

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**BRUNSWICK COUNTY, N.C.**

**6:00 P.M., Thursday**  
**August 10, 2017**

**Commissioner's Chambers**  
**David R. Sandifer Admin. Bldg.**  
**Brunswick County Government Center**  
**Old US 17 East, Bolivia**

MEMBERS PRESENT

Robert Williamson, Chair  
Virginia Ward, Vice Chair  
Mary Ann McCarthy  
David Giera  
Robert Cruse

MEMBERS ABSENT

None

STAFF PRESENT

Helen Bunch, Zoning Administrator  
Bryan Batton, Asst. County Attorney  
Connie Marlowe, Admin. Asst. II

OTHERS PRESENT

Keith Herbs  
Brian Clemmons

Richard Clemmons  
Jakky Shanahan

I. CALL TO ORDER.

The Chair called the meeting to order at 6:00 p.m.

II. ROLL CALL.

There were no members absent.

III. CONSIDERATION OF MINUTES OF THE MAY 11, 2017 MEETING.

Ms. Ward made a motion to accept the minutes as written. The motion was seconded by Mr. Giera and unanimously carried.

IV. AGENDA AMENDMENTS.

There were none.

V. FUNCTIONS OF THE BOARD OF ADJUSTMENT.

Mr. Robert Cruse explained the Board of Adjustment is a quasi-judicial Board assigned the function of acting between the Zoning Administrator or Planning Director, who administer the Unified Development Ordinance (UDO), and the courts, which would have the final say on any matter. The Board's duties are to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator or Planning Director; to grant Special Use Permits and to grant Variances.

Mr. Cruse said the public hearing is not to solicit board public opinion about how the Board should vote on a matter; rather, it is a time for submittal of relevant, factual evidence in the record by the applicants, proponents, opponents and staff. All parties involved must be affirmed or sworn in as required by the North Carolina General Statutes. The opposing parties have the right to cross examine witnesses and file documents into the record.

Mr. Cruse stated that the Chair will announce the case; the Zoning Administrator will submit into evidence the Staff Report; the applicant or person filing the application will present relevant evidence to the Board as it relates to the Approval Criteria outlined in Sections 3.5 and 3.6 of the UDO; the opposition will have an opportunity to speak; and then the Zoning Administrator will provide recommended conditions based on the approval criteria and information provided during the public hearing. Once all parties have addressed the Board, all parties will have the opportunity for rebuttals and the Chair will summarize all evidence presented. All parties will have the opportunity to comment on the summation given to the Board. Once the summary is accepted, the public hearing session will be over and the Board will discuss the matter amongst themselves and vote to grant or deny the Special Use Permit and/or Variance.

Mr. Cruse informed the audience that if anyone was not satisfied with the outcome of the Board's decision, they may file an appeal to Superior Court.

VI. SWEARING IN OF APPLICANT, WITNESSES, AND OTHER INTERESTED PARTIES.

The Chair swore in and/or affirmed Helen Bunch, Keith Herbs, Richard Clemmons, Brian Clemmons, and Jakky Shanahan as to their testimony being truthful and relevant to the respective case.

VII. NEW BUSINESS.

A). 17-03S Special Use Permit  
Applicant: Bellatrix Solar, LLC  
Location: 3951 Lewis Swamp Road NE, Leland NC 28451  
Request: Tax Parcel 08200002 (Portion of)

Applicant requests a Special Use Permit for a “Solar Farm” consistent with the requirements of Section 5.3.4.Q. of the Brunswick County Unified Development Ordinance.

Ms. Helen Bunch, Zoning Administrator, addressed the Board. Ms. Bunch read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Mr. Keith Herbs, Vice President of United Renewable Energy (URE), addressed the Board. Mr. Herbs provided an overview of his company out of Alpharetta, Georgia and the commonalities of the 3 projects. Mr. Herbs said they develop and construct projects. He stated that 4 solar farm projects have been previously approved in the County. Mr. Herbs said the sites were chosen based on the rural nature of the property, limited access to the sites, and the intended use is the best and highest use of the property(ies). Mr. Herbs said they have a lease agreement for each site that identifies they will be responsible for the removal of the equipment at the end of life, which is estimated to be 35 years. He stated that the equipment will be removed per a decommissioning plan, which has been provided to staff as part of each project proposal.

Mr. Herbs said numerous studies have been completed that support the safety aspect of solar projects. He stated that the solar panels used in these projects will be 80% glass and aluminum, 10% cyclone and the remainder being polymers and copper. There is lead in the solar panel solder that is the only potential hazardous material, but the solar panels have passed the Environmental Protection Agency’s (EPA) toxic leaching characteristics procedures (TLCP) and they have been determined to be non-hazardous and can be disposed of in landfills. He stated that the projects are quiet and odorless. Mr. Herbs said someone will be on site approximately once every 2 months for maintenance purposes, which includes mowing the site, electrical inspections and preventive maintenance. He said these projects will generate a tax base without requiring additional resources as well as provide another source of revenue for the property owner to complement their farming activities.

Mr. Herbs said the subject property will be subdivided to include approximately 13 acres and the proposed project is 2 megawatts AC, which will consist of approximately 7,500 solar panels. He stated that each solar panel is approximately 3’ x 7’. Mr. Herbs said they are proposing a 6’ chain link fence on the perimeter of the property, which will meet the National Electric Code requirements. The solar panels will either be on a fixed tilt system at approximately 20 degrees to maximize the generation of the sun or a single axis tracker, which will allow for the solar panels to move on an axis east to west to produce more energy generation. Mr. Herbs said there will be a vegetative buffer in place along the roadway as well as the perimeter of the property to meet the minimum requirements of the Brunswick County Unified Development Ordinance (UDO). Mr. Herbs said they have an executed agreement with the North Carolina Electric Membership Corporation (NCEMC) to purchase and procure the generated energy. The energy will be delivered to Brunswick Electric Membership Corporation’s (BEMC) grid and they are currently working with BEMC on the interconnection. A licensed real estate appraiser completed an impact study and determined there will be no negative impacts to the adjacent property owners; they received feedback from the NC Historic Preservation office confirming that there is no negative impact to the area; the FAA has provided feedback stating there is no hazard as a result of the solar farm; and they will be working closely with the NC Department of Environmental Quality to obtain the necessary permits as well as the US Army Corps of Engineers.

The Chair asked Mr. Herbs how they get from solar energy to electrical energy? Mr. Herbs explained the transformation process in great detail. The Chair asked why a non-reflective coating is required? Mr. Herbs said the non-reflective coating minimizes impact to the area, but it is usually not a concern in most cases especially in a rural setting. The Chair asked Mr. Herbs how much electricity will be produced from this site? Mr. Herbs said approximately 300 homes could receive electricity generated from this site with the proposed solar panels.

Ms. McCarthy asked Mr. Herbs who will be maintaining the materials for the solar farm? Mr. Herbs said they will be responsible for maintaining the system and upkeep of the property to ensure the solar panels are functioning at full optimum. Ms. McCarthy asked what happens at end of life of the equipment? Mr. Herbs said they have a decommissioning agreement where the equipment is removed and the site is restored to its natural state to the fullest extent possible. Ms. McCarthy asked Mr. Herbs what happens in the event the solar panels are damaged? Mr. Herbs said the system will be designed by a professional engineer stating the system is engineered to the wind zone of this area. He said the solar panels do not pose a risk to the surrounding area and he provided the Board with a copy of an impact study (Exhibit A) conducted by a licensed appraiser stating such.

Mr. David Giera asked if the system will produce power from the moonlight? Mr. Herbs said not that he is aware of. Mr. Giera asked if deer have ever leaped over the fence onto the site? Mr. Herbs said they probably have, but a deer would not pose any problem to the solar panels. Mr. Giera asked about damage to the solar panels during a hail storm? Mr. Herbs said the solar panels are rated to take a 1" diameter hail strike at 60 mph.

Mr. Richard K. Clemmons addressed the Board. Mr. Clemmons said this property is part of his family's farm property. He stated that this particular parcel is sandy land and does not produce a good crop so the proposed use will provide for more income to their farm. Mr. Clemmons said the proposed use will be a good fit for their farm. He further stated that there are very few homes in the immediate area.

With no further comments, Ms. Bunch read the conditions for approval of the Special Use Permit:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO);
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use application and kept on file by the Brunswick County Economic Development and Planning Department;
3. The applicant must comply with all requirements specific to the use as outlined in Section 5.3.4.Q. of the Brunswick County UDO;
4. The applicant must legally subdivide the property in the manner denoted on the site plan prior to the issuance of any permits for the project;
5. The applicant must contact the North Carolina Department of Transportation (NCDOT) to determine access requirements to Green Hill Road NE, providing a copy of the NCDOT response and the necessary driveway permit, if applicable.
6. The applicant must provide a landscape plan denoting the periphery property boundary buffer and provide 0.2 opacity plantings for those areas where there are no wetlands;
7. The applicant must comply with all Federal, State and Local Government requirements, including Brunswick County Storm Water Permit and compliance

- with the current edition of the International Building Code with North Carolina Amendments;
8. The applicant must submit a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following prior to the issuance of any permits:
    - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.).
    - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
    - c. Restoration of property to condition prior to development of the Solar Farm.
    - d. Timeframe for completion of decommissioning activities, not to exceed one year.
    - e. Description and copy of any lease or any other agreement with landowner regarding decommissioning.
    - f. Name and address of person or party responsible decommissioning.
    - g. Plans and schedule for updating this decommissioning plan.
    - h. Recordation of the Decommissioning Plan with the Register of Deeds;
  9. Site fencing shall be consistent with the current edition of the National Electrical Code, (7-foot chain link fence), with barbed wire expressly prohibited; and
  10. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The Chair asked if there were any comments? There were none. The Chair summarized that Bellatrix Solar, LLC is requesting to operate a solar farm on a portion of the subject property. He stated that Ms. Bunch read the Staff Report that explained the approval criteria for this proposed use, which is permissible and the use will have minimal impact on the surrounding properties. The Chair said Mr. Herbs explained in great detail the solar panels that will be housed on the property as well as the entire solar farm operation. The Chair said Mr. Herbs stated that the solar panels are safe and he explained the benefits associated with housing the solar panels on the site to the property owner as well as the minimal demands to the area as a result of the solar panels. The Chair said the property owner spoke in favor of the proposed project as it will provide for additional income for their family. The Chair asked if there were any comments to the summation? There were none.

The Board discussed the worksheet and determined the following:

**Application No.** 17-03S

**Applicant:** Bellatrix Solar, LLC

**Property Location:** 3951 Lewis Swamp Road NE, Leland NC 28451

**Parcel Number:** Tax Parcel 08200002 (Portion of)

**Zoning District:** Rural Low Density Residential (RR)

**Land Use Classification:** Low Density Residential

**Surrounding Zoning North:** RR, South: RR, East: RR, West: RR

**Proposed Use of Property:** “Solar Farm”

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**FINDINGS OF FACT**

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is complete /incomplete and finds:

- I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:  
 Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your Findings:

Based on the Staff Report and the impact study provided by Kirkland Appraisals, LLC and submitted by Mr. Herbs, the proposed use is in harmony with the area and not substantially injurious to the value of properties in the general vicinity.

- II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:  
 Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

Based on the Staff Report and testimony presented by the applicant, the use is in or will be conformance with all special requirements applicable to the use.

- III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:  
 Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your findings:

This is a rural farming area; the materials/equipment are UL approved; and fencing is proposed on the perimeter of the site.

IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.5.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

The proposed use, if developed as proposed, will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance (UDO) and conditions outlined in the Staff Report.

V. DECISION:

Ms. Ward made a motion to grant the Special Use Permit because the proposed use, if developed as proposed and subject to the conditions imposed below:

- a. will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,
- b. will be in conformance with all special requirements applicable to the use,
- c. will not adversely affect the health and safety of the public, and
- d. will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance.”

**CONDITIONS:**

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO);
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use application and kept on file by the Brunswick County Economic Development and Planning Department;
3. The applicant must comply with all requirements specific to the use as outlined in Section 5.3.4.Q. of the Brunswick County UDO;
4. The applicant must legally subdivide the property in the manner denoted on the site plan prior to the issuance of any permits for the project;
5. The applicant must contact the North Carolina Department of Transportation (NCDOT) to determine access requirements to Green Hill Road NE, providing a copy of the NCDOT response and the necessary driveway permit, if applicable.
6. The applicant must provide a landscape plan denoting the periphery property boundary buffer and provide 0.2 opacity plantings for those areas where there are no wetlands;
7. The applicant must comply with all Federal, State and Local Government requirements related to this use, including Brunswick County Storm Water Permit and compliance with the current edition of the International Building Code with North Carolina Amendments;

8. The applicant must submit a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following prior to the issuance of any permits:
  - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.).
  - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
  - c. Restoration of property to condition prior to development of the Solar Farm.
  - d. Timeframe for completion of decommissioning activities, not to exceed one year.
  - e. Description and copy of any lease or any other agreement with landowner regarding decommissioning.
  - f. Name and address of person or party responsible decommissioning.
  - g. Plans and schedule for updating this decommissioning plan.
  - h. Recordation of the Decommissioning Plan with the Register of Deeds.
9. Site fencing shall be consistent with the current edition of the National Electrical Code, (7-foot chain link fence), with barbed wire expressly prohibited; and
10. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Mr. Williamson and unanimously carried.

B). 17-04S Special Use Permit  
 Applicant: Virgo Solar, LLC  
 Location: 1680 George II Highway SE (NC 87), Bolivia NC 28422  
 Request: Tax Parcel 12600004 (Portion of)  
 Applicant requests a Special Use Permit for a "Solar Farm" consistent with the requirements of Section 5.3.4.Q. of the Brunswick County Unified Development Ordinance

Ms. Bunch addressed the Board. Ms. Bunch read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

The Chair reminded Mr. Herbs that he is still under oath.

Mr. Keith Herbs addressed the Board. He provided the Board with a copy of the impact study (Exhibit A) conducted on this site by a licensed appraiser. Mr. Herbs said the subdivided parcel will be approximately 17 acres and the proposed use will be located approximately 560' from the roadway with a vegetative buffer between the project and the roadway. He stated that this project will be similar in size to the previously approved site. Mr. Herbs said a chain link fence will be constructed on the perimeter of the property with either a single axis tracker or a fixed tilt system for the solar panels. He stated that they have an executed agreement with NCEMC who will be the counter party to the power purchase agreement and they will be interconnecting to BEMC's distribution system. Mr. Herbs reiterated that there is no anticipated negative impact to the surrounding area property values as outlined in the impact study. He stated that there are 2 residences in close proximity to the property that are owned by immediate family members of the subject property. He further stated that they will get the necessary approvals from the appropriate

Federal and State agencies as well as any County minimum requirements for approval of this project.

The Chair asked Mr. Herbs if the solar panels will be the same as the previous project and Mr. Herbs replied, yes. The Chair asked if there will be less solar panels on this site than the previously approved site? Mr. Herbs said there will be the same number of solar panels, however, they may be smaller solar panels.

Mr. Brian Clemmons addressed the Board. Mr. Clemmons spoke on behalf of his grandfather (Wilbur Zodock Vereen) and other members of his family in favor of the proposed use of the property. He stated that this project will be a benefit to their entire family as supplemental income to their farm.

With no further comments, Ms. Bunch read the conditions for approval of the Special Use Permit:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO);
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use application and kept on file by the Brunswick County Economic Development and Planning Department;
3. The applicant must comply with all requirements specific to the use as outlined in Section 5.3.4.Q. of the Brunswick County UDO;
4. The applicant must legally subdivide the property in the manner denoted on the site plan prior to the issuance of any permits for the project;
5. Revise the site plan to show George II Highway SE (NC 87) with a width of 100';
6. Apply for a driveway permit with the North Carolina Department of Transportation (NCDOT) that would allow access from George II Highway SE (NC 87), consistent with the NCDOT standards, including the site distance triangle. A driveway permit must be issued prior to the issuance of project permits;
7. Review the proposed landscaping plantings, as the purpose of the buffer is to act as a visual screen of the solar farm. We suggest plants that are native to the area and mature quickly;
8. The applicant must comply with all Federal, State, and Local Government requirements related to this use, including the Brunswick County Stormwater Permit and compliance with the current edition of the International Building Code with North Carolina Amendments;
9. The applicant must submit a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following prior to the issuance of any permits:
  - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.).
  - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
  - c. Restoration of property to condition prior to development of the Solar Farm.
  - d. Timeframe for completion of decommissioning activities, not to exceed one year.

- e. Description and copy of any lease or any other agreement with landowner regarding decommissioning.
  - f. Name and address of person or party responsible decommissioning.
  - g. Plans and schedule for updating this decommissioning plan.
  - h. Recordation of the Decommissioning Plan with the Register of Deeds.
10. Site fencing shall be consistent with the current edition of the National Electrical Code, (7-foot chain link fence), with barbed wire expressly prohibited; and
  11. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The Chair asked if there were any comments? There were none. The Chair summarized that Virgo Solar, LLC is requesting a Special Use Permit to operate a Solar Farm on a portion of the subject property. He stated that Ms. Bunch read the Staff Report explaining the approval criteria for this use and she indicated that the proposed use is in harmony with the surrounding area. The Chair said Mr. Herbs testified that the facility will be compatible with the surrounding properties with limited visibility from the highway and minimal impact to the environment. The Chair asked if there were any comments to the summation? There were none.

The Board discussed the worksheet and determined the following:

**Application No.** 17-04S

**Applicant:** Virgo Solar, LLC

**Property Location:** 1680 George II Highway SE (NC 87), Bolivia NC 28422

**Parcel Number:** Tax Parcel 1260004 (Portion of)

**Zoning District:** Rural Low Density Residential (RR)

**Land Use Classification:** Low Density Residential

**Surrounding Zoning North:** RR **South:** RR **East:** RR, **West:** RR

**Proposed Use of Property:** “Solar Farm”

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**FINDINGS OF FACT**

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is complete / incomplete and finds:

- I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

- Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your Findings:

Based on the Staff Report and the rural nature of the area, the proposed use is in harmony with the area and not substantially injurious to the value of properties in the general vicinity.

II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

- Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

Based on the Staff Report, the use is in conformance with all special requirements applicable to the use.

III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:

- Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your findings:

Based on the impact study by a licensed appraiser provided by Mr. Herbs and the Staff Report, the use, if developed as proposed, will not adversely affect the health and safety of the public.

IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.5.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:

- Yes  
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

The proposed use, if developed as proposed, will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance (UDO) and conditions outlined in the Staff Report.

V. DECISION:

Mr. Cruse made a motion to grant the Special Use Permit because the proposed use, if developed as proposed and subject to the conditions imposed below:

- a. **will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,**
- b. **will be in conformance with all special requirements applicable to the use,**
- c. **will not adversely affect the health and safety of the public, and**
- d. **will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance.”**

CONDITIONS:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO);
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use application and kept on file by the Brunswick County Economic Development and Planning Department;
3. The applicant must comply with all requirements specific to the use as outlined in Section 5.3.4.Q. of the Brunswick County UDO;
4. The applicant must legally subdivide the property in the manner denoted on the site plan prior to the issuance of any permits for the project;
5. Revise the site plan to show George II Highway SE (NC 87) with a width of 100’;
6. Apply for a driveway permit with the North Carolina Department of Transportation (NCDOT) that would allow access from George II Highway, consistent with the NCDOT standards, including the site distance triangle. Driveway permit must be issued prior to the issuance of project permits;
7. Review the proposed landscaping plantings, as the purpose of the buffer is to act as a visual screen of the solar farm. We suggest plants that are native to the area and mature quickly;
8. The applicant must comply with all Federal, State and Local Government requirements related to this use, including the Brunswick County Storm Water Permit and compliance with the current edition of the International Building Code with North Carolina Amendments;
9. The applicant must submit a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following prior to the issuance of any permits:
  - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.).
  - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
  - c. Restoration of property to condition prior to development of the Solar Farm.
  - d. Timeframe for completion of decommissioning activities, not to exceed one year.
  - e. Description and copy of any lease or any other agreement with landowner regarding decommissioning.

- f. Name and address of person or party responsible decommissioning.
  - g. Plans and schedule for updating this decommissioning plan.
  - h. Recordation of the Decommissioning Plan with the Register of Deeds.
10. Site fencing shall be consistent with the current edition of the National Electrical Code, (7-foot chain link fence), with barbed wire expressly prohibited; and
  11. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Ms. Ward and unanimously carried.

C). 17-05S Special Use Permit  
 Applicant: URE Galileo, LLC  
 Location: 1134 By Pass Way NE, Bolivia NC 28422  
 Request: Tax Parcel 13700018 (Portion of)  
 Applicant request a Special Use Permit for a “Solar Farm’ consistent with Section 5.3.4.Q. of the Brunswick County Unified Development Ordinance.

Ms. Bunch addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Jakky Shanahan addressed the Board. Ms. Shanahan said this project mirrors the previous projects with regards to architecture, system size, similar solar panels (single axis tracker or a fixed tilt system), and a vegetative buffer. She stated that the subdivided parcel will be approximately 13 acres with a chain link fence. Ms. Shanahan said the solar panels will be mounted approximately 6’ off the ground. Mr. Shanahan provided the Board with a copy of the impact study (Exhibit A) conducted on this site by a licensed appraiser.

The Chair reminded Mr. Richard Clemmons that his is still under oath. Mr. Richard Clemmons addressed the Board. Mr. Clemmons said this is another parcel owned by his family and they farmed approximately 4 acres of the property. He stated that it is not feasible to farm the area where the solar panels will be located and the proposed use will provide a supplemental income to their farm.

With no further comments, Ms. Bunch read the conditions for approval of the Special Use Permit:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO);
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use application and kept on file by the Brunswick County Economic Development and Planning Department;
3. The applicant must comply with all requirements specific to the use as outlined in Section 5.3.4.Q. of the Brunswick County UDO;
4. The applicant must legally subdivide the property in the manner denoted on the site plan prior to the issuance of any permits for the project;
5. The applicant must determine legal access to the parcel as part of the subdivision process;

6. The applicant must contact the North Carolina Department of Transportation (NCDOT) to determine access requirements to Galloway Road NE (SR 1401), providing a copy of the NCDOT response and the necessary driveway permit, if applicable;
7. Denote on the site plan the site distance triangles for the driveway;
8. Review the proposed landscaping plantings, as the purpose of the buffer is to act as a visual screen of the solar farm. We suggest plants that are native to the area and mature quickly;
9. The applicant must comply with all Federal, State, and Local Government requirements related to this use, including the Brunswick County Stormwater Permit and compliance with the current edition of the International Building Code with North Carolina Amendments;
10. The applicant must submit a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following prior to the issuance of any permits:
  - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.).
  - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
  - c. Restoration of property to condition prior to development of the Solar Farm.
  - d. Timeframe for completion of decommissioning activities, not to exceed one year.
  - e. Description and copy of any lease or any other agreement with landowner regarding decommissioning.
  - f. Name and address of person or party responsible decommissioning.
  - g. Plans and schedule for updating this decommissioning plan.
  - h. Recordation of the Decommissioning Plan with the Register of Deeds.
11. Site fencing shall be consistent with the current edition of the National Electrical Code, (7-foot chain link fence), with barbed wire expressly prohibited; and
12. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The Chair asked if there were any comments? There were none. The Chair summarized that URE Galileo, LLC is requesting a Special Use Permit to operate a Solar Farm on a portion of the subject property. He stated that Ms. Bunch read the criteria for the use and the area is surrounded by woodlands; therefore, producing minimal impact to the surrounding properties. The Chair said Ms. Shanahan explained the equipment that will be housed on site and she concurred that the proposed use will have minimal impact to surrounding properties. The Chair asked if there were any comments to the summation? There were none.

The Board discussed the worksheet and determined the following:

**Application No.** 17-05S

**Applicant:** URE Galileo, LLC

**Property Location:** 1134 By Pass Way NE, Bolivia NC 28422

**Parcel Number:** Tax Parcel 13700018 (Portion of)

**Zoning District:** Rural Low Density Residential (RR)

**Land Use Classification:** Industrial

**Surrounding Zoning North:** RR **South:** RR **East:** RR, **West:** RR

**Proposed Use of Property:** “Solar Farm”

\*\*\*\*\*

**FINDINGS OF FACT**

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is complete /incomplete and finds:

I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your Findings:

Based on the Staff Report, the rural nature of the area, and the natural woodlands in the area, the proposed use is in harmony with the area and not substantially injurious to the value of properties in the general vicinity.

II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

Based on the staff report, the use is in conformance with all special requirements applicable to the use.

III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your findings:

Based on the staff report and testimony presented by Ms. Shanahan, the use, if developed as proposed, will not adversely affect the health and safety of the public.

IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.5.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:

- Yes
- No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

The proposed use, if developed as proposed, will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance (UDO) and conditions outlined in the Staff Report.

V. DECISION:

Mr. Cruse made a motion to grant the Special Use Permit because the proposed use, if developed as proposed and subject to the conditions imposed below:

- a. will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,**
- b. will be in conformance with all special requirements applicable to the use,**
- c. will not adversely affect the health and safety of the public, and**
- d. will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance.”**

**CONDITIONS:**

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO);
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use application and kept on file by the Brunswick County Economic Development and Planning Department;
3. The applicant must comply with all requirements specific to the use as outlined in Section 5.3.4.Q. of the Brunswick County UDO;
4. The applicant must legally subdivide the property in the manner denoted on the site plan prior to the issuance of any permits for the project;
5. The applicant must determine legal access to the parcel as part of the subdivision process;
6. The applicant must contact the North Carolina Department of Transportation (NCDOT) to determine access requirements to Galloway Road NE (SR 1401),

- providing a copy of the NCDOT response and the necessary driveway permit, if applicable;
7. Denote on the site plan the site distance triangles for the driveway;
  8. Review the proposed landscaping plantings, as the purpose of the buffer is to act as a visual screen of the solar farm. We suggest plants that are native to the area and mature quickly;
  9. The applicant must comply with all Federal, State and Local Government requirements related to this use, including the Brunswick County Storm Water Permit and compliance with the current edition of the International Building Code with North Carolina Amendments;
  10. The applicant must submit a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following prior to the issuance of any permits:
    - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.).
    - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
    - c. Restoration of property to condition prior to development of the Solar Farm.
    - d. Timeframe for completion of decommissioning activities, not to exceed one year.
    - e. Description and copy of any lease or any other agreement with landowner regarding decommissioning.
    - f. Name and address of person or party responsible decommissioning.
    - g. Plans and schedule for updating this decommissioning plan.
    - h. Recordation of the Decommissioning Plan with the Register of Deeds.
  11. Site fencing shall be consistent with the current edition of the National Electrical Code, (7-foot chain link fence), with barbed wire expressly prohibited; and
  12. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Ms. Ward and unanimously carried.

#### VIII. STAFF REPORT.

There were none.

#### IX. ADJOURNMENT.

With no further business, Ms. Ward made a motion to adjourn and the motion was unanimously carried.