

notified of such important information we fear we may not be kept abreast of things that may arise later.

Does the solar panels emit a magnetic field? And if so at what level mG should we expect at the perimeter fence line?

We are concerned over the long term effects of seemingly low grade magnetic fields on healthy humans, because we have not found in this short preparatory time we were given, any long term studies that have been performed. In fact what we did find is that there has not or were not as of 2010 any long term studies done to set a guideline of safe levels, as per International Commission on Non-Ionizing Radiation Protection (ICNIRP, 2010. Would you please let us know what studies you know that have been performed and where we can find this information? We are also quite concerned of the immediate effects on electrical devices as in a cardiac pacemaker/ defibrillator. We are in serious fear of the possibility of interference with the device implanted in my heart. I am also concerned about my ability to walk freely and enjoy my property without risk to a malfunctioning or shock.

Who will be responsible for the ongoing management of the solar array and are they local to the area?

Will there be a radio transmitter installed anywhere on the proposed lots?

Can you guarantee that there will not be interference in the electrical devices, like cell phone or television service.

How will Strata Solar ensure that our ground water quality will not be affected by this proposed plan?

What safeguards are in place to make for certain the sarcophagus housing the batteries will not leak over time?

The ground around our home becomes saturated quite easily. We fear that when the trees are cleared this will become much more of an issue. What type of ground water drainage plan is in place?

Can you speak to the likelihood of particulate matter which we have learned can be significant pollutant? How much of this if any could be expected?

Will Strata Solar be responsible for the upkeep and maintenance of the buffer zone area?

Are you planning to make improvements to Redman Crossing Road to handle the amount of traffic from the work flow?

At best what type of time frame are you planning on for completion? And what would be your worst case scenario?

Will Strata Solar employees themselves handle all of the work to be completed or will the work be subcontracted out? And what type of safeguards does Strata Solar employ with respect to their hiring of employees and management of subcontractors?

We purchased our home and property because of the privacy and tranquility it provided. We all know that a "view" also affects the pricing of properties either increasing the value or decreasing it. We cannot understand how our property value would not decline when as of present there are mature trees that add privacy, beauty, and help reduce interstate traffic noise that would then be gone. The view would no longer be natural we would see a tree lined buffered area with an 8 foot chainlink security fence with 3 barb wire a top. Beyond that point we will see solar panels at their top height of 9ft. This type of view would seem to us to negatively affect the value of our property. We are concerned at the possibility of the mature trees being "topped off" at a height of 15ft. This would indeed completely change the look and feel of the area. We are just as concerned about the option to clear the entire lot of trees and then replant. If the requirement of the county for replanting is for a mature tree at least 1in thick, standing even at 6-7 feet tall, solar panels could easily top them by 3ft. Aesthetics do play a major role in the value of a property. Wildlife would also be displaced by this construction.

Can you explain the following scenario with respect to property value? Suppose that during the time of the construction of this solar array we decide to put our home and property on the market and are unsuccessful at finding a buyer at the current market value? Does Strata guarantee that property values will not decrease due to this proposed plan and in fact may increase, because of it? What happens if we never find a buyer for our property because of the changes that have been brought

about by this plan? And if so, for how long is this value guaranteed? Can it be that the tax value does not drop but the real market value actually does? Please explain. We just purchased our home three months ago, in late November 2013 and one of our major deciding factors was the element of privacy and serenity. Throughout the duration of this process, this will be lost. We do realize the many positive aspects of solar power on our global community, however we feel that the solar array would be better placed in a naturally open area where there are not residential homes. We may be only one family, but we are here. And we would rather not live next to a solar farm. Perhaps you can offer other options that might be feasible for your company that would mutually benefit us.

Sincerely,  
Mary Grant and Family  
201 Redman Crossing Road  
Mebane, NC 27302  
email: [wisemom4444@yahoo.com](mailto:wisemom4444@yahoo.com)

Item C1 76  
Strata Solar SUP  
Feb 24 2014 QPH  
Letter from  
adjacent property  
owner.

Redman Rhino, LLC  
200 Redman Crossing  
Mebane, NC - 27302

Mr. Michael Harvey  
Orange County Planning and Inspections Dept.  
131 West Margaret Lane  
Hillsborough, NC - 27278

February 24, 2014

Subject: Review of Special Use permit by Strata Solar/Stout Farm LLC

Dear Michael,

Thank you for the information and the opportunity to respond to the above special use request. For the record I am writing you as the managing member of Redman Rhino, LLC whose two properties both adjoin the applicant's site along it's western edge. As it currently stands our property begins the Buckhorn Economic Development District which extends westward toward Buckhorn Road. I believe at this time we are the only major business in operation in the Buckhorn EDD. Our response to this request is the following:

- 1) We are very much supportive of this special use permit. As you know in 2009 we inquired of the feasibility of us installing a solar array on our property with the primary goal of becoming one of the only carbon neutral woodworking plants in the country. Due to the slow recovery of the recent economy we have had to put those plans on hold. We are hopeful that the current solar farm plan might aid as a springboard for us to move forward with our goal. We believe that the location for such a use adjacent to the major transportation corridor through the state, to a Duke Power substation, and to the Buckhorn EDD is simply perfect. This supports the county goals of both developing the Buckhorn EDD, while at the same time increasing the county's renewable energy resources.
- 2) We have some minor issues that we believe can be addressed during the preparation of the final site plans. They are as follows:
  - a) We would like to see special attention paid to the site plan that deals with the proposed parking and staging area due to the potential impact on our facility. There is currently a drain pipe that runs under the Duke Power right of way and flows from the applicant's property into the lowest elevation on our front parcel. During periods of heavy rain water from this area already gets very close to running into the plant. While we understand that gravel is not considered for the most part to be an impervious surface, the combination of gravel, cars, equipment and building

materials, from what is now basically a forest, could easily contribute to an already tenuous position. We would like the opportunity to have input into the final plan for this reason.

- b) Despite being surrounded by an interstate, a power station, a factory, an industrial property, and now potentially a solar farm, our back property is currently zoned residential. Rather than request an additional buffer be provided on the applicant's site plan, the only reason for which would be to ensure the property remains suitable for residential use, which in our opinion it already is not, we would propose that this back parcel be rezoned to industrial thereby conforming to and being part of the Buckhorn EDD. We believe that is the best long term use for this property and conforms to the land use plan for this area.
- c) There is a requirement that the applicant leave a fifty foot buffer for future possible development as one of the primary access roads into the Buckhorn EDD. Our understanding is that due to the fact that the railroad's right of way encompasses all of the current Redman Road, that its usage as a primary access road for the Buckhorn EDD may not be tenable in the long term. In addition, there is currently a right of way granted to Duke Power, which is a gravel road immediately adjacent and parallel to the proposed buffer mentioned above. While the planning of the long term access to the Buckhorn EDD is not the purpose of this hearing, we would like to point out that in the interim, that this area holds a line of hardwoods that apparently was the only portion on the applicant's property that was not harvested for timber some fifteen or so years ago. We would like to see these hardwoods remain if at all economically feasible.

Having acknowledged that this hearing is not about the Buckhorn EDD, I believe this use permit and its location has in fact a direct bearing on the future of the Buckhorn EDD. Please allow me to take a minute and comment that as a general note we would heartily recommend to the Board that steps be taken in the very near future to act on the planning department's recommendations with respect to establishing a permanent access road through the Buckhorn EDD. This along with the planned water and sewer improvements will go a long way toward establishing a permanent development consistent with the goals first set out for the Buckhorn EDD. This would ensure job growth for this area, and at the same time add a significant revenue stream to the county. We would also ask that the economic burden of building the infrastructure not be placed on the shoulders of those landholders who have themselves nothing more to gain economically from the Buckhorn EDD, but rather would be borne by a partnership of the county and the future developers who will in turn reap the benefits of the county's investment in the future. In any event if it is decided that the access road needed is one that runs parallel to the

existing Duke Power easement on our property, we would be in favor of creating just one access road for all users and would certainly be amenable to develop a plan with the county whereby the county could use our land to do so.

Finally I wish to point out that we have in fact discussed all of the above issues with Strata Solar. We have found them to be both very sympathetic and very responsive to our concerns and as such have every reason to believe at this time that we will together with the planning department, easily be able to reach an agreement where all of our concerns are taken into consideration. I say this with full knowledge that it is not often one hears the word "easily" and the Orange County Planning and Inspections Department used in the same sentence, but such is the case here, well so far at least.

Thank you for the opportunity to comment on this project. Please be advised that it is the recommendation of Redman Rhino, LLC that the special use permit for the development of the Stout Solar Farm be approved for final site plan preparation and subsequent construction.

Yours truly,

A handwritten signature in black ink, appearing to read 'Chip Cappelletti', written in a cursive style.

Chip Cappelletti  
Managing Member  
Redman Rhino, LLC

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: March 5, 2014

**Action Agenda  
Item No. 8**

**SUBJECT:** Zoning Atlas Amendment – Easterlin Rezoning of 5908 US 70 East in Eno Township

**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING:** (Y/N)

No

**ATTACHMENTS:**

1. Vicinity Map
2. Ordinance Approving Rezoning Petition
3. Statement of Consistency with Comprehensive Plan

**INFORMATION CONTACT:**

Michael D. Harvey, Planner III (919) 245-2597  
Craig Benedict, Director (919) 245-2592

**PURPOSE:** To make a recommendation to the BOCC on an owner-initiated general rezoning petition in accordance with the provisions of the Unified Development Ordinance (UDO).

**BACKGROUND:** This item was presented at the February 24, 2014 Quarterly Public Hearing where staff indicated the property owners, Mr. and Ms. Donna and Donald Easterlin, have applied to rezone an approximately 12 acre parcel of property located at 5908 US 70 East in Eno Township:

**FROM:** Economic Development Eno Low Intensity (EDE-1); Economic Development Eno High Intensity (EDE-2); and Lower Eno Protected Watershed Protection Overlay.

**TO:** Economic Development Eno High Intensity (EDE-2) and Lower Eno Protected Watershed Protection Overlay.

Approximately 8.6 acres of the property is currently zoned EDE-2 with the remaining acreage (approximately 3.4 acres) zoned EDE-1.

Public Hearing: As indicated during the hearing, the purpose of the amendment is to extend the EDE-2 zoning designation over the entire property.

The property is currently utilized to support a Class II Kennel operation and a telecommunications tower. Kennels are a permitted use of property, subject to the issuance of a Class B Special Use Permit, in the EDE-2 zoning district and are prohibited within the EDE-1 zoning district. The applicants are requesting the rezoning to eliminate the existing split zoning and ensure the kennel operation is entirely contained within the EDE-2 general use zoning designation.

There were no comments or questions posed during the hearing. Agenda materials from the February 24, 2014 Quarterly Public Hearing can be viewed at: <http://orangecountync.gov/occlerks/140224.pdf>

Planning Director's Recommendation: The Planning Director recommends approval of the request finding that:

1. The application is complete in accordance with the requirements of Section 2.8 of the UDO.
2. The property is of sufficient size to be rezoned to EDE-2.
3. The rezoning is consistent with the Orange County 2030 Comprehensive Plan Future Land Use Map, the Growth Management System, and the adopted Eno Economic Development District Area Small Area Plan.

Attachment 2 contains the proposed Ordinance approving the rezoning. Attachment 3 contains a statement detailing the requests consistency with the Comprehensive Plan.

Procedural Information: In accordance with Section 2.8.8 of the UDO, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. The Planning Board may consider additional oral evidence only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

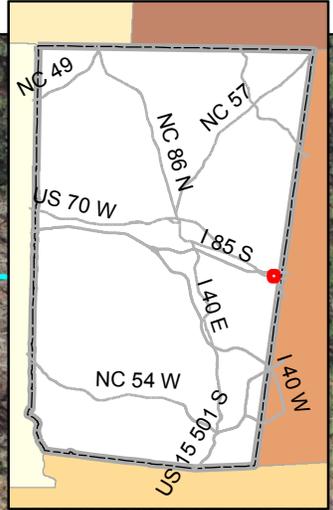
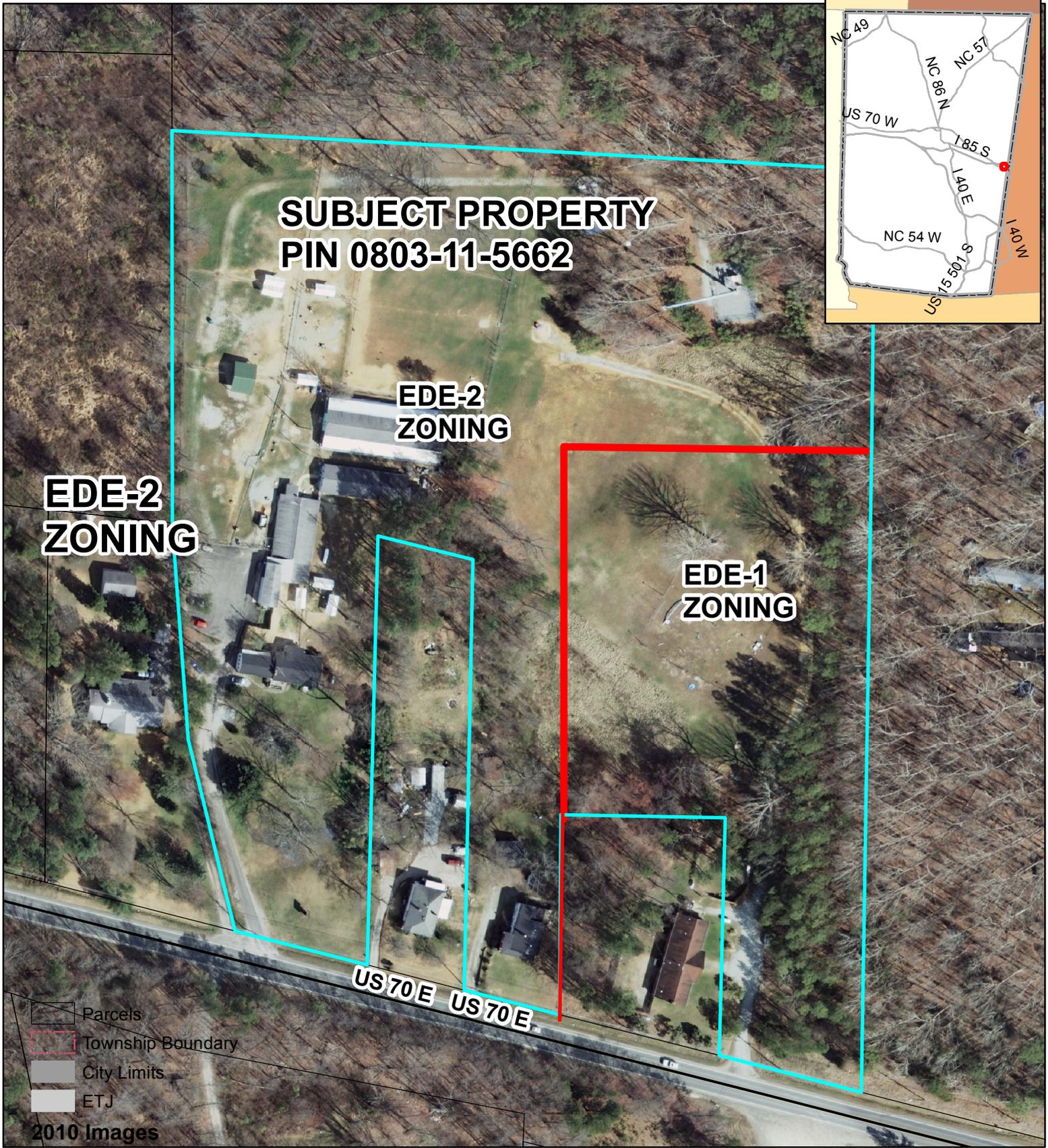
**FINANCIAL IMPACT:** This rezoning request has been reviewed by County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

**RECOMMENDATION:** The Planning Director recommends the Board:

1. Deliberate on the petition,
2. Consider the Planning Director's recommendation to proceed with Attachment 2 and Attachment 3, and
3. Make a recommendation to the BOCC on the proposed zoning atlas amendment in time for the **April 15, 2014** BOCC meeting.

# VICINITY MAP - EASTERLIN REZONING REQUEST

Attachment 1



### RGB

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



1 inch = 130 feet

0

Orange County Planning and Inspections Department  
01/10/2014

Ordinance #: \_\_\_\_\_

**AN ORDINANCE AMENDING  
THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition, submitted by Mr. and Mrs. Donald and Donna Easterlin, seeks to rezone an approximately 12 acre property located at 5908 U.S. 70 Business, and

WHEREAS, the property to be rezoned is identified further as follows:

*Beginning at an iron stake in the northern right-of-way line of U.S. 70, which point is located N 72°54'09" W 1478.10' of the centerline intersection of U.S. 70 and N.C. 751; then N 04°21'41"E 637.53' to an iron stake; then N.85°38'19" W 304.2' to a point; then S 04°37'23" W 771.68' to an iron stake in the northern right-of-way line of U.S. 70; then S. 73°32'48"E 313.77' to the point of beginning.*

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

- a. The Future Land Use Map.
- b. Principle 7: Promotion of Economic Prosperity and Diversity.
- c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
- d. Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
- e. Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and

creating new mixed-use zoning districts where adequate public services are available.

and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the property as described herein to **Economic Development Eno High Intensity (EDE-2)**.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on \_\_\_\_\_, 2014 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

SEAL

\_\_\_\_\_  
Clerk to the Board of Commissioners

## Attachment 3

**RESOLUTION CONCERNING  
STATEMENT OF CONSISTENCY  
OF A PROPOSED ZONING ATLAS AMENDMENT  
WITH THE ADOPTED  
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Mr. and Mrs. Donald and Donna Easterlin, Orange County property owners, have initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the rezoning petition seeks to rezone an approximately 12 acre property located at 5908 U.S. 70 Business, further described as follows:

*Beginning at an iron stake in the northern right-of-way line of U.S.70, which point is located N 72°54'09" W 1478.10' of the centerline intersection of U.S. 70 and N.C. 751; then N 04°21'41"E 637.53' to an iron stake; then N.85°38'19" W 304.2' to a point; then S 04°37'23" W 771.68'to an iron stake in the northern right-of-way line of U.S. 70; then S. 73°32'48'E 313.77' to the point of beginning.*

and,

WHEREAS, pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan, as amended, or part thereof including but not limited to, the following:

- a. The Future Land Use Map.
- b. Principle 7: Promotion of Economic Prosperity and Diversity.
- c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
- d. Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
- e. Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

and,

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonable and in the public interest as it promotes public health, safety, and general welfare by furthering the goals and purposes of the 2030 Comprehensive Plan or part thereof,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be consistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on \_\_\_\_\_, 2014 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

SEAL

\_\_\_\_\_  
Clerk to the Board of Commissioners



**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** March 5, 2014

**Action Agenda  
Item No. 9**

**SUBJECT:** Unified Development Ordinance Text Amendment Related to Setbacks for Class II Kennels Developed in the EDE-2 General Use Zoning District

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**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING:** (Y/N)

No

**ATTACHMENTS:**

1. Map of Kennel Operation
2. Applicant Proposed Text Amendment
3. Staff Recommended Language
4. Copy of E-mail from Donna Easterlin Provided at the February 24, 2014 Quarterly Public Hearing
5. Copy of E-mail(s) sent to County Commissioners Relating to Easterlin Request

**INFORMATION CONTACT:**

Michael D. Harvey, Planner III (919) 245-2597  
Craig Benedict, Director (919) 245-2592

**PURPOSE:** To make a recommendation to the BOCC on an application proposing a text amendment to the Unified Development Ordinance (UDO) related to the required setbacks for Class II Kennels developed within the Economic Development Eno High Intensity (EDE-2) general use zoning district.

**BACKGROUND:** This item was presented at the February 24, 2014 Quarterly Public Hearing where staff indicated that property owners in the Eno Economic Development District, Mr. and Ms. Donna and Donald Easterlin, have been working with staff since approximately 2006 to address expansion(s) to an existing kennel operation located at 5908 US Highway 70 East in the Eno Township.

The kennel is operating under a previously issued Class B Special Use Permit (hereafter 'SUP') and is required to observe a 150 foot setback from all property lines. The Easterlin's indicated they are unable to comply and are seeking to reduce the required setback to 25 feet, the typical minimum required setback for the EDE-2 zoning district, by amending the text of the UDO in order to allow the existing operation to remain.

If approved, the text amendment will only impact Class II Kennels developed within the EDE-2 zoning district. It will not be applied in other general use zoning districts where such facilities are allowed.

During the public hearing the following comments and questions were asked:

1. A BOCC member asked if the applicant could apply for a variance.

*STAFF COMMENT:* Staff and the Easterlin's attorney, Mr. Michael Brough of the Brough law firm, indicated it was their professional opinion applying for a variance was not a viable option as there would be difficulty for the applicant to prove this was not a self-induced hardship or that somehow they were experiencing a unique hardship from other kennel operations throughout the County.

These are some of the required findings allowing for the issuance of a variance as outlined within Section 2.10 of the UDO.

2. A BOCC member expressed concern over different accounts from staff and the applicant over when there was disclosure of the 150 foot setback requirement.

*STAFF COMMENT:* Staff stands by its statement(s) indicating the Easterlin's were aware of the 150 foot required setback for kennel operations as currently detailed in Section 5.6.5 (A) (2) of the UDO and has verified this account with both their surveyor, Mr. Steve Yuhasz, and their former attorney Mr. Michael Parker.

From staff's standpoint the issue is moot. The Easterlin's have been investigating methods and opportunities for addressing compliance issues with the kennel with Planning staff for some time and have finally determined, based on their current attorney's advice, this is the most viable course of action available to them.

3. A BOCC member asked how many acres of the Eno Township are currently zoned EDE-2 and how much of that is already developed.

*STAFF COMMENT:* There are approximately 430 acres of property zoned EDE-2 with approximately 180 acres 'developed' including underdeveloped acreage and required yard (i.e. setback) areas.

4. A BOCC member asked if it was possible to amend the terms of the existing SUP to reduce the setback.

*STAFF COMMENT:* It is possible to amend the terms of the existing SUP but the ordinance amendment would have to be approved first. Otherwise the 150 foot setback will still have to be observed.

SUPs cannot change or modify established development standards required by the UDO unless there is specific language, within the standards section, allowing the reviewing body (i.e. BOCC or Board and/or Adjustment) to impose different standards as determined through the SUP review process.

5. A Planning Board member asked if there had been any complaints from adjacent property owners related to noise or order associated with the kennel operation.

*STAFF COMMENT:* No complaints had been received. The issue here is a unpermitted expansion of the kennel in contradiction to the existing SUP.

6. A couple of BOCC members indicated they believed the request was justified given this amendment would only impact the development of Class II Kennels in the EDE-2 high intensity general use zoning district.

7. A Planning Board member asked if it were possible to provide a more detailed map detailing the location of the kennel operation on the property.

*STAFF COMMENT:* Please refer to [Attachment 1](#).

Planning Director's Recommendation: The Planning Director recommends denial of the request based on the following:

1. There is nothing inherently significant about the EDE-2 general use zoning district mandating kennel operations be allowed to observe a 'different' setback requirement from other non-residential general use zoning districts, where Class II Kennels are allowed, throughout the County.
2. Permitted uses within the EDE-2 zoning district include:
  - a. Offices,
  - b. Retail (i.e. restaurants, retail sales, etc.),
  - c. Financial offices/uses (i.e. bank, finance agency, credit agency, brokerage house, etc.)
  - d. Government uses,
  - e. Manufacturing, Assembly, and Processing operations,
  - f. Services (i.e. assembly uses, barber/beauty shops, funeral home, health care, music/dance schools, day care, etc.)
  - g. Wholesale trade operations.

These uses have been deemed 'permitted by right' meaning they are reviewed and acted upon by staff through the review of a site plan.

There are other uses, including Class II Kennels, allowed in the district where the County has determined they are required to go through a heightened level of permit review (i.e. a Special Use Permit process acted upon by either the Board of Adjustment or County Commissioners) to ensure the use is compatible with the surrounding area.

These uses are required to adhere to additional development restrictions, including increased setbacks, to address potential impacts on adjacent properties in an effort to ensure there are no adverse impacts.

While some of the allowable permitted uses may not be concerned over the proximity of a kennel operation to a common property line, some might. Staff is concerned this may limit the marketability of adjacent, undeveloped, properties.

3. Staff is concerned reducing the required setback to 25 feet will increase 'complaints' related to the operational characteristics of a kennel and its impacts on adjacent property development/redevelopment.
4. Staff is not convinced the 25 foot setback currently required for 'permitted land uses' within the EDE-2 general use zoning district will provide sufficient separation from a kennel operation and adjacent properties to ensure protection from '*adverse impacts*' as required under Section 5.6.5 (A) (2) (a) of the UDO.

If there is a recommendation to approve this item, staff would suggest the Board consider a revised version of the amendment contained in Attachment 3 of this abstract. Staff has taken the liberty of modifying the applicant's proposal to make it consistent with existing UDO formatting and ensured the proposed standards are only applicable to Class II Kennels developed within the EDE-2 general use zoning district as proposed by the applicant.

Procedural Information: In accordance with Section 2.8.8 of the UDO, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. The Planning Board may consider additional oral evidence only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

**FINANCIAL IMPACT:** This request has been reviewed by County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

**RECOMMENDATION:** The Planning Director recommends the Board:

1. Deliberate on the petition,
2. Consider the Planning Director's recommendation, and
3. Make a recommendation to the BOCC on the proposed UDO text amendment in time for the **April 15, 2014** BOCC meeting.

Attachment 1 - Map

The Black line identifies the area of the property complying with the 150 foot setback requirement.

NOTE the 150 foot setback does not apply if the operator of the kennel 'owns or controls' external property. In these cases the underlying setback standards for the district would apply (i.e. 25 feet).

The Easterlin's own the 2 external properties with frontage along US Highway 70 East

The red line indicates the boundary of the property where the kennel is located.

The blue line identifies the existing fence line

Lower Eno Protected Watershed

ENO TRAILER PARK

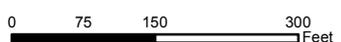
US-70 E

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

- USGS Water Feature
- Soils Survey Water Feature
- OC Updated Water Feature
- Water Body
- River Basins
- Watershed
- ▭ Parcels
- ▭ Township
- ▭ School System Boundary
- Contours
- ▭ County Boundary
- ▭ Soils
- ▭ Zoning
- ▭ City Limits
- ▭ ETJ
- ▭ Conservation Easements Held by Others
- ▭ Orange County Conservation Easements
- ▭ 100 YR Floodplain (Effective 02/02/07)
- ▭ Floodway (Effective 02/02/07)
- ▭ 500 YR Floodplain (Effective 02/02/07)
- ▭ Buildings
- ▭ Water and Sewer Boundary



1 inch = 200 feet



Attachment 2

12/15/13

AN ORDINANCE AMENDING THE ORANGE COUNTY UNIFIED DEVELOPMENT ORDINANCE TO REDUCE FROM 150 FEET TO 25 FEET THE SETBACK REQUIREMENT APPLICABLE TO CLASS II KENNELS WHERE BOTH THE KENNEL II SITE AND THE ADJACENT PROPERTY ARE ZONED EDE-2.

THE ORANGE COUNTY BOARD OF COMMISSIONERS ORDAINS:

Section 1. Subsection 5.6.5(A)(2)(b) of the UDO is amended to read as follows:

(b) Except as otherwise provided in the remaining provisions of this subsection, no part of any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the kennel.

- (i) The 150 foot setback established by this section ~~These minimum distances shall not apply if all portions of the facility in which animals are housed are wholly enclosed within a building. Nor shall this setback apply to dog training activities where each dog is under the immediate control of its trainer, owner, or other responsible individual.~~
- (ii) The minimum setback established by this subsection for any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be 25 feet, rather than 150 feet, where the Kennel II site is zoned EDE-2 and the property line of the Kennel II site adjoins other property zoned EDE-2.
- (iii) The minimum setback established by this subsection for any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be 25 feet from the right-of-way of U.S. 70 where the Kennel II site is zoned EDE-2

Section 2. All provisions of any County ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

**NARRATIVE IN SUPPORT OF AN APPLICATION SUBMITTED BY DON AND DONNA  
EASTERLIN REQUESTING AN AMENDMENT TO THE UNIFIED DEVELOPMENT  
ORDINANCE**

The applicants submit that the attached amendment to the text of the Unified Development Ordinance should be approved for the following reasons:

1. The applicants own and operate a "doggie day care" and boarding business known as Sunny Acres Pet Resort at 5908 U.S. 70 Business in Orange County. The zoning of the existing business is EDE-2. The applicants' business is categorized as a "Kennel II" use under the UDO.
2. The setback requirement for property zoned EDE-2 is generally 25 feet. However, with respect to Kennel II uses, Subsection 5.6.5(A)(2)(b) establishes a 150 foot setback from any property line (except property occupied by the owner or operator of the kennel) for "any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised."
3. While this 150 foot setback requirement may be appropriate when a Kennel II use adjoins property that is not zoned EDE-2, it is not warranted when both the Kennel II business and the adjoining property are both within the EDE-2 zoning district.
4. The 150 foot setback unnecessarily burdens and restricts the use of property for Kennel II purposes within the EDE-2 district, which is counter to the economic development objectives of that district.

**5.6.4 Junkyards****(A) Standards for Class A Special Use Permit****(1) Submittal Requirements –**

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) Detailed plans and specifications for the site screening proposed.
- (b) Description of type and number of motorized machines to be employed upon site.
- (c) Indicate on the site plan the extent of area to be used for the storage of junked or wrecked motor vehicles

**(2) Standards for Evaluation -**

- (a) The site shall be screened from adjacent property by a minimum of an eight foot high solid fence or equal, uninterrupted except for required vehicle access points.
- (b) No materials shall be stored closer than 50 feet to the public right of way or 30 feet to the property lines.
- (c) Site is of adequate size to protect adjacent properties from adverse effects of the junkyard.

**5.6.5 Kennels (Class II)****(A) Standards for Class B Special Use Permit****(1) Submittal Requirements –**

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) Plans for all kennels, exercise yards, dog runs, pens and related improvements, including signage.
- (b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.

**(2) Standards of Evaluation –**

- (a) The site is of adequate size to protect adjacent properties from adverse effects of the kennel.
- (b) No part of any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the kennel.
  - (i) ~~These minimum distances~~ The 150 foot setback established by this section shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.<sup>1</sup>
  - (ii) For Class II Kennels developed within the EDE-2 zoning district, this setback shall not apply to dog training activities where each dog is under the immediate control of its trainer, owner, or other responsible individual.<sup>2</sup>

<sup>1</sup> This is an existing standard being modified by the applicant. Staff has no concern related to the modification.

<sup>2</sup> As originally written by the applicant this would apply to all Class II Kennels, not just those in the EDE-2 zoning district. Staff has modified the language to ensure it only applies to kennels in the EDE-2, consistent with the advertised public hearing, and the stated intent of the applicant.

- (iii) For Class II Kennels developed within the EDE-2 zoning district, all buildings, structures, dog runs, pens, or exercise yards in which animals are housed or exercised shall observe the principal setbacks established within Section 3.7 of the UDO in those instances where the property abuts other EDE-2 zoned property and US Highway 70.<sup>3 4</sup>
- (b) Any kennel, including primary enclosures or runs, which is not wholly enclosed within a building shall be enclosed by a security fence at least six feet in height.
- (c) The site plan shows parking, access areas and screening devices for all buildings and animal boarding facilities existing or proposed for the property.
- (d) The site plan shall be reviewed by the Orange County Animal Services Department, and found in conformance with the Animal Control Ordinance.
- (e) Building plans for all kennel facilities shall be reviewed and approved by the Orange County Animal Services Department prior to issuance of any building permits.
- (f) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.
- (g) A Class II Kennel Permit shall be obtained from Orange County Animal Services within the first 30 days of occupancy. Failure to obtain and maintain a valid Class II Kennel Permit or other related permits which may be required by the USDA or Wildlife Resources Commission will result in revocation of the Special Use Permit.

**5.6.6 Riding Stables**

**(A) Standards for Class B Special Use Permit**

**(1) Submittal Requirements –**

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) Plans for all barns, boarding facilities, exercise yards, riding arenas, and related improvements, including signage.
- (b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.

**(2) Standards of Evaluation –**

<sup>3</sup> Per Section 3.7 of the UDO the required setback for all structures developed within EDE-2 is 25 feet from property lines, including those properties with frontage along US Highway 70. Staff has combined the applicant’s proposed subsection(s) (ii) and (iii) in Attachment 2 into a central section.

<sup>4</sup> This text amendment will need to generate a comprehensive re-assessment of required setbacks for Class II Kennel operations within all non-residential zoning districts (Community Commercial CC-3 and General Commercial GC-4). In staff’s opinion there is no justification to treat kennels developed within the EDE-2 district differently from other non-residential general use districts. If this text amendment is approved, staff recommends a separate discussion item at a future Planning Board meeting to review the 150 foot setback requirement in all non-residential general use zoning district designations. There may be a need to modify this regulation in the future to ensure equity for property owners seeking to develop a Class II Kennel and establish a framework where the setback could be reduced.

Item C3  
Easterlin UDO  
Text Amendment  
Feb 24, 2014

**Michael Harvey**

**From:** donna\_sunnyacres@yahoo.com  
**Sent:** Monday, February 24, 2014 4:03 PM  
**To:** Michael Harvey; donna\_sunnyacres@yahoo.com  
**Subject:** Website Feedback: Sunny Acres Pet Resort

From: Donna Easterlin  
Phone Number: 9192806708  
Message:  
February 24, 2014

Dear Orange County Commissioners and Michael Harvey:

As you are probably aware, we are requesting an amendment to the required setback for Class II Kennels and rezoning of 2 properties.

In January 2005 my husband and I took over management of the Durham Boarding Kennel dba Sunny Acres Pet Resort. According to the original site plan, fencing was approved on the property line and a portion was on the property line when we assumed ownership. The previous owners were using this fenced in area to take dogs outside. There was also barbed wire fencing on the rest of the property line to the north and west. Shortly after taking over, we replaced the barbed wire fencing with chain link. We did not think it would be a problem since there was already fencing on the property line. This fencing has been in place now for many, many years.

With thoughts of expansion in mind, we purchased 4 more adjacent properties between 2004 and 2010. Under the current zoning two of those properties totaling over 4 acres were left in the EDE-1 district. Our plan for the future was to combine these properties and extend the Special Use Permit allowing for growth of the business. Rezoning of these 2 properties to EDE-2 would allow us to do that.

The adjacent property owners have had no problem with us leaving our fences where they are now located. It is all woods on the outside of our fences. There are no homes or businesses currently located there. We were recently told it could be many years before city sewer would be available in this area making development next to impossible without sewer. Highway 85 is on the north side of the woods and an asphalt plant is on the west side of the woods. We have never had any complaints from any of our neighbors concerning noise or smell. We keep the entire property clean and odor free. Dogs are only outside for a portion of the daytime hours. At night they are all housed inside buildings.

We did not know there was a 150 foot setback when we purchased the property. It is not mentioned in the Special Use Permit and we were never informed of this when we purchased the property. If we had known, we would not have purchased the property. Since some of the fences were already on the property line we were actually surprised to learn this. We understand the setback is for noise control. However, as I mentioned, there is no one close to our outside play areas that would be impacted by noise.

We have provided a well-needed service to over 100,000 pets over the past 9 years. Many people work all day and travel. They need a safe, secure, clean place for their pets to stay. People don't think of their pets as animals anymore. They are just like their children, one of the family. It is important for people to have peace of mind and feel good about leaving their pets when they have to be away traveling or at work all day. Pets need outdoor space to run, play and get exercise. Some pets have separation anxiety and just can not be left home or they will destroy the house or hurt themselves. We provide the care they need. One of the reasons our customers like us so much is because we can provide the outdoor space for exercising them. They don't want their pets shut up inside all day.

If we have to adhere to the 150 foot setback we will lose all of our exercise yards. There would not be any land left to have outdoor play yards. That would be devastating for the pets, pet parents, and 25 employees that serve these customers. We would lose the majority of our business. We will all be without jobs and the community loses a much needed service. Even if the setback is reduced to 25 feet it will impact our business. We actually need more space to exercise the pets, not less. At 25 feet we would have to move all of our fences (making all of the yards smaller) or purchase property from the adjacent owners (if that is possible) to create an unnecessary setback in our particular case. The cost to move fences or purchase property from the adjacent owners would create a huge financial burden for us. I would rather give our employees a raise than spend unnecessary money to move fences or purchase property. It would also incur down time creating a hardship for the par  
ents who need a place to leave their pets while they work.

I know we have requested an amendment to change the setback from 150 feet to 25 feet, but we feel it would be in the best interest of the community, the pets, the owners of the pets, the employees, and owners of Sunny Acres, to please allow us to leave our fences where they are now located and continue serving the community as we now do. The fences have been in place for almost 9 years now. There has never been a complaint from anyone.

Please consider our situation based on these facts and not just because there is a "rule" :

The fences are already in place and most of them have been for the 9 years we have been here.  
There is no one that is or would be bothered by noise or smell.  
We are a much needed service to the community and pets.  
Keeping the outdoor exercise yards as we now have them benefits everyone.  
The Durham Boarding Kennel has been in existence for over 40 years now.  
It's part of Orange County history.  
Please don't put us out of business.

We also support several organizations in the community. We give financial support to the local shelters and rescue groups. We offer our boarding services at a discount to rescues. We offer free rental of our facility to rescue groups for events like adoptathons and fundraisers to save the lives of pets.

Sunny Acres Pet Resort is here for the love of pets. We want the best for them.

Thank you for your consideration.

Respectfully yours,

Donna Easterlin

**Michael Harvey**

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**From:** Barry Jacobs  
**Sent:** Tuesday, February 25, 2014 2:50 PM  
**To:** Michael Harvey  
**Subject:** FW: Public Hearing of February 24, 2014 Regarding Sunny Acres Pet Resort

fyi

"A great tailor cuts little."  
Lao Tsu, Tao Te Ching

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**From:** Susan Heske [susan.heske@gmail.com]  
**Sent:** Tuesday, February 25, 2014 12:17 PM  
**To:** Barry Jacobs; Earl McKee; Mark Dorosin; Alice Gordon; Bernadette Pelissier; Renee Price; Penny Rich  
**Subject:** Public Hearing of February 24, 2014 Regarding Sunny Acres Pet Resort

Dear Orange County Commissioners:

Thank you for the opportunity to speak last night in support of Sunny Acres Pet Resort to amend the zoning of their property and to ask for an exemption from the 150-foot buffer regulation.

Sunny Acres is an exceptional small business run by decent hard-working owners who have invested financially, personally, and emotionally in trying to provide the best quality of care and service to their two- and four-legged customers. Also, a number of dogs who go there (including one of mine) are rescue dogs who have been products of unregulated puppy mills in North Carolina. As a community service, Sunny Acres has hosted adoption days for various organizations desperate to find homes for abused, neglected, and abandoned dogs.

In response to the testimony of last evening, I am rather concerned about how compliance and complaints are handled. Although a letter from 2006 was referenced several times, I would like to know if this letter has been entered into the public record, and if such letter clearly states that Sunny Acres was not in compliance with the 150-foot buffer regulation and that it (the letter) clearly states the guidelines for specific permits. It is still not clear to me why 8 years has passed regarding this matter and that the only explanation was about some issues with the staff. There does appear to be some inconsistencies as to which businesses have to comply with the 150-foot buffer zone.

I also thought it rather inappropriate that an official would testify that it would not be a hardship for the owners of Sunny Acres to move their fences without direct knowledge of what the costs would entail nor the ability or reality for the Easterlin's to incur such costs. Sunny Acres is a small business not a major company like Duke Energy that has "deep pockets" to incur such costs (actually, come to think of it, DE complains about incurring costs on a regular basis so maybe they are not a good example).

The feasibility of Sunny Acres moving fences and moving yards (even if the rezoning of their other property is approved) doesn't seem very feasible. Granted, I am not a civil engineer or landscape architect, however relocating several homes and undertaking a major (de)construction project doesn't seem to make a lot of sense and it would be quite costly. I, for one, believe in landshaping - working with the existing landscape in order to make the best use of land while minimizing the environmental impact. Sidebar: I am for solar energy/power, but

not for the cutting down of approximately 50 acres of trees that are important to this state's environmental well-being.

Thank you again for the opportunity to express my support for Sunny Acres. I trust that you will consider favorably their requests.

Respectfully,

Susan Heske

**Michael Harvey**

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**From:** Donna Baker  
**Sent:** Thursday, February 27, 2014 8:56 AM  
**To:** Michael Harvey  
**Subject:** FW: Sunny Acres Pet Resort zoning

Donna Baker  
Clerk to the Board  
P.O. Box 8181  
200 South Cameron St.  
Hillsborough, N.C. 27278  
Phone: (919) 245-2130  
Fax: (919) 644-0246  
Cell: (919) 428-3212  
[dbaker@orangecountync.gov](mailto:dbaker@orangecountync.gov)

**From:** Nick England [<mailto:nick.english@3rdtech.com>]  
**Sent:** Monday, February 24, 2014 12:04 PM  
**To:** ALL\_BOCC\_MANAGER\_CLERK  
**Subject:** Sunny Acres Pet Resort zoning

Dear Commissioners:

I am writing to support Sunny Acres Pet Resort in their request to continue their Doggy Day Camp business.

It is my understanding that Sunny Acres is a very desirable business that evidently has no negative impact on the neighborhood (having been in existence for many years), is located in the proper zoning area, has a very positive economic impact and provides local employment in these tough times, and makes a really positive contribution to the life of dogs and their humans (like me). They are truly friendly people and provide a great service to the community. There are many dog owners in the area who definitely need Sunny Acres to provide the valuable exercise and playtime socialization to keep their dogs healthy and happy.

I understand that this long-established well-liked business had the proper Special Use permit when they fenced in their exercise areas, but now they are being required to meet a 150' setback rule that wasn't even in place when they installed these fences.

Please do whatever is necessary to change or fix the rules to allow these people to continue their valuable service and contributions to the economic health of the community. It will surely be a travesty if these fine people are forced to close a valuable local business even when they acted in good faith and in accordance with all the rules.

Nick England  
(also writing for Emma the springer spaniel)  
811 Kenmore Rd  
Chapel Hill NC 27514